tions made by the City of Danbury and assessments made on the salaries of those persons covered by this fund and shall invest, reinvest and administer the assets of this fund and make distribution therefrom in accordance with the terms and provisions of this article and of such trust agreement. If any provision of the trust agreement is in conflict with the provisions of this article, the provisions of this article shall prevail.

(c) The Board of Directors may remove the trustee or any succeeding trustee acting hereunder at any time, or the trustee may resign at any time, upon due notice in writing each to the other, the effective date of such removal or resignation to be that provided for in the trust agreement.

(d) The Board of Directors reserves, at its sole discretion, the right to determine and change the method of funding hereunder and the time of making and the amount of the City's contributions and all other matters relating to the financing of the plan, provided that said board neither engages in nor takes any action which is in conflict with or abridges or modifies any provisions of this article.

(e) All necessary actuarial computations and allocations of liabilities and contributions shall be made by or under the supervision of an actuary retained by the Board of Directors using such rate of interest, mortality and other actuarial components, and according to such methods of computation and allocations as the Board of Directors, with the advice of actuaries, shall deem proper.
(Code 1961, § 14-28; Ord. No. 199, § 4, 4-2-1974)

Sec. 32-69. Personnel covered; effect of military service; definition of fractional expressions; changes in pensions; duration, applications for retirement.

(a) The provisions of this article shall apply only to those present and future members of the regular paid Fire Department of the City of Danbury, who are or were appointed to said Fire Department on or after July 1, 1967.

(b) Each year, as shown on the records of the City Council, in which such present and future members have served the City of Danbury shall be counted in determining the years of service for the purpose of retirement on a pension. Military service in time of war or national emergency shall be counted as continuous service in the Fire Department by any member who entered military service while a member of said department, and such member shall not be liable for any assessments during that time.

(c) The terms one-fourth (¼), one-half (½), and two-thirds (⅔) pension pay as used in any section of this article shall represent a sum amounting in each year to twenty-five (25) percent, fifty (50) percent and sixty-six and two-thirds (66⅔) percent respectively of the highest salary or compensation received by any regular member of the Fire Department during the years in which he served said City of Danbury; and such pension when determined by the Board of Directors shall not thereafter be reduced, but shall be increased to correspond to any increase in salary received by members of the same grade and rank of such member while in active service of said department.

(d) All pensions granted under this article to regular members of said Fire Department shall be for the duration of their lifetime, except as further provided for in this article for dependents.

(e) All applications for retirement under this article by a regular member of said Fire Department to the Board of Directors shall be acted upon and said member shall be retired within thirty (30) days of the date of said application, except as hereinafter provided.
(Code 1961, § 14-29; Ord. No. 199, § 5, 4-2-1974)

Sec. 32-70. Mandatory retirement for age.

When such regular member of said Fire Department has reached the age of sixty-five (65) years, he shall be retired on the day following attainment of said age, and said member shall be retired on an annual pension, payable monthly, equal in amount to not less than one-half (½) pay, plus an additional two (2) percent of pay for

each year of service in excess of twenty-five (25) years, but in no case shall his annual pension be greater than sixty-eight (68) percent of pay.
(Code 1961, § 14-30; Ord. No. 199, § 6, 4-2-1974)

Sec. 32-71. Optional retirement.

(a) *Twenty-seven (27) years' service.* Each such regular member of said Fire Department, regardless of age, who has completed twenty-seven (27) years of service shall, upon his written application, be retired on an annual pension, payable monthly, equal in amount to not less than one-half (½) pay plus an additional two (2) percent of pay for each year of service in excess of twenty-five (25) years, but in no case shall his annual pension be greater than sixty-eight (68) percent of pay.

(b) *Retirement at age fifty-five (55).*

(1) Each such regular member of said Fire Department appointed by the Mayor and confirmed by the City Council prior to the effective date of subsection (b)(2) of this section, and regardless of length of service, who has reached fifty-five (55) years of age shall, upon his written application, be retired on an annual pension, payable monthly, equal in amount to not less than two (2) percent of pay for each year of service, but in no case shall his annual pension be less than forty-five (45) percent of pay nor greater than sixty-eight (68) percent of pay.

(2) Notwithstanding the provisions of subsection (b)(1) of this section each regular member of the Danbury Fire Department appointed by the Mayor and confirmed by the City Council on or after the effective date of the ordinance from which this subsection is derived, and who has reached fifty-five (55) years of age, and regardless of length of service, shall, upon his written application, be retired on an annual pension, payable monthly, equal in amount to two (2) percent of pay for each year of service, but in no case greater than sixty-eight (68) percent of pay.

(c) *Right of election.* Every such regular member of said Fire Department shall have the right to elect either method of optional retirement.
(Code 1961, § 14-31; Ord. No. 199, § 7, 4-2-1974; Ord. No. 303, 3-6-1984)

Sec. 32-72. Retirement for disability incurred in line of duty.

When such regular member of said Fire Department shall become permanently disabled so as to be unable to perform active service in the Danbury Fire Department by reason of mental or physical disability resulting from injury received or exposure endured in the performance of his duty, he may make application for retirement to the Board of Directors of the 1967 Firefighters Pension Fund and said Board of Directors shall retire such employee on an annual pension, payable monthly, equal in amount to sixty-six and two-thirds (66⅔) percent of pay, or in an amount computed in accordance with the provisions of section 32-71(a), dealing with optional retirement, whichever is greater, provided such member has been examined by two (2) physicians and he has been found by such physicians to be unable to perform active service in said department.
(Code 1961, § 14-32; Ord. No. 199, § 8, 4-2-1974)

Sec. 32-73. Retirement for disabilities not connected with duties.

(a) When such regular member of the paid Fire Department of the City of Danbury shall have served said City on said Fire Department for a period of not less than ten (10) years and shall have become unable to perform active duty as a Firefighter on said Fire Department because of natural infirmities, diseases contracted, exposure endured or injuries received, he may make application to the Board of Directors for retirement and said Board of Directors shall accept and approve said application for retirement and shall retire said member on not less than one-fourth (¼) pay plus an additional two (2) percent of such pay for each year of service in excess of ten (10) years, provided said member

has been examined by at least two (2) physicians and found to be unable to perform active service on said Fire Department.

(b) When such regular member of the paid Fire Department who has less than ten (10) years of Fire Department service, shall have become unable to perform active service in the Danbury Fire Department because of natural infirmities, diseases contracted, exposure endured or injuries received not in the performance of his duties, he may make application for retirement to the Board of Directors of the 1967 Firefighters Pension Fund, and said board shall retire such member on an annual pension, payable monthly, equal in amount to two (2) percent of pay for each year of his Fire Department service that is less than ten (10) years of service, or at his option, such member may elect to and shall have his total contribution to the 1967 Firefighters Pension Fund returned to him provided such member has been examined by two (2) physicians and has been found by such physicians to be unable to perform active service in said Fire Department.
(Code 1961, § 14-33; Ord. No. 199, § 9, 4-2-1974)

Sec. 32-74. Examining physicians.

In all cases where physicians are required for examination of members for retirement, they shall be designated by the Board of Directors. Such physicians as said Board of Directors may designate shall certify in writing that such disability exists and, in their opinion, the cause thereof.
(Code 1961, § 14-34; Ord. No. 199, § 10, 4-2-1974)

Sec. 32-75. Payments to widows, surviving children, dependents.

(a) Upon the resignation of any member of the paid Fire Department who shall have served for less than ten (10) years, there shall be refunded to such member all of his contributions to the Firefighters Pension Fund.

(b) When any member of the paid Fire Department who has less than ten (10) years of Fire Department service shall die due to causes unconnected with his performance of duty with the Fire Department, his widow or children or parents shall receive an annually adjusted pension, payable monthly, equal in amount to two (2) percent of pay then being received by members in the same grade and rank as was held by such former member at the time of his death for each year of such former member's Fire Department service. Alternatively, at the option of such widow or children or parents, she or they, as the case may be, may elect to and shall have such member's total contribution to the Firefighters Pension Fund returned to her or them.

(c) Upon the death of any member of the Fire Department killed while in the actual performance of duty in his department or who died from the proximate effects of any injury or exposure received while in the actual discharge of such duty, the widow of such member shall receive the benefits provided for herein until her death or remarriage out of the Firefighters Pension Fund of such department. If such deceased member was in active service at the time of his death his widow shall receive an annually adjusted sum, payable weekly or monthly, equal to one-half (½) of the pay then being received by members in the same rank and grade as was held by such former member at the time of his death. If such deceased member was retired at the time of his death his widow shall receive an annually adjusted sum, payable weekly or monthly, equal to the pension which such deceased member would have been entitled to receive had he survived. If such deceased leaves no widow, or upon the death of such widow before remarriage, the Board of Directors of said fund shall cause to be paid monthly or weekly to the legally appointed guardian of any surviving child or children of such deceased member under the age of eighteen (18) years, for the use and benefit of such child or children, a sum or sums not exceeding in total the amount hereinbefore provided to be received by such widow, and may, from time to time, apportion such sum between such children as it may deem best; provided, as each child shall arrive at the age of eighteen (18) years, the payment to each child shall cease. If such member shall die leaving neither widow nor children surviving him, then the Board of Directors of said fund shall cause to be paid a sum or sums

not exceeding in total the amount hereinbefore provided to be received by such widow, to the parent or parents of such deceased member; provided, such payments shall not be made to such parents unless the Board of Directors determines that such deceased member was the principal support of such parents at the time of his death.

(d) Upon the death of any member of the Fire Department who has served continuously as a regular member of such department for at least ten (10) years and whose death is due to causes unconnected with the performance of duty with the Fire Department, the widow or children or the parents of such deceased member shall receive the benefits provided for herein. If such deceased member was in active service at the time of his death his widow or children or parents shall receive an annually adjusted sum equal to one-fourth (¼) of the pay then being received by members in the same rank and grade as was held by such former member at the time of his death. If such deceased member was retired at the time of his death then his widow or children or parents shall receive an annually adjusted sum equal to one-half (½) of the pension which such deceased member would have been entitled to receive had he survived. All benefits granted by this subsection shall be provided upon the same conditions and under the circumstances as appear in subsection (b) of this section.

(e) The term "widow," as used in this section, shall be limited in meaning to the surviving spouse of any such member, who shall have been married to him prior to his retirement from such department, if retired, and who shall be living with him as his wife at the time of his death. The term "child" or "children," as used in this section, shall be limited in meaning to the child or children born to such member by his wife to whom he was married prior to his retirement from such department, if retired. A word importing the masculine gender shall extend and be applied to females as well as males. A word importing the feminine gender shall extend and be applied to males as well as to females.
(Code 1961, § 14-35; Ord. No. 199, § 11, 4-2-1974; Ord. No. 302, 3-6-1984)

Sec. 32-76. Limitation of actions for pensions.

No action for amounts due under the provisions of this article shall be brought unless within six (6) years after the right of action shall accrue. Persons legally incapable of bringing an action when the right shall accrue may sue at any time within three (3) years next after becoming legally capable of instituting suit. All amounts not claimed within said periods shall remain part of the 1967 Firefighters Pension Fund.
(Code 1961, § 14-36; Ord. No. 199, § 12, 4-2-1974)

Sec. 32-77. Benefits declared tax-exempt, unassignable, not subject to process.

The right of any person to a pension or to the return of contributions, or to any benefit or right accrued or accruing to any person under the provisions of this article and the cash and securities held under the provisions of this article shall be exempt from any state or municipal tax and from levy, sale, garnishment, attachment or any other process, and shall be unassignable. Anything herein to the contrary notwithstanding, the benefits provided under this plan may be made subject to qualified domestic relations orders.
(Code 1961, § 14-37; Ord. No. 199, § 13, 4-2-1974)

Sec. 32-78. Recall.

Whenever a regular member of the Danbury Fire Department has been retired and is eligible for pension benefits pursuant to the provisions of either section 32-71 or 32-72 relating to disability pensions, but excluding those whose disabilities were established pursuant to the provisions C.G.S. § 7-433c, the Board of Directors of the 1967 Danbury Firefighters Pension Fund may cause said person to be re-examined by two (2) physicians selected by the board. If such retired member of the Danbury Fire Department is found to be able to return to active firefighting duties said board may terminate the payment of pension benefits to him and order his return to active service with the Danbury Fire Department. Upon reinstatement pursuant to

this section, any such person shall be returned to his former classification without loss of seniority or benefits. The provisions hereof shall not apply to any employee or former employee who is over fifty-five (55) years of age or who, but for his disability, would otherwise have completed twenty-seven (27) years of service with the Danbury Fire Department.
(Code 1961, § 14-38; Ord. No. 366, 8-2-1988)

Secs. 32-79—32-99. Reserved.

ARTICLE IV. POLICE DEPARTMENT

Sec. 32-100. Purpose.

Pursuant to C.G.S. § 7-450 and to collective bargaining agreements between the City of Danbury and the union representing the Police Officers of Danbury, the provisions of the several pension plans for all those regular paid members of the Danbury Police Department described in section 32-104 are hereby codified and in effect.
(Code 1961, § 14-48; Ord. No. 432, 1-7-1992)

Sec. 32-101. Funds created; assets; assessments; appropriation by the City.

(a) There shall be in the City three (3) pension funds to be known as "The Pre-1967 Police Pension Fund of Danbury," "The 1967 Police Pension Fund of Danbury" and "The 1983 Police Pension Fund of Danbury," to consist of such sums of money as shall be appropriated or designated to such funds by the City, and such sums of money as are assessed against the salaries of the members of the Police Department.

(b) Assessments required under these funds shall be made by the Boards of Directors of the funds on the salaries of such members of the Police Department at the rate of not more than four (4) percent per annum, payable weekly and to be deducted from their salaries by the City Treasurer.

(c) There shall be appropriated by the City each year for the funds amounts equal to the total amount of assessments of the salaries of such members of the Police Department during the preceding fiscal year.

(d) There shall also be appropriated annually by the City such additional sums of money as are necessary to keep these funds operating on a funded, actuarial basis.
(Code 1961, § 14-49; Ord. No. 432, 1-7-1992; Ord. No. 663, 5-1-2007)

Sec. 32-102. Members of the Board of Directors; duties of President, Secretary.

(a) The Board of Directors of the Pre-1967 Police Pension Fund of Danbury and the 1967 Police Pension Fund of Danbury shall consist of the Mayor or his designee, the Director of Finance, one (1) member of the City Council selected by the Council and the three (3) employee members of the Police Department. The Board of Directors of the 1983 Police Pension Fund shall consist of the Mayor or his designee, the Director of Finance, one (1) member of the City Council selected by the council, three (3) employee members selected by the union membership and a seventh member selected by the other directors of this fund, which member shall be a resident of the City, preferably with a background and experience in pension matters. Each Board shall elect a President and a Secretary on May 1 of each odd-numbered year.

(b) The employee members of each Board of Directors shall be elected to the Board of Directors at a regular meeting of all members of the Danbury Police Department to be held during the fourth week of April of each odd-numbered year for a two-year term and until their successors have been elected. They shall assume office on May 1 of the corresponding year. Any vacancy shall be filled in the same manner within sixty (60) days.

(c) The President of each Board of Directors shall draw all orders upon such fund, which orders shall be countersigned by the Secretary of the Board of Directors of that fund, who shall be chosen by such Directors. The Secretary of each

fund shall keep a record of the proceedings of the Board of Directors and of all action taken by it in regard to its fund.
(Code 1961, § 14-50; Ord. No. 432, 1-7-1992)

Sec. 32-103. Reports by the Board of Directors; funding and investment; actuarial computations.

(a) Each Board of Directors shall report to the City Council yearly the condition of their fund with all of the items of receipts and disbursements on account thereof.

(b) To carry out the provisions of this article, the Board of Directors of each fund is authorized to do business and have all powers enumerated in C.G.S. § 45a-233, which is known as "the Fiduciary Powers Act," with the same effect as though the language of the Act were set forth verbatim herein. In additional, in the performance of their functions in connection with this article, the members of each such board shall have the plenary powers that the law of Connecticut permits to be granted to a fiduciary pursuant to statutes now existing or which may be amended or added hereafter. In addition, directors of each fund are authorized to enter into trust agreements with any banking or trust company authorized to do business under the banking laws of the State of Connecticut or with any insurance company authorized to do business in the state, and such trust agreements shall become a part hereof. The trustee shall receive contributions made by the City and assessments made on the salaries of those persons covered by the fund and shall invest, reinvest and administer the assets of the fund and make distribution therefrom in accordance with the terms and provisions of this article and of such trust agreement. If any provision of any such trust agreement is in conflict with the provisions of this article, the provisions of this article shall prevail.

(c) The Board of Directors of each fund may remove their trustee or any succeeding trustee acting hereunder at any time, or the trustee may resign at any time, upon due notice in writing each to the other, the effective date of such removal or resignation to be that provided for in the trust agreement.

(d) Each Board of Directors reserves, at its sole discretion, the right to determine and change the method of funding hereunder and the time of making and the amount of the City's contributions and all other matters relating to the financing of their plan; provided, that each such board neither engages in nor takes any action which is in conflict with or abridges or modifies any provision of this article.

(e) All necessary actuarial computations and allocations of liabilities and contributions shall be made by or under the supervision of an actuary retained by the Board of Directors of each fund using such rate of interest, mortality, and other actuarial components and according to such methods of computation and allocations as such Board of Directors, with the advice of actuaries, shall deem proper.
(Code 1961, § 14-51; Ord. No. 432, 1-7-1992)

Sec. 32-104. Personnel covered; effect of military service; definition of pay; changes in pensions; duration, applications for retirement.

(a) The provisions of this article shall apply as provided for herein to present and future members of the regular paid Police Department of the City.

(1) The Pre-1967 Police Pension Fund of Danbury shall remain in effect for the benefit of the following persons:

a. All members of the regular paid Police Department who were serving in such capacity on the date of approval of Connecticut Special Acts (1949) January Session No. 512.

b. All members or former members of the regular paid Police Department who were receiving a pension from the City on the date of approval of Connecticut Special Acts (1949) January Session No. 512.

c. All members of the regular paid Police Department appointed to the department subsequent to the date

of approval of Connecticut Special Acts (1949) January Session No. 512, but prior to July 1, 1967.

(2) The 1967 Police Pension Fund of Danbury shall remain in effect for all members of the regular paid Police Department who were appointed to the department on or after July 1, 1967, and before April 20, 1983.

(3) The 1983 Police Pension Fund of Danbury shall remain in effect for all present and future members of the regular paid Police Department who are or were appointed to the department on or after April 20, 1983.

(4) The spouses, children and parents of the individuals described in subsections (a)(1), (2) and (3) of this section.

(b) Each year, as shown on the records of the City Council, in which such present and future members have served the City shall be counted in determining the years of service for the purpose of retirement on a pension. Military service in time of war or national emergency shall be counted as continuous service in the Police Department by any member who entered military service while a member of the department and such member shall not be liable for any assessments during that time.

(c) With respect to the Pre-1967 Police Pension Fund of Danbury and to the 1967 Police Pension Fund of Danbury and to the pension benefits of their respective members, the term "pay," as used in any applicable section of this article, shall be defined as the highest salary or compensation received by any regular member of either fund during the years in which such member served the City; and such pension when determined by the appropriate Board of Directors shall not thereafter be reduced, but shall be increased to correspond to any increase in salary received by members of the same grade and rank of such member while in active service of the department.

(d) Any regular member of the 1983 Pension Fund who retires on or after March 15, 2006 and who has twenty-five (25) years of service or is age fifty-five (55) at the time of retirement shall be eligible for annual post-retirement adjustments to the member's pension benefit of two (2) percent per annum, payable starting the first of the month following the completion of five (5) years of retirement, except that adjustment to an eligible retiree's pension shall be two (2) percent per annum, payable starting the first of the month following the completion of one (1) year of retirement in the case of a retirement for disability incurred in the line of duty pursuant to section 32-107(b).

(e) With respect to the 1983 Police Pension Fund of Danbury and to the pension benefits of the membership of such fund, the term "pay," as used in any applicable section of this article, shall be defined as the average of the annual straight-time earnings received by any regular member of the fund during the three (3) years of highest compensation.

(f) Except as specifically provided for in this article, all pensions granted under this article to regular members of the Police Department shall be for the duration of their lifetimes.

(g) All applications for retirement under this article by a regular member of the Police Department to the appropriate Board of Directors shall be acted upon and the member shall be retired within thirty (30) days of the date of the application, except as hereinafter provided.
(Code 1961, § 14-52; Ord. No. 432, 1-7-1992; Ord. No. 482, 12-7-1993; Ord. No. 663, 5-1-2007)

Sec. 32-105. Mandatory retirement for age.

(a) When a regular member of either the Pre-1967 Police Pension Fund of Danbury or the 1967 Police Pension Fund of Danbury has reached the age of sixty-five (65) years, such member shall be retired on the day following attainment of such age, and that member shall be retired on an annual pension, payable monthly, equal in amount to not less than one-half (½) pay, plus an additional two (2) percent of pay for each year of service in excess of twenty-five (25) years, but in no case shall his annual pension be greater than sixty-eight (68) percent of pay.

(b) When a regular member of the 1983 Police Pension Fund of Danbury has reached the age of sixty-five (65) years, he shall be retired on the day following attainment of such age, and that member shall be retired on an annual pension, payable monthly, equal in amount of two (2) percent of pay for each year of service, but in no case shall such member's annual pension be greater than sixty-eight (68) percent of pay.
(Code 1961, § 14-53; Ord. No. 432, 1-7-1992)

Sec. 32-106. Optional retirement.

(a) When a regular member of either the Pre-1967 Police Pension Fund of Danbury or the 1967 Police Pension Fund of Danbury has completed twenty-seven (27) years of service, regardless of age, such member shall upon written application be retired on an annual pension, payable monthly, equal in amount to not less than one-half (½) pay plus an additional two (2) percent of pay for each year of service in excess of twenty-five (25) years, but in no case shall such member's annual pension be greater than sixty-eight (68) percent of pay.

(b) When a regular member of the 1983 Police Pension Fund of Danbury has completed twenty-five (25) years of service, regardless of age, such member shall upon written application be retired on an annual pension payable monthly, equal in amount to three (3) percent of pay per year of service for the final five (5) years of service, and two (2) percent of pay per year of service for years prior to the final five (5) years, but in no case greater than sixty-eight (68) percent of pay.

(c) Each regular member of the Police Department appointed by the Mayor and confirmed by the City Council prior to September 10, 1984, and regardless of length of service, who has reached fifty-five (55) years of age shall upon that member's written application be retired on an annual pension, payable monthly, equal in amount to not less than two (2) percent of pay for each year of service, but in no case shall that member's annual pension be less than forty-five (45) percent of pay nor greater than sixty-eight (68) percent of pay.

(d) Notwithstanding the provisions of subsection (c) of this section, each regular member of the 1983 Police Pension Fund of Danbury appointed by the Mayor and confirmed by the City Council on or after September 10, 1984, who has reached fifty-five (55) years of age, and regardless of length of service, shall upon that member's written application be retired on an annual pension, payable monthly, equal in amount to two (2) percent of pay for each year of service, but in no case greater than sixty-eight (68) percent of pay.

(e) Every such regular member of the Police Department shall have the right to elect either method of optional retirement.

(f) Any regular member of either the 1967 Police Pension Fund of Danbury of the 1983 Police Pension Fund of Danbury who shall be separated from service with the Police Department after completing fifteen (15) years of active aggregate service and before reaching the age of sixty-five (65) shall be entitled to the retirement benefits provided for in subsection (b) of this section upon reaching that age.
(Code 1961, § 14-54; Ord. No. 432, 1-7-1992; Ord. No. 663, 5-1-2007)

Sec. 32-107. Retirement for disability incurred in line of duty.

(a) When a regular member of either the Pre-1967 Police Pension Fund of Danbury or of the 1967 Police Pension Fund of Danbury shall become permanently disabled so as to be unable to perform active service in the Police Department by reason of mental or physical disability resulting from injury received or exposure endured in the performance of such member's duty, such member may make application for retirement to the appropriate Board of Directors and the Board of Directors shall retire such employee on an annual pension, payable monthly, equal in amount to sixty-six and two-thirds (66⅔) percent of pay, or in an amount computed in accordance with the provisions of section 32-106(b), whichever is greater; provided such member has been examined by two (2) physicians and such member has been found by these physicians to be unable to perform active service in the department.

(b) When a regular member of the 1983 Police Pension Fund of Danbury shall become permanently disabled so as to be unable to perform active service in the Danbury Police Department by reason of mental or physical disability resulting from injury received or exposure endured in the performance of such member's duty, such member may make application for retirement to the Board of Directors of said fund and said Board of Directors shall retire such employee on an annual pension, payable monthly, equal in amount to fifty (50) percent of the compensation being paid to said member at the time of disablement or in an amount computed in accordance with the provisions of section 32-106(b), whichever is greater; provided such member has been examined by two (2) physicians and such member has been found by such physicians to be unable to perform active service in said department, and the member's disability is not the result of refusal to obtain reasonable medical treatment that would permit the member to return to duty; and provided further that:

(1) Said benefits shall terminate after a period of two (2) years unless said member is then permanently and totally disabled so as to be unable to perform any suitable and comparable work; or

(2) Said benefits shall terminate if the member refuses recall to work within five (5) years of the granting of the disability pension.

(c) For a period of five (5) years following the granting of a disability retirement:

(1) The board shall require a disability retiree to submit to an annual medical examination by an examiner, selected by the board, who is board certified in the specialty related to the retiree's disability. The board shall give the retiree a minimum of two (2) weeks' notice of the scheduled medical examination. If the retiree has relocated and the new residence is more than two hundred fifty (250) miles from Danbury, the board shall arrange to have the examination conducted at a location closer to the retiree's new residence or shall pay for the reasonable cost of transportation to the Danbury area for the examination.

(2) If the medical examination reveals that the retiree's disability has abated to a sufficient degree that he may return to work, the retiree shall be recalled to an available position in the department.

(3) The retiree who accepts recall shall be given years of credited service for time spent on disability pension provided he shall make contributions for those years within the same number of years as the period of disability. If the retiree refuses to return to work, the board shall terminate his disability pension and the retiree may apply for a non-disability pension based on years of service prior to the period of the disability pension.

(d) Whether medical treatment is "reasonable" shall be determined in accordance with the standards applied in workers' compensation cases. In the event of a dispute, the determination of whether the member is refusing "reasonable medical treatment" shall be made by an arbitrator who has experience in cases involving medical or disability issues. The arbitrator shall be selected by mutual agreement of the Danbury Police Union and the Mayor or his designee if the member/retiree is/was represented by the Union, or by mutual agreement of the member/retiree and the Mayor or his designee if not represented by the Union.

(e) In no event shall workers' compensation when combined with the pension benefits provided for herein exceed one hundred (100) percent of the compensation being paid to the member at the time of disablement.

(f) This amended subsection (b) of this section is effective and applicable to all applications for service connected disability pensions on and after April 1, 2007. Prior to the effective date of the ordinance from which the provisions of this section is derived, the provisions in effect prior to the amendment shall apply.

(Code 1961, § 14-55; Ord. No. 432, 1-7-1992; Ord. No. 663, 5-1-2007)

Sec. 32-108. Retirement for disabilities not connected with duties.

(a) When any regular member of the paid Police Department shall have served the City in the department for a period of not less than ten (10) years and shall have become unable to perform active duty as a Police Officer in the Department because of natural infirmities, diseases contracted, exposure endured or injuries received not in the performance of such member's duties, such member may make application to the appropriate Board of Directors for retirement and that Board of Directors shall accept and approve the application for retirement and shall retire the member on not less than one-fourth (¼) pay plus an additional two (2) percent of such pay for each year of service in excess of ten (10) years, provided the member has been examined by at least two (2) physicians and found to be unable to perform active service in the department.

(b) When any regular member of the paid Police Department who has less than ten (10) years of department service shall have become unable to perform active service in the department because of natural infirmities, diseases contracted, exposure endured or injuries received not in the performance of such member's duties, such member may make application for retirement to the appropriate Board of Directors and that board shall retire such member on an annual pension, payable monthly, equal in amount to two (2) percent of pay for each year of such member's department service, provided such member has been examined by two (2) physicians and such member has been found by these physicians to be unable to perform active service in the department.

(c) At such member's option, in lieu of any other benefits provided for in this section, such member may elect to and shall have such member's total contribution to the appropriate police pension fund returned to such member.
(Code 1961, § 14-56; Ord. No. 432, 1-7-1992)

Sec. 32-109. Examining physicians.

In all cases where physicians are required for examinations of members for retirement, they shall be designated by the appropriate Board of Directors. Such physicians as the Board of Directors may designate shall certify in writing that the disability exists and, in their opinion, the cause thereof.
(Code 1961, § 14-57; Ord. No. 432, 1-7-1992)

Sec. 32-110. Payments to surviving spouses, children, parents and other beneficiaries.

(a) Service less than ten (10) years.

(1) When any member of the Pre-1967 Police Pension Fund of Danbury who has less than ten (10) years of department service shall die due to causes unconnected with that member's performance of duty with the Police Department, his surviving spouse or children or parents shall receive an annual pension, payable monthly, equal in amount to two (2) percent of pay for each year of that member's Police Department service or, at the option of such widow or widower or children or parents, he, as the case may be, may elect to and shall have such members' total contribution to the pension fund returned to him.

(2) When any member of the 1967 Police Pension Fund of Danbury who has less than ten (10) years of Police Department service shall die due to causes unconnected with that member's performance of duty with the Police Department, such member's surviving spouse or children or parents shall receive an annually adjusted pension, payable monthly, equal in amount to two (2) percent of pay then being received by members in the same grade and rank as was held by such former member at the time of such former member's death for each year of such former member's Police Department service. Alternatively, at the option of the former member's surviving spouse or children or parents, the surviving spouse or children or parents, as the case may be, may elect to and shall have such member's total contribution to the

appropriate police pension fund returned to the surviving spouse or children or parents.

(b) Killed while in the actual performance of duty.

(1) Upon the death of any member of the Pre-1967 Police Pension Fund of Danbury killed while in the actual performance of duty or who died from the proximate effects of any injury or exposure received while in the actual discharge of such duty, the widow or widower of such member shall receive, until his death or remarriage, out of that fund, payable weekly or monthly, a sum equal to one-half (½) pay received by such member at the time of his death if in active service or equal to the pension received by such member at the time of his death if retired. If such deceased leaves no widow or widower, or upon the death of such widow or widower before remarriage, the Board of Directors of the fund shall cause to be paid monthly or weekly to the legally appointed guardian of any surviving child or children of such deceased member under the age of eighteen (18) years, for the use and benefit of such child or children, a sum or sums not exceeding in total the amount hereinbefore provided to be received by such widow or widower, and may, from time to time, apportion such sum between such children as it may deem best; provided as each child shall arrive at the age of eighteen (18) years the payment to each child shall cease. If such member shall die leaving neither widow nor widower nor children surviving him, then the Board of Directors of the fund shall cause to be paid a sum or sums not exceeding in total the amount hereinbefore provided to be received by such widow or widower to the parent or parents of such deceased member, provided such payments shall not be made to such parents unless the Board of Directors determines that such deceased member was the principal support of such parents at the time of his death.

(2) Upon the death of any member of the 1967 Police Pension Fund of Danbury killed while in the actual performance of duty in the member's department or who died from the proximate effects of any injury or exposure received while in the actual discharge of such duty, the surviving spouse of such member shall receive the benefits provided for herein until that member's surviving spouse's death or remarriage out of the 1967 Police Pension Fund of such department. If such deceased member was in active service at the time of that member's death, that member's surviving spouse shall receive an annually adjusted sum, payable weekly or monthly, equal to one-half (½) of the pay then being received by members in the same rank and grade as was held by such former member at the time of such former member's death. If such deceased member was retired at the time of such deceased member's death, such deceased member's surviving spouse shall receive an annually adjusted sum, payable weekly or monthly, equal to the pension which such deceased member would have been entitled to receive had such deceased member survived. If such deceased member leaves no surviving spouse, or upon the death of such surviving spouse before remarriage, the Board of Directors of the fund shall cause to be paid monthly or weekly to the legally appointed guardian of any surviving child or children of such deceased member under the age of eighteen (18) years, for the use and benefit of such child or children a sum or sums not exceeding in total the amount hereinbefore provided to be received by such deceased member's surviving spouse, and may, from time to time, apportion such sum between such children as it may deem best; provided as each child shall arrive at the age of eighteen (18) years the payment to each child shall cease. If such member shall

die leaving neither a surviving spouse nor children surviving such member, then the Board of Directors of the fund shall cause to be paid a sum or sums not exceeding in total the amount hereinbefore provided to be received by such surviving spouse to the parent or parents of such deceased member; provided such payments shall not be made to such parents unless the Board of Directors determines that such deceased member was the principal support of such parents at the time of such deceased member's death.

(3) Upon the death of any member of the 1983 Police Pension Fund of Danbury killed while in the actual performance of duty in that member's department or who died from the proximate effects of any injury or exposure received while in the actual discharge of such duty, the surviving spouse of such member shall receive until such member's surviving spouse's death or remarriage, out of the 1983 Police Pension Fund, a sum, payable weekly or monthly, equal to one-half (½) pay as defined in section 32-104(c). If such deceased member leaves no surviving spouse, or upon the death of such surviving spouse before remarriage, the Board of Directors of that fund shall cause to be paid monthly or weekly to the legally appointed guardian of any surviving child or children of such deceased member under the age of eighteen (18) years, for the use and benefit of such child or children, a sum or sums not exceeding in total the amount hereinbefore provided to be received by such deceased member's surviving spouse, and may, from time to time, apportion such sum between such children as it may deem best, provided as each child shall arrive at the age of eighteen (18) years the payment to each child shall cease. If such member shall die leaving neither a surviving spouse nor children surviving such member, then the Board of Directors of the fund shall cause to be paid a sum or sums not exceeding in total the amount hereinbefore provided to be received by such surviving spouse to the parent or parents of such deceased member, provided such payments shall not be made to such parents unless the Board of Directors determines that such deceased member was the principal support of such parents at the time of such deceased member's death.

(c) Ten (10) or more years of service.

(1) When any member of the Pre-1967 Police Pension Fund of Danbury who has ten (10) or more years of active service shall die, while on active duty, due to cause unconnected with the performance of duty, such member's surviving spouse or children or parents shall receive an annual pension payable monthly equal to one-half (½) of the pension the employee would have received had he retired on the date of his death, or an amount equal to one-fourth (¼) of his salary, whichever is, greater. If the member is retired at the time of his death, the surviving spouse or children or parents shall receive an annual pension payable monthly equal to one-half (½) of the pension received by such member at the time of his death. All benefits granted by this subsection shall be provided upon the same conditions and under the circumstances as appear in subsection (b) of this section.

(2) Upon the death of any member of the 1967 Police Pension Fund of Danbury who has served continuously as a regular member of the Police Department for at least ten (10) years and whose death is due to causes unconnected with the performance of duty with the Police Department, the surviving spouse or children or the parents of such deceased member shall receive the benefits provided for herein. If such deceased member was in active service at the time of such deceased member's death, such deceased member's surviving spouse or children or parents shall receive an annually adjusted sum equal to one-fourth (¼) of the pay then being received by members in the same rank and grade as was held by such

former member at the time of such deceased member's death. If such deceased member was retired at the time of such deceased member's death, then such deceased member's surviving spouse or children or parents shall receive an annually adjusted sum equal to one-half (½) of the pension which such deceased member would have been entitled to receive had such deceased member survived. All benefits granted by this subsection shall be provided upon the same conditions and under the circumstances as appear in subsection (b) of this section.

(3) Upon the death of any member of the 1983 Police Pension Fund of Danbury whose death is due to causes unconnected with the performance of duty with the Police Department, the surviving spouse or children or the parents of such deceased member shall receive the benefits provided for herein. If such deceased member was in active service at the time of such deceased member's death, such deceased member's surviving spouse or children or parents shall receive a sum equal to one-half (½) of the pension benefit that such member would have received if such member had retired on the date of his death.

If such deceased member was retired at the time of such deceased member's death, then such deceased member's surviving spouse or children or parents shall receive an annually adjusted sum equal to one-half (½) of the pension which such deceased member would have been entitled to receive had such deceased member survived. All benefits granted by this subsection shall be provided upon the same conditions and under the circumstances as appear in subsection (b) of this section.

(d) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Child or *children* is limited in meaning to the child or children born either to a member or by a member's spouse to whom the member was married prior to retirement from such department, if retired.

Surviving spouse is limited in meaning to the spouse of any such deceased member who shall have been married to the member prior to such member's retirement from the department, if retired, and who shall have been living with the member as spouse at the time of the member's death.

(e) Each member, each surviving spouse of a deceased member and any other beneficiary who was entitled to pension benefits between July 1, 1981, and July 1, 1984, pursuant to the provisions of this article then in effect, shall receive a payment representing any additional amount which would have been paid to such member, surviving spouse or other beneficiary pursuant to the current provisions hereof.

(f) Any regular member of the Police Department who shall be separated from service with the department prior to the date when such member is eligible for retirement may request a refund of all pension contributions made by such member, provided that the member thereby waives any and all future retirement a benefits provided for hereunder.

(Code 1961, § 14-58; Ord. No. 432, 1-7-1992)

Sec. 32-111. Limitation of actions for pensions.

No action for amounts due under the provisions of this article shall be brought unless within six (6) years after the right of action shall accrue. Persons legally incapable of bringing an action when the right shall accrue may sue at any time within three (3) years next after becoming legally capable of instituting suit. All amounts not claimed within these periods shall remain part of the appropriate police pension fund.

(Code 1961, § 14-59; Ord. No. 432, 1-7-1992)

Sec. 32-112. Benefits declared tax-exempt, unassignable, not subject to process.

The right of any person to a pension or to the return of contributions, or to any benefit or right

accrued or accruing to any person under the provisions of this article and the cash and securities held under the provisions of this article, shall be exempt from any state or municipal tax and from levy, sale, garnishment, attachment or any other process, and shall be unassignable. Anything herein to the contrary notwithstanding, the benefits provided under this plan may be made subject to qualified domestic relations orders.

(Code 1961, § 14-60; Ord. No. 432, 1-7-1992)

Chapter 33

RESERVED

Chapter 34

PLANNING AND LAND USE*

Article I. In General

Sec. 34-1. Land use application processing fees; subdivisions; engineering and Fire Marshal review.
Secs. 34-2—34-20. Reserved.

Article II. Planning Commission

Sec. 34-21. Created.
Sec. 34-22. Members
Sec. 34-23. Functions.
Secs. 34-24—34-49. Reserved.

Article III. Zoning

Sec. 34-50. Zoning Commission alternates.
Sec. 34-51. Zoning Board of Appeals.
Sec. 34-52. Establishment of penalties for zoning regulation violations; citation procedure.

*State law references—Zoning, C.G.S. § 8-1 et seq.; planning and subdivisions, C.G.S. § 8-18 et seq.

ARTICLE I. IN GENERAL

Sec. 34-1. Land use application processing fees; subdivisions; engineering and Fire Marshal review.

(a) *Purpose.* Pursuant to the provisions of C.G.S. § 8-1c, the City is authorized to adopt a schedule of reasonable fees for the processing of applications by the Zoning Commission, Planning Commission, Zoning Board of Appeals and Environmental Impact Commission. The intention of this section is to allow the aforementioned land use agencies to retain, to the extent possible, the right to establish general processing fees while establishing consistent engineering and Fire Marshal review fees pertaining to all land use applications.

(b) *Engineering fees.* In addition to the general processing fees established in connection with the issuance of permits, licenses or other approvals by the land use agencies identified in subsection (a) of this section, whenever a review by the Engineering Division of the Department of Public Works is required in connection with the issuance of said permits, licenses and approvals, the applicant shall pay an additional processing fee to defray the costs of said review. Said additional processing fee shall be in the amount of three (3) percent of the estimated cost of construction, but shall not exceed one thousand dollars ($1,000.00) nor be less than fifty dollars ($50.00). In addition to the foregoing, the applicant shall pay a fee of three hundred dollars ($300.00) for each and every review of revised or modified plans submitted by the applicant to the City and reviewed by the Engineering Division of the Department of Public Works.

(c) *Fire Marshal fees.* In addition to the general processing fees established in connection with the issuance of permits, licenses or other approvals by the land use agencies identified in subsection (a) of this section, whenever a review by the Fire Marshal is required in connection with the issuance of said permits, licenses and approvals, the applicant shall pay an additional processing fee to defray the costs of said review. Said additional processing fee shall be in the amount of three (3) percent of the estimated cost of construction, but shall not exceed five hundred dollars ($500.00) nor be less than fifty dollars ($50.00).

(d) *Engineering and Fire Marshal fees for Downtown Revitalization Zone.* The engineering and fire marshal fees mentioned in subsections (b) and (c) of this section shall be reduced by fifty (50) percent for land use applications submitted on properties located within the Downtown Revitalization Zone as specified in section 7.F. of the City of Danbury Zoning Regulations.

(e) *Land use application processing fees.* Nothing in this section shall be construed as superseding any fees established pursuant to the City of Danbury Zoning Regulations, City of Danbury Subdivision Regulations or the Inland Wetlands and Watercourses Regulations of the City of Danbury.

(Code 1961, § 11-2; Ord. No. 619, 6-2-2004; Ord. No. 632, 3-1-2005; Ord. No. 719, § 11-2, 11-19-2012)

Secs. 34-2—34-20. Reserved.

ARTICLE II. PLANNING COMMISSION*

Sec. 34-21. Created.

The City hereby adopts C.G.S. § 8-19 and a Commission to be known as the Planning Commission of the City of Danbury is hereby created pursuant to the provisions of said section.

(Code 1961, § 2-47(a); Ord. of 6-13-1956, §§ 1—3; Ord. No. 255, 7-1-1980; Ord. No. 297, 5-3-1983; Ord. No. 437, 4-7-1992)

Sec. 34-22. Members

(a) The Planning Commission shall consist of five (5) members who shall be appointed by the Mayor and confirmed by the City Council. The Mayor and the City Engineer shall be ex officio members of said Commission.

***Editor's note**—While Special Laws 1929, Act No. 480 authorizes the creation of a planning commission in the City, C.G.S. ch. 126 (C.G.S. § 8-18 et seq.), provides for establishment of such commissions by ordinance and C.G.S. § 8-19 declares that any commission created pursuant to general law shall supersede any other commission created by special act.

State law reference—Planning commissions, C.G.S. § 8-18 et seq.

(b) The term of office of each member shall be three (3) years ending on January 1st.

(c) Alternate members.

(1) Three (3) alternate members to the Planning Commission shall be appointed by the Mayor of the City of Danbury and approved by the City Council.

(2) The term of office of alternate members shall be three (3) years ending January 1st.

(3) Such alternate members when seated as provided herein shall have all powers and duties as set forth in C.G.S. title 8 (C.G.S. § 8-1 et seq.). If a regular member of the Planning Commission is absent, the Chair of the Planning Commission shall designate an alternate to act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(Code 1961, § 2-47; Ord. of 6-13-1956, §§ 1—3; Ord. No. 255, 7-1-1980; Ord. No. 297, 5-3-1983; Ord. No. 437, 4-7-1992)

State law reference—Planning commission membership, C.G.S. §§ 8-19, 8-19a.

Sec. 34-23. Functions.

The Planning Commission shall have all the powers and perform all the duties which are by law granted to or imposed upon a municipal planning commission.

(Code 1961, § 2-47(a); Ord. of 6-13-1956, §§ 1—3; Ord. No. 255, 7-1-1980; Ord. No. 297, 5-3-1983; Ord. No. 437, 4-7-1992)

Secs. 34-24—34-49. Reserved.

ARTICLE III. ZONING*

Sec. 34-50. Zoning Commission alternates.

The election and terms of the three (3) alternate members of the Zoning Commission shall be governed by the Charter of the City. When seated as provided herein, such alternate members shall have all the powers and duties as set forth in C.G.S. title 8 (C.G.S. § 8-1 et seq.). If a regular member of the Zoning Commission is absent, the Chair of the Zoning Commission shall designate an alternate to act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(Code 1961, § 2-43; Ord. No. 438, 4-7-1992)

State law reference—Zoning commission alternates, C.G.S. § 8-1b.

Sec. 34-51. Zoning Board of Appeals.

Pursuant to the authority granted under the provisions of C.G.S. § 8-5 all regular and alternate members of the Zoning Board of Appeals shall be appointed by the Mayor for terms of three (3) years.

(Code 1961, § 2-56.17; Ord. No. 453, 2-2-1993)

State law reference—Zoning board of appeals, C.G.S. § 8-5 et seq.

Sec. 34-52. Establishment of penalties for zoning regulation violations; citation procedure.

(a) The Zoning Enforcement Officer of the City of Danbury is authorized to issue citations for zoning violations of the regulations of the City of Danbury to the extent and in the manner provided by this article and authorized by C.G.S. § 8-12a. A citation may be issued for any violation of the zoning regulations of the City of Danbury. No citation shall be issued unless a written warning is issued providing notice of the specified violation to be corrected. The warning shall explain the citation enforcement procedures which may be used if the alleged zoning violation is not corrected within seven (7) days of the date of receipt of the warning. The Zoning Enforcement Officer shall file and retain an original or certified copy of the citation.

(b) The fine for each citation shall be one hundred fifty dollars ($150.00) for each day a violation continues, payable to the treasurer of the City of Danbury. A party receiving a citation

*State law reference—Zoning, C.G.S. § 8-1 et seq.

shall be allowed a period of thirty (30) days from the date of receipt of the citation to make an uncontested payment of the fine specified in the citation.

(c) Any citation or warning may be served by hand delivery or certified mail, return receipt requested. If the party named in a citation or warning sent by certified mail refuses to accept such mail, the citation or warning may be sent by regular United States mail. If the citation or warning has been sent by regular United States mail, the date of receipt shall be deemed to be three (3) business days after the date of mailing.

(d) The hearing procedure for any citation issued pursuant to this section shall be in accordance with the provisions of section 2-2 and C.G.S. § 7-152c, except that no Zoning Enforcement Officer, Building Inspector or employee of the City of Danbury may be appointed to be a Hearing Officer.

(Code 1961, § 12-7; Ord. No. 614, 6-2-2004; Ord. No. 657, 5-1-2007)

Chapter 35

RESERVED

Chapter 36

SOLID WASTE DISPOSAL*

Article I. In General

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Sec. 36-22. Littering on public or private property prohibited.
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Sec. 36-117. Collectors to assist in obtaining compliance with the requirements of the recycling program.
Sec. 36-118. Preparation and disposal of recyclables.
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*State law reference—Solid waste management, C.G.S. § 22a-207 et seq.

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Article VI. Regional Resources Recovery Authority

Sec. 36-141. Adoption of state law.
Sec. 36-142. Creation and establishment of Authority.
Sec. 36-143. Purpose for Authority.
Sec. 36-144. Membership; number; appointment generally; term; alternate members.
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Sec. 36-146. Voting units; quorum.
Sec. 36-147. Compensation of members.
Sec. 36-148. Withdrawal of member municipalities.

ARTICLE I. IN GENERAL

Sec. 36-1. Illegal dumping.

Pursuant to the provisions of C.G.S. § 22a-226d, a fine of one thousand dollars ($1,000.00) is hereby established for the violation of C.G.S. § 22a-250(a), 22a-220a(f), or 22a-220a(i).
(Code 1961, § 16A-1; Ord. No. 497, 2-7-1995)

Secs. 36-2—36-20. Reserved.

ARTICLE II. LITTER CONTROL

Sec. 36-21. Definition.

(a) For the purposes of this chapter the word "litter" means as defined in C.G.S. § 22a-248(4) as amended, any discarded, used or unconsumed substance or waste material, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material which has not been deposited in a litter receptacle.

(b) All other applicable definitions shall be as defined in the Connecticut General Statutes, including the specific provisions of C.G.S. § 22a-248.
(Code 1961, § 4-1; Ord. No. 664, 5-1-2007)

Sec. 36-22. Littering on public or private property prohibited.

(a) Pursuant to provisions of C.G.S. § 22a-250(a), no person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public property in the City of Danbury or upon private property in the City of Danbury not owned by said person or in the waters of the City of Danbury including, but not limited to, any public highway, park, beach, campground, forest land, recreational area, mobile manufactured home park, road, street or alley except:

(1) When such property is designated by the state or the City of Danbury for the disposal of solid waste, recyclable solid waste, garbage or refuse, and such person is authorized to use such property for such purpose;

(2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public properties or waters.

(b) Nothing in this section shall be construed to prevent the placing of approved containers which contain litter at curbside for schedule collection, as provided for in this chapter.

(c) Pursuant to C.G.S. § 22a-226d(a), violation of this section is punishable by a fine of one thousand dollars ($1,000.00) per violation. Each separate activity pursuant to subsection (a) of this section shall constitute a separate offense.

(d) Pursuant to C.G.S. § 22a-226d(b), any Police Officer, the City of Danbury UNIT Litter Control Officer, and any other person so authorized by the Chief Executive Officer may issue a citation to any person who commits a violation under this section in accordance with sections 2-2 and 2-3. In addition, enforcement of this section may, in the alternative, be through remedies available through other law not otherwise inconsistent herewith.
(Code 1961, § 4-2; Ord. No. 2007-372, §§ A, B, 5-1-2007)

Sec. 36-23. Dumping on public or private property prohibited.

(a) Consistent with the provisions of section 36-1, any collector, who dumps more than one (1) cubic foot in volume of solid waste at one (1) time in an area not designated for such disposal by the City of Danbury pursuant to the provisions of C.G.S. § 22a-220a or who knowingly mixes other solid waste with items designated for recycling pursuant to C.G.S. § 22a-241b or pursuant to the provisions of this chapter, shall for a

first violation be liable for a civil penalty of not more than two thousand five hundred dollars ($2,500.00) for each violation and not more than ten thousand dollars ($10,000.00) for a subsequent violation. Each day a violation persists shall constitute a separate offense.

(b) Any person, other than a collector, who:

(1) Dumps more than one (1) cubic foot in volume of solid waste at one (1) time in a solid waste or refuse collection container without the authorization of the owner of such container; or

(2) Dumps any material into a recycling collection container used to collect another type of material for purposes of disposal by a collector shall be guilty of an infraction as provided for in C.G.S. ch. 881b (C.G.S. § 51-164m et seq.). Any owner or lessor of a solid waste or refuse collection container may post signs on or near such container which indicate that the unauthorized disposal of waste in such container shall constitute an infraction punishable in accordance with state law. Any Danbury Police Officer may issue a summons for the Commission of an infraction for any violation of this subsection.

(Code 1961, § 4-3; Ord. No. 2007-372, §§ A, B, 5-1-2007)

Sec. 36-24. Clean community provisions.

(a) The owner, occupant, tenant, lessee, proprietor, person in charge, or person using or occupying any commercial, multiple-family structure, institutional or industrial building, establishment or property in the City of Danbury, jointly and severally, is hereby required to keep the public walkways and roadways, driveway, yards, parking areas, work areas, including but not limited to loading and unloading areas, and lots adjacent thereto and under his control reasonably clean at all times and to place sweepings in a container to prevent scattering. If deemed necessary or advisable by the litter control officer, said owner, occupant, tenant lessee, proprietor, person in charge, or person using or occupying any commercial, institutional or industrial building, establishment or property in the City of Danbury, shall provide approved containers of such size, number and type as may be specified by the UNIT Litter Control Officer to be reasonably required to hold litter generated by operations on the premises.

(b) Every owner, occupant and lessee of a house or building shall be jointly and severally required to maintain garbage and recyclable solid waste storage areas in a clean condition and to ensure that all garbage is kept in an approved container.

(c) Property owners and general contractors in charge of a construction site are jointly and severally required to furnish approved containers for construction litter. All litter from construction and related activities shall be containerized and shall be picked up and placed in the approved containers at the end of each workday.

(d) Owners of any food establishment which sells food for consumption on-premises or off-premises is hereby required to keep the public walkways and roadways, driveways, yards, parking areas, work areas, including but not limited to loading and unloading areas, and lots adjacent thereto, clean at all times and to place sweepings in a container to prevent scattering within a radius of two hundred (200) feet.

(e) Pursuant to C.G.S. § 22a-226d(b), any Police Officer, the City of Danbury UNIT Litter Control Officer, and any other person so authorized by the Chief Executive Officer may issue a citation to any person who commits a violation under this section. Each day a violation persists shall constitute a separate offense. This penalty shall be in addition to any civil penalties applicable under C.G.S. § 22a-220a(i). Three (3) citations in one (1) year may result in the revocation of any permits, certificates and/or licenses issued by the City.

(Code 1961, § 4-5; Ord. No. 664, 5-1-2007)

Secs. 36-25—36-51. Reserved.

ARTICLE III. SOLID WASTE AND RECYCLING AUTHORITY*

Sec. 36-52. Definitions.

For purposes of this article, each of the following terms shall have the meaning set forth in this section:

Asset transfer agreement means an agreement by and between the City and the Authority which shall set forth the terms and conditions of the disposition by the City to the Authority by sale or lease of the solid waste assets.

Authority means the Danbury Solid Waste and Recycling Authority established pursuant to this section.

Board means the Board of Directors of the Authority.

Bylaws means the rules and regulations that, subject to statutory law and the articles of incorporation, govern the business and conduct of the affairs of the Authority.

Solid waste assets means such real and personal property utilized for the reduction and transfer of solid waste and recycling at the transfer station, including such assets as may be transferred to the Authority by the City, such solid waste assets to be further defined under the asset transfer agreement.
(Code 1961, § 2-56.18(b); Ord. No. 696, § II, 2-3-2009)

Sec. 36-53. Created.

The Danbury Solid Waste and Recycling Authority (the "Authority") is hereby created as a municipal resource recovery authority pursuant to C.G.S. ch. 103b (C.G.S. § 7-273aa et seq.). The Authority is a public body politic and corporate of the State of Connecticut (the "state"), and is a political subdivision of the sate established and created for the performance of the essential public and governmental function of furthering the health, safety and welfare of the residents of the City of Danbury, Connecticut (the "City") by exercising supervision and control over the operation and administration of the solid waste and recycling operations at the transfer station located at White Street and Beaver Brook Road, Danbury, Connecticut (the "transfer station").
(Code 1961, § 2-56.18(a); Ord. No. 696, § I, 2-3-2009)

Sec. 36-54. Board of Directors.

(a) The City hereby adopts the provisions of C.G.S. ch. 103b (C.G.S. § 7-273aa et seq.). and creates the Board of Directors of the Authority as its Municipal Resource Recovery Authority. The Authority shall have all the powers set forth in C.G.S. ch. 103b (C.G.S. § 7-273aa et seq.) and the powers and duties of a municipal authority pursuant to C.G.S. ch. 446d (C.G.S. § 22a-207 et seq.) and C.G.S. ch. 446e (C.G.S. § 22a-257 et seq.).

(b) The business of the Authority shall be managed by or under the direction of the Board of Directors which may exercise all such powers of the Authority and do all such lawful acts and things as are allowed by the Connecticut General Statutes and the bylaws.

(c) The Authority shall have a Board of Directors consisting of five (5) directors. All directors shall be residents or electors of the City.

(d) The directors shall serve without compensation.

(e) Method of appointment and removal. The Mayor, with the approval of the majority of the City Council, shall select and appoint the Directors of the Board, and the Mayor may remove a director.

(1) The Board of Directors may not remove a Director of the Board.

(2) The terms of directors shall be so arranged such that less than one-half (½) of such terms of directors shall expire within any one (1) calendar year.

(f) Except for the initial terms of the initial directors, the term of office of directors shall be for three (3) years, commencing on January 1 of the first year of the term and expiring on December 31 of the third year of the term.

*State law reference—Municipal solid waste recovery authorities, C.G.S. § 7-273aa et seq.

(g) The formation of the Board of Directors shall comply with all other applicable state and local laws, as may be applicable. All relevant federal, state and local laws pertaining to conflicts of interest by board membership shall be strictly observed and enforced.
(Code 1961, § 2-56.18(c), (e); Ord. No. 696, §§ III, V, 2-3-2009)

Sec. 36-55. Articles of incorporation.

(a) *Name, address, Authority for creation.* The Authority is created as a municipal resource recovery authority pursuant to C.G.S. ch. 103b (C.G.S. § 7-273aa et seq.), and shall be known as the "Danbury Solid Waste and Recycling Authority" with its principal office at 155 Deer Hill Avenue, Danbury, Connecticut 06810.

(b) *Initial Directors—Names, addresses, terms of office.* The names, addresses and terms of office of the initial Directors of the Authority are set forth on Exhibit A attached to the ordinance from which this section is derived and available for inspection in the office of the City Legislative Assistant.
(Code 1961, § 2-56.18(d); Ord. No. 696, § IV, 2-3-2009)

Sec. 36-56. Disposition and transfer of assets.

Any and all assets to be transferred to the Authority by the City, including assets to be transferred under the asset transfer agreement shall be transferred in accordance with any requirements of the Charter of the City, including, without limitation section 3-17, and any requirements of the General Statutes of Connecticut, including, without limitation, C.G.S. § 7-163e and C.G.S. §§ 22a-134—22a-134e.
(Code 1961, § 2-56.18(f); Ord. No. 696, § VI, 2-3-2009)

Sec. 36-57. Enforcement of ordinances.

All ordinances pertain to solid waste and recycling shall, for the purposes of this section, be referred to as the "solid waste ordinances." The Authority is hereby expressly empowered and authorized to administer and/or enforce the solid waste ordinances to the extent necessary to effectuate this section and to the extent of the Authority's powers as set forth in this section, and provided that there shall at all relevant times be a furtherance of the purpose for which the Authority has been created. Nothing herein gives the Authority sole and exclusive control over the administration and/or enforcement of all of the solid waste ordinances. To the extent that the Authority adopts regulations or rules that conflict with the solid waste ordinances, the solid waste ordinances shall govern.
(Code 1961, § 2-56.18(g); Ord. No. 696, § VII, 2-3-2009)

Sec. 36-58. Flow control.

The City hereby agrees to maintain an ordinance, to the extent lawful pursuant to the General Statutes of Connecticut and all other applicable law, for the purpose of designating an area or areas where all solid waste and recyclables, as designated in such ordinance, generated within the boundaries of the City shall be disposed.
(Code 1961, § 2-56.18(h); Ord. No. 696, § VIII, 2-3-2009)

Sec. 36-59. Dissolution.

The City retains the right to dissolve the Authority. Upon dissolution, the City agrees to assume, or satisfy, the liabilities and outstanding obligations of the Authority, including without limitation, and bonds or notes issued by the Authority, and all of the Authority's interest in all assets of the Authority shall be transferred to and vest in the City.
(Code 1961, § 2-56.18(i); Ord. No. 696, §§ I—IX, 2-3-2009)

Secs. 36-60—36-76. Reserved.

ARTICLE IV. MUNICIPAL SOLID WASTE MANAGEMENT*

Sec. 36-77. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Acceptable waste means all household garbage, trash, rubbish, refuse and combustible

*State law reference—Solid waste management, C.G.S. § 22a-207 et seq.

agricultural, commercial, governmental and light industrial waste now normally or which may be hereinafter collected and disposed of by or on behalf of the City, but excluding:

(1) Explosives and ordnance materials, pathological wastes, chemicals, radioactive materials, oil, sludges, highly inflammable substances, cesspool or other human wastes, human and animal remains, motor vehicles (or parts thereof), farm or other large machinery, nonburnable construction materials and demolition debris (but home remodeling waste and debris in reasonable quantities are not considered "demolition debris") and hazardous refuse of any type or kind (including those addressed by regulations adopted by the United States Environmental Protection Agency ("EPA") pursuant to the Resource Conservation Recovery Act of 1976, as amended, or other federal statutes or adopted by the Connecticut Department of Environmental Protection ("DEP"), such as, but not limited to, cleaning fluids, crankcase oils, cutting oils, hazardous paints, acids, caustics, poisons, drugs, radioactive materials, fine powdery earth used to filter cleaning fluid and refuse of similar nature);

(2) Any item of waste exceeding six (6) feet in any one (1) of its dimensions or being in whole or in part of a solid mass, the solid mass portion of which has dimensions such that a sphere with a diameter of eight (8) inches could be contained within such solid mass portion;

(3) All large household appliances, commonly referred to as "white goods", including, without limitation, refrigerators, stoves, washing machines, drying machines and the like;

(4) All items designated from time to time by the Commissioner of the Connecticut DEP pursuant to the provisions of C.G.S. § 22a-241b(a) as suitable for recycling and such other items as are actually recycled;

(5) All other items of waste which the City and the Authority reasonably believes would be likely to pose a threat to health or safety or the acceptance and disposal of which may cause damage to the transfer station or be in violation of any judicial decision, order or action of any federal, state or local government or any agency thereof, or any other regulatory Authority or applicable law or regulations.

The City recognizes that some substances which are not, as of the date of this agreement, considered harmful or of a toxic nature or dangerous may be determined as such by DEP and/or EPA subsequent to the date hereof as hazardous, toxic, dangerous or harmful, and at the time of such determination, such substances shall cease to be acceptable waste.

Authority or HRRA means the Housatonic Resources Recovery Authority, as identified in article IV of this chapter.

Collector means any person who holds himself out for hire to collect solid waste from residential, business, commercial or other establishments within the City.

Designated transfer station means the transfer station located at 307 White Street in Danbury operated on behalf of HRRA as part of the HRRA system to which the HRRA-participating municipalities shall cause their acceptable waste to be delivered, for transfer by WES to one (1) or more resource recovery facilities.

Manager means the City of Danbury Superintendent of Public Utilities or such other official as may be designated by the Director of the Danbury Department of Public Works.

Residential property means real estate containing one (1) or more dwelling units but does not include hospitals, motels or hotels.

Solid waste means solid, liquid, semisolid or contained gaseous material that is unwanted or discarded, including, but not limited to, demolition debris, material burned or processed at a resource recovery facility or incinerator, material processed at a recycling facility and sludges

or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility.

WES means Wheelabrator Environmental Systems, Inc.
(Code 1961, § 16A-91; Ord. No. 471, 5-27-1993)

Sec. 36-78. Purpose.

There is hereby established a program for the mandatory disposal of acceptable waste generated within the City of Danbury in compliance with C.G.S. § 22a-220 thereby providing for long-term disposal of wastes and providing for the health and welfare of the citizens of the City.
(Code 1961, § 16A-90; Ord. No. 471, 5-27-1993)

Sec. 36-79. Designation of transfer station site.

The City does hereby designate the following authorized sites for the disposal of acceptable waste generated within the corporate limits of the City of Danbury:

(1) Each collector authorized to collect solid waste within the City shall deliver, or cause to be delivered, all acceptable waste to designated transfer station.

(2) All Danbury residents not served by a collector who wish to dispose of their own acceptable waste, if generated within Danbury from residential property, shall deliver such waste to the Danbury Drop-Off and Recycling Center at 307 White Street in Danbury.

(Code 1961, § 16A-92; Ord. No. 471, 5-27-1993; Ord. No. 477, 9-8-1993)

Sec. 36-80. Collection, transportation and disposal of solid waste.

(a) *Collection by registered and permitted collectors only.* Collectors registered with and holding valid permits issued by the City pursuant to the provisions of section 36-116 shall deliver all acceptable waste collected within the City to the designated transfer station. Only the City and collectors so registered and permitted shall be designated or otherwise authorized to collect and deliver acceptable waste to the designated transfer station. In case of the temporary unavailability of the designated transfer station, acceptable waste may be diverted to another transfer station or site by the City, HRRA or WES.

(b) *Disposal of City solid waste only.* No solid waste collected from outside the corporate limits of the City shall be disposed of at the designated transfer station under a permit issued pursuant to the provisions of section 36-116.

(c) *Littering prohibited.* No person shall drive or move any truck or other vehicle within the City of Danbury unless such vehicle is so constructed or loaded so as to prevent any load, contents or litter from being blown or deposited upon any street, alley, or other public place.

(d) *Delivery.* Collectors shall deliver acceptable waste only during the designated transfer station's scheduled delivery days and hours or during other published days and hours as agreed upon in advance by HRRA and WES.

(e) *Vehicle requirements.* Collectors shall use only vehicles that are in a safe and clean condition, in good repair, with the capability of mechanically dumping their contents and have a capacity of three (3) tons or more.

(f) *Highway routes.* Collectors shall use only those highway routes designated by the City, or by WES with the approval of the HRRA and the City, for the delivery of acceptable waste to the designated transfer station.

(g) *Manner of delivering waste; observation of rules and regulations.* Collectors shall deliver acceptable waste in a clean, orderly and safe manner and adhere to all reasonable rules and regulations as made known to the collector by the City or HRRA or by WES with the approval of the HRRA at all times when vehicles and/or personnel of the collector are at the transfer station.
(Code 1961, § 16A-93)

Sec. 36-81. Duties and qualifications of collectors.

(a) *Registration plates.* During the annual registration process required pursuant to the provisions of section 36-116, each collector shall

obtain from the City registration plates which shall be conspicuously displayed on the left front portion of the body of each vehicle or container to be used by the collector in the collection and transportation of solid waste or in such other location on such vehicle or container as the City shall direct. Each such registration plate shall remain the property of the City of Danbury, even when affixed to a collector's vehicle or container. Each such registration plate shall be returned to the City upon the written request of the manager.

(b) *Affidavit of origin.* During the annual registration process required pursuant to the provisions of section 36-116, each collector shall sign an affidavit of origin, under penalty of false statement, stating that all acceptable waste disposed of at the designated transfer station in the name of the City or its residents shall originate from within the corporate limits of the City.

(c) *Notification of sale or transfer of collection route and application of nonregistered collectors.* Prior to the sale or transfer of all or part of a collector's solid waste collection route to any collector not registered with or permitted by the City in accordance with the provisions of section 36-116, the collector shall first notify the manager, in writing, of his intent to sell or transfer all or a part of the route. The nonregistered collector shall, at the same time, make application for a permit to operate in the City.

(d) *Report of tonnage collected.* Prior to the annual issuance or renewal of its collection permit, each collector shall report to the City the number of tons of acceptable waste collected monthly within Danbury and deposited at the designated transfer station. Such report shall be on a form supplied by the manager.

(e) *Presentation of registration forms to WES and HRRA.* Each collector shall present a copy of his City permit and registration forms to WES and HRRA and shall properly display each vehicle or container registration plate prior to delivering acceptable waste to the designated transfer station.

(f) *Insurance.* Each collector shall provide insurance covering his operation, which coverage shall name the HRRA, WES and the City of Danbury as additionally insured. Such coverage shall include, but not be limited to, general liability, automotive liability, excess liability, workers' compensation and employer's liability in amounts deemed reasonable and adequate by the City. Each collector shall provide the HRRA, the City and WES with a certificate of insurance identifying the limits of available insurance coverage and indicating that the issuing company shall endeavor to afford the HRRA, the City and WES not less than thirty (30) days' written notice prior to the cancellation of any such policy.

(g) *Insurance of performance.* Each collector shall provide to the City of Danbury and to HRRA or WES a suitable performance bond, letter of credit or cash security to ensure the performance of its obligations hereunder.

(h) *Identification of waste.* Each collector shall accurately identify for HRRA and WES the tonnage of all acceptable waste collected by such collector within each Municipality and delivered to the designated transfer station.

(i) *Responsibility for removal and disposal of rejected waste.* Each collector shall be responsible for the removal and disposal of, or the cost of removal and disposal if performed by other than the collector, of rejected waste including:

(1) Waste other than acceptable waste.

(2) Waste delivered at other than established receiving hours.

(3) Waste delivered in a manner or by means not in conformity with the requirements hereof or of the HRRA/WES Waste Supply and Disposal Agreement.

(4) Waste which WES is unable to accept as a result of a force majeure event.

(j) *Responsibility for handling, transportation and disposal costs for unacceptable waste.* Each collector shall be responsible for paying all reasonable costs incurred in connection with handling, transporting and disposing of any unacceptable waste requiring special handling, delivered to the designated transfer station or facility.

(k) *Responsibility for service fees.* Each collector delivering acceptable waste to the designated transfer station shall be responsible for the payment of the service fee charged in connection with such delivery of acceptable waste in accordance with all reasonable rules and regulations administered by WES and approval by HRRA. Each collector shall make payment of all undisputed amounts within thirty (30) days from the date of invoicing by the City or WES. Collectors shall promptly pay disputed amounts upon resolution of the dispute. Collectors shall be obligated to pay interest at the then prevailing prime rate.

(l) *Rejection of deliveries for past-due amounts.* WES may reject any deliveries from collectors who have not made payment of amounts due within sixty (60) days from invoicing by the City or WES until such collector pays in full all past due amounts including interest.
(Code 1961, § 16A-94; Ord. No. 471, 5-27-1993)

Sec. 36-82. Household hazardous wastes.

The Director of the Department of Public Works is hereby authorized to accept household hazardous wastes for temporary storage and to coordinate periodic household hazardous waste collection for residents and property owners of the City of Danbury.
(Code 1961, § 16A-36; Ord. No. 378, 5-2-1989)

Sec. 36-83. Enforcement; suspension or revocation of permits.

(a) Any collector found to have violated the requirements of this article shall be subject to the penalties provided for in section 1-8. In addition, the manager is authorized to suspend or revoke any permits issued pursuant to the provisions of section 36-116. Except for good cause shown, the duration of any such suspension or revocation occurring within any five-year period shall be as follows:

(1) Upon a first offense, any permit issued to the offender shall be suspended for a period of fourteen (14) days.

(2) Upon a second offense, any permit issued to the offender shall be suspended for a period of twenty-eight (28) days.

(3) Upon any subsequent offense, any permit issued to the offender shall be revoked for a period of two (2) years.

(b) Any person, firm, corporation or other entity penalized pursuant to this section or whose permit has either been suspended or revoked pursuant to this section may request and shall be granted a hearing on the matter before any three (3) of the following four (4) individuals: the Mayor, the Town Clerk, the Director of Human Resources, the Zoning Enforcement Officer or the duly authorized designees of said individuals; provided, that either such person, firm, corporation or other entity shall file in the office of the Department of Public Works a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the fine has been levied or the permit suspended or revoked, or, notwithstanding the foregoing, the Department of Public Works determines that a hearing is appropriate. Upon receipt of such petition, or upon a determination by the Department of Public Works that a hearing is appropriate, the Department of Public Works shall set a time and place for such a hearing and shall give the petitioner written notice thereof. The filing of such a petition or the establishment of such a hearing shall operate to stay any proposed penalty until the decision of the hearing board is rendered. At such hearing the petitioner shall be given the opportunity to be heard. Any such petitioner may be represented by counsel of his choosing, shall have the right to present evidence, cross-examine witnesses and present oral and written testimony. Within ten (10) days following any such hearing, the petitioner shall be advised in writing, by certified mail, of the decision of the hearing board, which decision shall include written findings of fact which support that decision.

(c) During the period of any permit suspension or revocation, no permit shall be issued:

(1) To any person who is or was an owner of or partner in any unincorporated business whose permit, during the period of such ownership, was suspended or revoked or who owns or owned fifty (50) percent

or more of the stock of any corporation whose permit, during the period of such ownership, was suspended or revoked.

(2) To any partnership or unincorporated business in which any owner or partner is or was the owner of or partner in any unincorporated business whose permit, during the period of such ownership, was suspended or revoked or in which any partner or owner owns or owned fifty (50) percent or more of the stock of any corporation whose permit, during the period of such ownership, was suspended or revoked.

(3) To any corporation in which the owner of fifty (50) percent or more of the stock is or was the owner of fifty (50) percent or more of the stock of any corporation whose permit, during the period of such ownership, was suspended or revoked or is or was the owner of or partner in any unincorporated business whose permit, during the period of such ownership, was suspended or revoked.

(d) For purposes of the computation of the ownership of stock in any corporation or the interest in any partnership or unincorporated business under the provisions of this subsection, the interest of any person shall include: Any beneficial interest held for the benefit of such person or for the benefit of any person of the type set forth in this subsection whether in trust or otherwise; or any interest owned by the spouse of such person if the person and the spouse shall file a joint tax return for purposes of federal or state tax; or any interest owned by any person who the person shall claim as a dependent upon his federal or state tax return.

(e) The City may require of any permittee or permit applicant such information, under oath, as it deems necessary for purposes of enforcement of subsection (c) of this section. To the extent permitted by law, such information shall not be disclosed except to the extent necessary for the determination, by the appropriate municipal authorities, of a permittee's compliance with the provisions hereof.
(Code 1961, § 16A-95; Ord. No. 471, 5-27-1993)

Secs. 36-84—36-109. Reserved.

ARTICLE V. RECYCLING

Sec. 36-110. Definitions.

For the purposes of this article, the following terms have the meanings herein defined:

Cardboard means corrugated boxes and similar corrugated and kraft paper materials which have a minimum of contamination by food or other material.

Collector means any person who holds himself out for hire to collect either solid waste or recyclables from residential, business, commercial or other establishments.

Director means the Director of Public Works of this Municipality or his authorized representative.

Garbage means all putrescible wastes except sewage and body wastes, including vegetable and animal offal.

Glass food container means a glass bottle or jar of any size or shape used to package food products suitable for human or animal consumption.

IPC means intermediate processing center that receives, processes and markets recyclables.

Leaves or leaf waste material means the fallen foliage of trees.

Manager means the Superintendent of Public Utilities or his authorized representative.

Metal food container means an aluminum, bimetal, steel, tin-plated steel or other metallic can, plate or tray of any size or shape used to package food products suitable for human or animal consumption.

Municipality or *City* means the City of Danbury.

Newspaper means used or discarded newsprint which has a minimum of contamination by food or other material.

Office paper means any used or discarded high-grade white paper and Manila paper includ-

ing, but not limited to, paper utilized for file folders, tab cards, writing, typing, printing, computer printing and photocopying, which is suitable for recycling and which has a minimum of contamination. For purposes of this article, this definition of office paper excludes any such paper generated by households.

Paper leaf bags means a container described in section 36-119 and used for the sole purpose of disposing of leaves.

Plastic food container means a polyethylene terephthalate (PET) container of not more than three (3) liters in volume, or a high-density polyethylene (HDPE) container of not more than one (1) gallon in volume, used to package food products suitable for human or animal consumption.

Recyclable materials means materials identified in section 36-114.

Recycling means the separation or diversion of an item or items from the solid wastestream for the purposes of processing it or causing it to be processed into a material product, including the production of compost, in order to provide for disposition of the item or in a manner, other than incineration or landfilling, which will better protect the environment. Nothing in this definition shall preclude the use of waste oil as fuel in an oil burner.

Recycling Center means the City Recycling Facility or IPC located at 307 White Street in the City of Danbury or such other area or areas as designated by the City Council.

Recycling container means a container described in section 36-119 and used for the sole purpose of disposing of glass, metal and plastic food and beverage containers.

Residential property means real estate containing one (1) or more dwelling units but shall not include hospitals, motels or hotels.

Rubbish means all nonputrescible waste materials, except ashes, including, but not limited to, wood, glass, bedding, crockery and industrial wastes. The term "rubbish" does not mean, nor does it include in its meaning, unacceptable waste or recyclable materials.

Scrap metal means used or discarded items which consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel or alloys thereof, including, but not limited to, white goods and metal food containers.

Solid waste means solid, liquid, semisolid or contained gaseous material that is unwanted or discarded, including, but not limited to, demolition debris, material burned or processed at a resources recovery facility or incinerator, material processed at a recycling facility and sludges or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility.

Storage battery means lead acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, tractors and like applications.

Unacceptable waste includes:

(1) Any item of waste either smoldering or on fire.

(2) Waste in quantities and concentrations which by law require special handling in their collection and/or processing.

(3) All other items of waste which at the time of delivery to the Recycling Center or IPC would be likely to pose a threat to health or safety or would not normally be disposed of in a recycling center or IPC or would be prohibited by any judicial decision, order or action of any federal, state or local government or any agency thereof, or any other regulatory authority or any applicable law or regulation from being disposed of at the Recycling Center or IPC.

Waste oil means crankcase oil that has been utilized in internal-combustion engines.
(Code 1961, § 16A-78; Ord. No. 406, § 16A-68, 12-17-1990; Ord. No. 431, § 16A-68, 1-7-1992)

Sec. 36-111. Purpose.

There is hereby established a program for the mandatory separation of recyclables from garbage or rubbish within the City to comply with Public Act 90-220 (codified in C.G.S. § 22a-207 et seq.)

and subsequently adopted regulations mandating recycling, thereby providing for the health and welfare of the citizens of the City.
(Code 1961, § 16A-77; Ord. No. 406, § 16A-67, 12-17-1990)

Sec. 36-112. Enforcement.

(a) Any collector found to have violated the requirements of section 36-116 or 36-121(1) shall be subject to the penalties provided for in section 1-8. In addition, the City reserves the right to suspend or revoke the permit of any such collector.

(b) Any person who violates the provisions of section 36-118 shall be subject to the following penalties:

(1) Upon a first or second offense, the violator shall receive a written warning.

(2) Upon a third offense occurring within a period of one (1) year from the date of the original offense, the violator shall be subject to a fine in the amount of fifty dollars ($50.00).

(3) Upon any subsequent offense occurring within a period of one (1) year from the date of the original offense, the violator shall be subject to the penalties provided for in section 1-8.

(c) In accordance with the Authority provided in C.G.S. § 22a-241i any commercial establishment that is found to have violated the provisions of C.G.S. § 22a-241b(d) shall be subject to a fine in the amount of five hundred dollars ($500.00) for each such violation.

(d) Any person who violates any other provision of this article shall be subject to the penalties provided for in section 1-8.

(e) Any person, firm, corporation or other entity penalized pursuant to this section or whose permit has either been suspended or revoked pursuant to this section may request and shall be granted a hearing on the matter before any three (3) of the following four (4) individuals: the Mayor, the Town Clerk, the Director of Human Resources, the Zoning Enforcement Officer or the duly authorized designees of said individuals; provided, that either such person, firm, corporation or other entity shall file in the office of the Department of Public Works a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the fine has been levied or the permit suspended or revoked, or, notwithstanding the foregoing, the Department of Public Works determines that a hearing is appropriate. Upon receipt of such petition, or upon a determination by the Department of Public Works that a hearing is appropriate, the Department of Public Works shall set a time and place for such a hearing and shall give the establishment of such a hearing shall operate to stay any proposed penalty until the decision of the hearing board is rendered.

(f) At such hearing the petitioner shall be given the opportunity to be heard. Any such petitioner may be represented by counsel of his choosing, shall have the right to present evidence, cross-examine witnesses and present oral and written testimony. Within ten (10) days following any such hearing, the petitioner shall be advised in writing, by certified mail, of the decision of the hearing board, which decision shall include written findings of fact which support that decision.

(g) During the period of any permit suspension or revocation, no permit shall be issued:

(1) To any person who is or was an owner of or partner in any unincorporated business whose permit, during the period of such ownership, was suspended or revoked or who owns or owned fifty (50) percent or more of the stock of any corporation whose permit, during the period of such ownership, was suspended or revoked.

(2) To any partnership or unincorporated business in which any owner or partner is or was the owner of or partner in any unincorporated business whose permit, during the period of such ownership, was suspended or revoked or in which any partner or owner owns or owned fifty (50) percent or more of the stock of any

corporation whose permit, during the period of such ownership, was suspended or revoked.

(3) To any corporation in which the owner of fifty (50) percent or more of the stock is or was the owner of fifty (50) percent or more of the stock of any corporation whose permit, during the period of such ownership, was suspended or revoked or is or was the owner of or partner in any unincorporated business whose permit, during the period of such ownership, was suspended or revoked.

(h) For purposes of the computation of the ownership of stock in any corporation or the interest in any partnership or unincorporated business under the provisions of this subsection, the interest of any person shall include: Any beneficial interest held for the benefit of such person or for the benefit of any person of the type set forth herein whether in trust or otherwise; or any interest owned by the spouse of such person if the person and the spouse shall file a joint tax return for purposes of federal or state tax; or any interest owned by any person who the person shall claim as a dependent upon his federal or state tax return.

(i) The City may require of any permittee or permit applicant such information, under oath, as it deems necessary for purposes of enforcement of subsection (g) of this section. To the extent permitted by law, such information shall not be disclosed except to the extent necessary for the determination, by the appropriate municipal authorities, of a permittee's compliance with the provisions hereof.
(Code 1961, § 16A-86; Ord. No. 406, § 16A-76, 12-17-1990; Ord. No. 460, 4-6-1993)

Sec. 36-113. Authority to adopt regulations.

The Director is hereby authorized to adopt such regulations as he deems necessary to implement the provisions of this article. At least one (1) public hearing, notice of which shall be given at least five (5) days but not more than fifteen (15) days in advance by publication in a newspaper having a general circulation in the City and by posting a notice of such hearing in a public place, shall be held by the manager before any such regulation is adopted. After adoption, every regulation shall, within ten (10) days, be published in its entirety in a newspaper having a general circulation in the City and, unless it shall specify a later date, become effective on the thirtieth (30th) day after such publication.
(Code 1961, § 16A-87; Ord. No. 406, § 16A-77, 12-17-1990)

Sec. 36-114. Separation of certain recyclable materials.

Each person who generates solid waste from residential property shall, in accordance with C.G.S. § 22a-220(f), separate from other solid waste the items designated for recycling pursuant to C.G.S. § 22a-241b, or section 36-115 and every other person who generates solid waste shall, in accordance with C.G.S. § 22a-220(f), make provision for the separation from other solid waste of the items designated for recycling pursuant to C.G.S. § 22a-241b or section 36-115.
(Code 1961, § 16A-79; Ord. No. 406, § 16A-69, 12-17-1990; Ord. No. 431, § 16A-69, 1-7-1992)

Sec. 36-115. Items to be recycled.

The following items shall be separated and recycled in accordance with the provisions of this article:

(1) Cardboard.

(2) Glass food containers.

(3) Leaves.

(4) Metal food containers.

(5) Newspapers.

(6) Office paper.

(7) Scrap metal.

(8) Storage batteries.

(9) Waste oil.

(10) Plastic food containers.
(Code 1961, § 16A-80; Ord. No. 406, § 16A-70, 12-17-1990; Ord. No. 431, § 16A-70, 1-7-1991)

Sec. 36-116. Registration of solid waste collectors; duties and qualifications.

(a) In accordance with the provisions of C.G.S. § 22a-220a(d), any collector hauling solid waste generated by residential, business, commercial or other establishments in the City shall register annually with the City on forms prescribed by the manager. Upon registration and payment of an annual permit fee of one hundred dollars ($100.00), each such collector shall be issued a permit to collect or continue the collection of solid waste within the City. Permits issued hereunder shall not be transferred by the holder thereof. Each such collection shall comply with the requirements of C.G.S. § 22a-220a(d) and provide the information identified in C.G.S. §§ 22a-220(h)(3) and 22a-220(h)(4). Each collector shall further be required to sign an affidavit of origin, under penalty of false statement, that all recyclables disposed of in the name of the City or its residents shall originate from residential properties located within the corporate limits of the City or from such other locations as the City may permit.

(b) Each collector permitted to collect solid waste within the City pursuant to the provisions of subsection (a) of this section shall, subject to the further provisions hereof, collect or cause to be collected all recyclables generated by their Danbury customers and required to be recycled pursuant to the requirements of this article.

(c) No collector shall be required to provide collection services to any customer who is more than thirty (30) days delinquent in the payment of the collector's fee. If the delinquent customer shall discharge his delinquency, the collector shall immediately resume collection services to the customer.

(d) As conditions of the permits issued pursuant to this section, all collectors shall comply with the following requirements.

(1) Collectors shall conform with all provisions of federal, state and local law.

(2) Collectors shall keep accurate records of and report to the City or to any other entity designated by it the amounts, both in the aggregate and by category designated in section 36-115, of all recyclable materials collected by such collector within the City.

(3) Collectors shall pay to the Housatonic Resources Recovery Authority or to the IPC operator or to any other entity designated by them the applicable tipping fees and charges with respect to those categories of recyclable materials accepted by and delivered to the IPC by such collector.

(4) When delivering recyclable materials to an IPC, collectors shall use only equipment compatible with the efficient operation of the IPC, which equipment shall be subject to the reasonable approval of the operator thereof.

(5) Collectors shall be responsible for all costs or damages relating to the delivery by it to the IPC of materials other than those recyclable materials which have been designated and approved by the City for delivery to the IPC.

(6) Collectors shall provide to the Housatonic Resources Recovery Authority and to the IPC operator or owner a suitable performance bond or letter of credit to ensure the performance of the collector's obligations hereunder. Said security shall be in such forms and amounts as determined by the City.

(7) Collectors shall provide insurance covering their recycling operation, which coverage shall include the City, the Housatonic Resources Recovery Authority and, if recyclable materials are delivered to an IPC, the IPC owner and its operator as additional insureds. Such coverage shall include, but not be limited to, general liability, automotive liability, excess liability, workers' compensation and employer's liability in amounts reasonably deemed adequate by the City.

(Code 1961, § 16A-81; Ord. No. 406, § 16A-71, 12-17-1990; Ord. No. 472, 5-27-1993)

Sec. 36-117. Collectors to assist in obtaining compliance with the requirements of the recycling program.

Any collector who has reason to believe that a person from whom he collects solid waste has discarded recyclable items with such solid waste in violation of the provisions of this article or of C.G.S. § 22a-241b shall promptly notify the manager of the alleged violation. Upon the request of the manager, a collector shall provide warning notices, by the placement of tags provided by the City, to any person suspected by the collector or the City of violating the separation requirements of state law or this article. Each collector shall also be required to assist the City in the identification of any person responsible for creating loads containing significant quantities of items subject to the separation requirements of state law or this article which are delivered to a resources recovery facility, landfill or solid waste facility by the collector and detected by the owner or operator of such a facility pursuant to C.G.S. § 22a-220c(b).
(Code 1961, § 16A-82; Ord. No. 406, § 16A-72, 12-17-1990)

Sec. 36-118. Preparation and disposal of recyclables.

(a) The following materials that are generated from residential property and required to be recycled pursuant to the provisions of section 36-115, if disposed of by a collector, shall be pr pared for collection by the resident in accordance with the further provisions hereof:

(1) Cardboard shall be flattened and, together with newspaper, shall be tied with string or twine in bundles not exceeding fifty (50) pounds in weight.

(2) Glass, metal and plastic food or beverage containers shall contain a minimum of contamination and may be mixed together in a separate recycling container of the type specified in section 36-119. The removal of lids and labels from such food and beverage containers shall not be required; provided, however, that ceramic lids shall be separated and shall not be mixed with other recyclable materials. No other recyclable materials or solid waste shall be disposed of in such recycling container.

(b) After being prepared in the manner described in subsection (a)(1) and (2) of this section, newspaper, cardboard and each recycling containers shall be placed for collection purposes within ten (10) feet of the street or curbline or in such other location as shall be agreed upon by the owner or tenant and the collector. The newspaper, cardboard and containers shall be so placed not earlier than twelve (12) hours before the scheduled time of collection nor later than 7:00 a.m. on the scheduled collection days and shall be removed from the street, curbline or other collection point within twelve (12) hours after the materials therein have been collected. Said newspaper, cardboard and containers shall be so placed in such a manner that such containers do not constitute a travel or health hazard or nuisance of any sort. The collector shall deliver all recyclables so set out for collection to such locations as shall be designated by the City.

(c) Glass, metal and plastic food and beverage containers shall contain a minimum of contamination. The removal of lids and labels for the food and beverage containers shall not be required; provided, however, that ceramic lids shall be separated and shall not be mixed with other recyclable materials.

(d) On days specified by the manager as leaf waste collection days during the month of November and during any additional periods designated by the manager, all residents in the City shall place their leaf waste material generated from residential property into paper leaf bags. Paper leaf bags shall be placed on the curbside or at such other locations as may be approved by the City in a manner assuring access by those employees of the City collecting those paper bags. No containers except those of the type described herein may be used for the disposal of leaves. The disposal of any other materials in paper leaf bags is hereby prohibited. The City may refuse to collect leaves from any person who fails to comply with the provisions hereof.

(e) Nothing herein shall preclude a person from using back yard or decentralized composting as a method for disposal of their leaves.

(f) All storage batteries and waste oil required to be recycled in accordance with the provisions of section 36-115 and generated from residential properties shall be delivered to such locations as the City Council shall prescribe.

(g) All persons generating solid waste from nonresidential properties shall make arrangements to have all recyclable materials described in section 36-115 collected and recycled in a manner consistent with the provisions of state law and this article.
(Code 1961, § 16A-83; Ord. No. 406, § 16A-73, 12-17-1990; Ord. No. 431, § 16A-73(a), (b), 1-7-1992)

Sec. 36-119. Recycling containers.

(a) All glass, metal and plastic food and beverage containers generated from residential properties shall be prepared for disposal in accordance with the provisions of section 36-118(a) and placed in a recycling container, which shall be a plastic bag constructed of transparent blue polyethylene material. The recycling containers shall be provided by the person generating the recyclable materials.

(b) All newspapers and cardboard generated from residential properties shall be prepared for disposal in accordance with the provisions of section 36-118(a).

(c) All leaves generated from residential properties shall be prepared for disposal in accordance with the provisions of section 36-118(c) and placed in a paper leaf bag, which shall be a Sanitary Kraft Paper Sack or equal of thirty-gallon capacity, two (2) ply, fifty (50) pound wet strength, with decomposing glue and reinforced, self-supporting square bottom closure. The recycling containers shall be provided by the person generating the leaves.
(Code 1961, § 16A-84; Ord. No. 406, § 16A-74, 12-17-1990; Ord. No. 431, § 16A-74(a), 1-7-1992)

Sec. 36-120. Ownership of recyclables; scavenging prohibited.

(a) Upon placement of recyclables on the street or at the curbline or at such other location as has been agreed upon by the property owner or tenant and the collector, or upon delivery of recyclables to any disposal site designated by the City pursuant to the provisions of this article, it shall be a violation of this article for any person other than the depositor or the collector or the authorized agents of the City acting in the course of their employment to collect or pick up any such recyclables or cause the same to be collected or picked up.

(b) In addition to the fine imposed for violation of this provision, the violator may be required to make restitution to the City for the value of any materials illegally removed.

(c) Nothing in this article shall abridge the right of any person to give or sell their recyclables, including deposit beverage containers, to any person; provided, that such materials shall not have been set out on the street or curbline or at any designated collection, pickup or disposal site.
(Code 1961, § 16A-85; Ord. No. 406, § 16A-75, 12-17-1990)

Sec. 36-121. Designation of sites for the disposal of recyclable materials generated from residential properties.

The City does hereby designate the following authorized sites for the disposal of certain recyclable materials generated from residential properties within the City:

(1) Each collector authorized to collect recyclable materials from residential properties within the City shall deliver all newspapers, cardboard, storage batteries, waste oil, glass food and beverage containers, metal food and beverage containers, and plastic food and beverage containers so collected to the site of the Recycling Center. These recyclable materials shall be so delivered for subsequent processing or sale in accordance with the agreement executed or to be executed by

the City of Danbury and the Housatonic Resources Recovery Authority titled, "Municipal Recycling Services Agreement Between Housatonic Resources Recovery Authority and the City of Danbury," copies of which are on file in the office of the City Public Utilities Division of the Department of Public Works, located on Newtown Road in Danbury for public inspection.

(2) Subject to the provision of section 36-120(c), all persons not served by a collector shall deliver their newspapers, cardboard, storage batteries, waste oil, glass food and beverage containers, metal food and beverage containers, and plastic food and beverage containers generated from residential properties to the Danbury Drop-off and Recycling Center located at 307 White Street in Danbury, Connecticut, for subsequent processing or sale.

(Code 1961, § 16A-88; Ord. No. 421, § 16A-79, 6-4-1991; Ord. No. 431, § 16A-79, 1-7-1992)

Secs. 36-122—36-140. Reserved.

ARTICLE VI. REGIONAL RESOURCES RECOVERY AUTHORITY*

Sec. 36-141. Adoption of state law.

The provisions of C.G.S. ch. 103b (C.G.S. § 7-273aa et seq.) are adopted.

(Code 1961, § 16A-58; Ord. No. 340, § 1, 8-5-1986)

Sec. 36-142. Creation and establishment of Authority.

A public body politic and corporate of the state, to be known as the "Housatonic Resources Recovery Authority" (hereinafter referred to as the "Authority"), constituting a political subdivision of the State of Connecticut, established and created for the performance of an essential public and governmental function, is hereby created for the purposes, charged with the duties and granted the powers as provided in C.G.S. ch. 103b (C.G.S. § 7-273aa et seq.), 446d (C.G.S. § 22a-207 et seq.) and 446e (C.G.S. § 22a-257 et seq.), which Authority is hereby designated as the Regional Resources Recovery Authority for the City of Danbury. The Authority shall be the regional Resources Recovery Authority for the City of Danbury and for such other member municipalities as shall by ordinance concurrent herewith adopt the provisions C.G.S. ch. 103b (C.G.S. § 7-273aa et seq.), create the Authority and designate the Authority as their Regional Resources Recovery Authority, and such other municipalities as shall by ordinance and upon such terms and conditions as the Authority may determine hereafter become member municipalities of the Authority.

(Code 1961, § 16A-59; Ord. No. 340, § 2, 8-5-1986; Ord. No. 376, 5-2-1989)

Sec. 36-143. Purpose for Authority.

The Authority is established and created for the purpose of providing solid waste management and disposal services within the region of the Authority, which shall be the region within the jurisdiction of all of the member municipalities of the Authority, and which purpose includes providing for the disposal of residential and commercial solid waste the financing, construction and operation of one (1) or more solid waste disposal facilities for such purpose, and the delivery of solid waste thereto, including facilities for incineration of solid waste and production of steam, electricity and other by-products for sale to public utilities and others.

(Code 1961, § 16A-60; Ord. No. 340, § 3, 8-5-1986)

Sec. 36-144. Membership; number; appointment generally; term; alternate members.

(a) The membership of the Authority shall consist of one (1) member from each member municipality of the Authority. Each such member, including each of the first members of the Authority, shall be appointed in the manner set forth in the concurrent ordinance adopted by each member municipality. Members shall serve for terms of three (3) years. Members shall continue to serve

*State law reference—Municipal solid waste recovery authorities, C.G.S. § 7-273aa et seq.

until their successors are appointed and have qualified. In no event shall the terms of more than one-half (½) of the members expire simultaneously. If because of the addition or reduction of the number of member municipalities, the terms of more than one-half (½) of the members would expire simultaneously, then the terms of a sufficient number of members shall be automatically extended for a period of one (1) year. Said extensions shall be based upon the alphabetical order of the member municipalities.

(b) Each member municipality may appoint one (1) alternate member of the Authority who shall act in the event of the disability or absence for any other reason of the member of the municipality. Said alternate representative shall have a voice at authority meetings and vote at authority meetings if the regular representative from said municipality is absent from the meeting.
(Code 1961, § 16A-61; Ord. No. 340, § 4, 8-5-1986; Ord. No. 376, 5-2-1989)

Sec. 36-145. Danbury's member and alternate; appointment and confirmation; filling of vacancies and removal; qualifications.

The Mayor of the City of Danbury shall appoint and the City Council shall confirm the Danbury member and alternate to the Authority. The Mayor shall fill any vacancy which occurs and may remove said member or alternate for cause. No person shall be eligible for appointment as a Danbury member or alternate to the Authority unless at the time of his appointment he is an elector of the City. Any such person who ceases to be an elector of the City shall thereupon cease to hold said office.
(Code 1961, § 16A-62; Ord. No. 340, § 5, 5-8-1986)

Sec. 36-146. Voting units; quorum.

(a) The Authority shall operate with one hundred (100) voting units which shall be assigned to member municipalities in proportion to each municipality's share of the total population of all members of the Authority as determined by the latest decennial federal census of population. There shall be no fractional votes and each municipality shall have a minimum of one (1) vote. The distribution of voting units among members shall be recomputed following each decennial federal census and upon the withdrawal or termination of any member municipality or the admission of a new member municipality. All actions by the Authority shall require the affirmative vote of at least fifty-one (51) percent of the total voting units present and voting at a duly called meeting or the Authority at which a quorum is present.

(b) Members of the Authority holding a majority of the voting units shall constitute a quorum; provided, that no quorum shall be deemed to exist unless at least fifty-one (51) percent of the members of the Authority shall be present.
(Code 1961, § 16A-63; Ord. No. 340, § 6, 8-5-1986; Ord. No. 376, 5-2-1989)

Sec. 36-147. Compensation of members.

Members of the Authority shall serve without compensation but may be reimbursed for their necessary expenses.
(Code 1961, § 16A-64; Ord. No. 340, § 7, 8-5-1986; Ord. No. 376, 5-2-1989)

Sec. 36-148. Withdrawal of member municipalities.

Member municipalities may withdraw from the Authority only after agreeing, in writing, to comply with the terms and conditions contained in any contracts between such municipality and the Authority, or the holders of any bonds of the Authority. No such withdrawal shall relieve such municipality of any liability, responsibility or obligation incurred by it as a member of the Authority or as a user of any of the Authority's projects.
(Code 1961, § 16A-65; Ord. No. 340, § 8, 8-5-1986)

Chapter 37

RESERVED

Chapter 38

SPECIAL ASSESSMENTS*

Sec. 38-1.	Assessments generally.
Sec. 38-2.	Applicability to future construction.
Sec. 38-3.	Properties exempted; exception to exemption.
Sec. 38-4.	Determination of cost of public work or improvement; authority to divide benefited territory into districts.
Sec. 38-5.	Criteria for determination of assessment.
Sec. 38-6.	Formula for calculation of assessment.
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Sec. 38-8.	Calculation of frontage.
Sec. 38-9.	Authority of council to provide for installment method of payment.
Sec. 38-10.	Enactment procedure.
Sec. 38-11.	Deferred assessment.
Sec. 38-12.	Delinquent assessments.

*State law reference—Special assessments generally, C.G.S. § 7-139 et seq.

Sec. 38-1. Assessments generally.

At any time after the City of Danbury, by its City Council, resolves to lay out or construct any public work or improvement, the City Council may levy benefit assessments upon the lands and buildings in the municipality which, in its judgment, are especially benefited thereby, whether they abut on such public work or improvement or not, and upon the owners of such land and buildings, according to such rule as the City Council adopts, subject to the right of appeal as hereinafter provided.
(Code 1961, § 2-143.1; Ord. No. 278, § A, 12-1-1981)

Sec. 38-2. Applicability to future construction.

In the event the building or buildings are constructed or expanded after the initial assessment hereunder, the City Council may assess benefits against same as if said buildings or structures had existed at the time of the initial assessment.
(Code 1961, § 2-143.2; Ord. No. 278, § B, 12-1-1981)

Sec. 38-3. Properties exempted; exception to exemption.

(a) Benefits shall not be assessed against property not zoned for business, commercial or industrial purposes nor for land classified as farm land, forest land or open space land as of the last-completed grand list of the City pursuant to C.G.S. §§ 12-107a through 12-107e unless said land has been constructed upon or has been approved for construction, expansion or development.

(b) The provisions of subsection (a) of this section notwithstanding, property zoned for residential use may be assessed in accordance with the further provisions hereof if same has been subdivided, has been built upon or where a building permit has been issued thereon.
(Code 1961, § 2-143.3; Ord. No. 278, § C, 12-1-1981)

Sec. 38-4. Determination of cost of public work or improvement; authority to divide benefited territory into districts.

The City Council shall ascertain the cost of the public work or improvement and in so doing shall take into account all costs of construction, including, but not limited to, the cost of construction, land acquisition, all costs connected with borrowing whether by temporary or permanent financing, all engineering or legal fees especially chargeable to the project, and any other costs or expenses needed to build the public work or improvement or a portion thereof, and may divide the total territory to be benefited into districts or segments and may levy assessments against the property benefited in each district or segment separately.
(Code 1961, § 2-143.4; Ord. No. 278, § D, 12-1-1981)

Sec. 38-5. Criteria for determination of assessment.

(a) The City Council shall assess the benefits of each public work or improvement based upon the following criteria:

(1) Area of the property benefited.

(2) Frontage of the property benefited.

(3) Number of building units. As to residential property, the present permitted zoning classification of the property benefited, including the existing number of units thereon or the number of units allowable under zoning regulations, whichever is greater. As to property zoned commercial or industrial, a unit shall constitute for purposes of this division an area of five thousand (5,000) square feet; any commercial or industrial property of less than five thousand (5,000) square feet which contains or can be permitted to contain a lawful use shall be deemed to contain five thousand (5,000) square feet for the purposes of this division, and any commercial or industrial property containing more than five thousand (5,000) square feet, to the extent that such excess over five thousand (5,000) square feet does

not constitute a full unit as set forth herein, shall be assessed based upon the percentage that such excess bears to a full 5,000-square-foot unit.

(4) The grand list valuation of the property benefited, including both land and buildings.

(b) The City Council may make reasonable allowances whenever for any reason the particular situation of any property requires an allowance.
(Code 1961, § 2-143.5; Ord. No. 278, § E, 12-1-1981)

Sec. 38-6. Formula for calculation of assessment.

The assessment of benefits according to the criteria set forth in section 38-5 shall be made in accordance with the following formula so that each of the four (4) elements is given a weight of twenty-five (25) percent in each owner's assessment of benefits vis-à-vis other properties subject to assessment under this division. Each owner's assessment shall represent a portion of the total cost of the project in question.

(1) Area of lot or parcel to be assessed divided by total areas of lots, parcels or property subject to assessment hereunder and served by project equals ____.

(2) Frontage of lot or parcel to be assessed divided by total frontage of parcels or lots or property subject to assessment hereunder and served by project equals ____.

(3) Number of existing building units on lot or parcel to be assessed divided by total number of building units in area served by project equals ____.

(4) Property valuation (latest grand list) for tax purposes of lot or parcel assessed divided by total property valuation (latest grand list) for tax purposes of all lots, parcels, buildings and improvements subject to assessment hereunder in area served by project equals ____.

(5) Total of subsections (1) through (4) of this section inclusive above equals ____.

(6) The total sum derived from subsection (5) of this section shall be divided by four (4) (or multiplied by twenty-five one hundredths (0.25)) to arrive at a multiplier to determine each owner's assessment when said multiplier is multiplied against the difference between the total cost of the public work or improvement in question and that portion of the cost of said project attributable to the benefit accruing to the public in general.

(Code 1961, § 2-143.6; Ord. No. 278, § F, 12-1-1981)

Sec. 38-7. Use of maps of City Assessor for measurements.

For the purposes of any measurements required under this chapter, the maps of the Assessor of the City shall be deemed applicable and accurate unless shown to be otherwise by a Class A2 survey certified by a registered land surveyor.
(Code 1961, § 2-143.7; Ord. No. 278, § G, 12-1-1981)

Sec. 38-8. Calculation of frontage.

(a) For purposes of this chapter, any lot with frontage on a street shall be deemed to have a minimum frontage of fifty (50) feet even though the actual frontage shall be less than fifty (50) feet. For purposes of this chapter, any landlocked lot benefiting from a public work or infrastructure improvement shall be deemed to have a minimum frontage of fifty (50) feet even though the lot has no actual street frontage.

(b) A corner lot which is at the intersection of and abuts two (2) or more streets, when the angle of intersection is not more than one hundred thirty-five (135) degrees, or where the intersection is rounded by a curve having a radius of less than one hundred (100) feet, shall be assessed by the sum of the sides (a side hereby being a minimum of fifty (50) feet for these calculations) divided by the number of sides.
(Code 1961, § 2-143.8; Ord. No. 278, § H, 12-1-1981; Ord. No. 587, 1-21-2003)

Sec. 38-9. Authority of council to provide for installment method of payment.

The City Council may, by resolution, provide for an installment method of payment of any assessment levied hereunder in a manner analogous to provisions specified in C.G.S. § 7-253.
(Code 1961, § 2-143.9; Ord. No. 278, § I, 12-1-1981)

Sec. 38-10. Enactment procedure.

(a) The City Council shall fix in the assessment of benefits resolution the due date of assessments made hereunder as well as the manner in which same shall be paid, whether in full or by installment pursuant to section 38-9.

(b) No assessment shall be made until after a public hearing before the City Council at which the owner of the property to be assessed shall have an opportunity to be heard concerning the proposed assessment. Notice of the time, place and purpose of such hearing shall be published at least ten (10) days before the date thereof in a newspaper having a circulation in the municipality, and a copy of such notice shall be mailed to the owner of any property to be affected thereby at such owner's address as shown in the last completed grand list of the municipality or at any later address of which the City Council may have knowledge. A copy of the proposed assessment shall be on file in the office of town clerk and available for inspection by the public for at least ten (10) days before the date of such hearing. When the City Council has determined the amount of the assessment to be levied, it shall file a copy thereof in the office of the town clerk and, not later than five (5) days after such filing, shall cause the same to be published in a newspaper having a circulation in the municipality. Such publication shall state the date on which such assessment was filed and that any appeals from such assessment must be taken within thirty (30) days after such filing. Any person aggrieved by any assessment may appeal to the superior court for the county or judicial district wherein the property is located and shall bring any such appeal to a return day of said court not less than six (6) nor more than twenty (20) days after service thereof, and such appeal shall be privileged in respect to its assignment for trial. Said court may appoint a state referee to appraise the benefits to such property and to make a report of his doings to the court. The judgment of said court, either confirming or altering such assessment, shall be final. No such appeal shall stay proceedings for the collection of the particular assessment upon which the appeal is predicated, but the appellant shall be reimbursed for any overpayments made if, as a result of such appeal, his assessment is reduced.
(Code 1961, § 2-143.10; Ord. No. 278, § J, 12-1-1981)

State law references—Notice of special assessment of benefits, C.G.S. § 7-139; notice of hearing on municipal assessments, C.G.S. § 7-141; appeal from municipal assessments, C.G.S. § 7-142.

Sec. 38-11. Deferred assessment.

(a) In the case of assessments for property zoned for residential use where said parcel contains a residential use and excess land as herein defined, the assessment shall be deferred to the extent that said excess property exceeds by more than one hundred (100) percent the size of the smallest lot permitted in the lowest density residential zone of the City until such excess land shall be built upon, be subdivided or until a building permit for construction on said excess land shall be issued, whichever shall first occur.

(b) No lien for payment shall be filed on property for which a deferral of assessment is required hereunder, but the City Council shall cause the Tax Collector on its behalf to place a caveat on the land records as to all land for which an assessment of benefits has been deferred hereunder.
(Code 1961, § 2-143.11; Ord. No. 278, § K, 12-1-1981)

Sec. 38-12. Delinquent assessments.

(a) Delinquent assessments shall be secured in the method hereinafter provided:

(1) Any assessment of benefits or any installment thereof, not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to inter-

est from such due date at the interest rate and in the manner provided by the General Statutes for delinquent property taxes. Each addition of interest shall be collectible as a part of such assessment.

(2) Whenever any installment of an assessment becomes delinquent, the interest on such delinquent installment shall be as provided in subsection (a)(1) of this section or five dollars ($5.00), whichever is greater.

(b) Any unpaid assessment and any interest due thereon shall constitute a lien upon the real estate against which the assessment was levied from the date of such levy. Each such lien may be continued, recorded and released in the manner provided by the General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as property tax liens. The Tax Collector of the municipality may collect such assessments in accordance with any mandatory provision of the General Statutes for the collection of property taxes, and the municipality may recover any such assessment in a civil action against any person liable therefor.
(Code 1961, § 2-143.12; Ord. No. 278, § L, 12-1-1981)

Chapter 39

RESERVED

Chapter 40

SPECIAL DISTRICTS

Article I. In General

Secs. 40-1—40-18. Reserved.

Article II. Transit District

Sec. 40-19. Established.
Sec. 40-20. Purpose of district.
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Article III. Downtown Special Services District

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ARTICLE I. IN GENERAL

Secs. 40-1—40-18. Reserved.

ARTICLE II. TRANSIT DISTRICT*

Sec. 40-19. Established.

Pursuant to the provisions of C.G.S. ch. 103a (C.G.S. § 7-273b et seq.) there is hereby established a transit district for the City of Danbury encompassing the territorial limits of said City.
(Code 1961, § 19A-1; Ord. No. 169, § 1, 1-20-1972)

State law reference—Authority to form transit district, C.G.S. § 7-273b.

Sec. 40-20. Purpose of district.

The purpose of said district shall be to ensure the continuance of adequate motor bus service in said City and the transit district shall possess and may exercise all of the powers granted by the General Statutes for transit districts including, without limitation, the right to form a district in cooperation with any other municipality.
(Code 1961, § 19A-2; Ord. No. 169, § 2, 1-20-1972)

Sec. 40-21. Board of Directors.

The affairs of said district shall be managed by a Board of Directors consisting of two (2) Directors, appointed by the City Council. Each Director shall serve for a term of four (4) years. Terms shall be staggered and shall begin in even numbered years. Their successors shall thereafter be appointed for a term of four (4) years. Any Director shall be a resident elector of the City of Danbury.
(Code 1961, § 19A-3; Ord. No. 169, § 3, 1-20-1972)

State law reference—Board of directors, C.G.S. § 7-273c.

Secs. 40-22—40-45. Reserved.

*State law reference—Transit districts, C.G.S. § 7-273b et seq.

ARTICLE III. DOWNTOWN SPECIAL SERVICES DISTRICT†

Sec. 40-46. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein:

Assessed value of real property for each fiscal year shall be the value of real property as listed on the grand list of the municipality, in effect as of October of the prior year.

Board of Commissioners means the executive body elected by the holders of record of a taxable interest in real property to govern the district.

Commissioner means any single member of the Board of Commissioners, with the exception of the ex officio members.

District means the municipal special services district established according to C.G.S. ch. 105a (C.G.S. § 7-339m et seq.), whose boundaries are delineated in section 40-49(a).

Ex officio denotes a nonvoting member.

Fiscal year means July 1 to June 30, unless it is changed by vote of the Board of Commissioners and approved by majority vote of the holders of record of a taxable interest in real property.

Holder of record of a taxable interest in real property means a corporation, partnership, unincorporated association, trustee, fiduciary, guardian, conservator or other form of entity or any combination thereof as identified in the records of the City of Danbury as having a taxable interest in real property located within the district.

Lessee of property means the tenant occupying and in possession of premises located on a property in the district.

Lessor of property means the holder of a leasehold interest in real property within the district who has subleased all or a portion of said leasehold interest as distinguished from a property owner.

†**State law reference**—Municipal special services districts, C.G.S. § 7-339m et seq.

Property means real property within the district that is identified in the tax records of the City of Danbury as a parcel of land and/or building for which there is a map and lot number assigned by the Assessor's office of the City of Danbury.

Property owner means the holder of record of a taxable interest in real property within the district.
(Code 1961, § 19B-2; Ord. No. 353, 7-7-1987)

Sec. 40-47. Purpose and intent.

Whereas the City of Danbury supports the revitalization of its downtown; and whereas revitalization requires improvements to the image and to the physical appearance of downtown; and whereas such improvements will benefit directly the owners of downtown property; and whereas C.G.S. ch. 105a (C.G.S. § 7-339m et seq.) statutes entitles any municipality to establish by ordinance of its legislative body within its confines a special services district to promote the economic and general welfare of its citizens and property owners; and whereas such a district enables property owners to tax themselves and administer such revenues to provide benefits and services for the district; now, therefore, in accordance with C.G.S. ch. 105a (C.G.S. § 7-339m et seq.), the City of Danbury does hereby establish a special services district within its confines, to be created and operated according to the procedures set out in C.G.S. ch. 105a (C.G.S. § 7-339m et seq.). The purpose of the district shall be to prevent further deterioration of the central business district; to enhance the environment in which people shop, live and work in the central business district; to demonstrate private commitment to the central business through physical, economic and social improvements; to work with the government of the City of Danbury to maximize the usefulness of available public funds by consolidating and coordinating private efforts to assist the City's downtown revitalization program; and to maintain physical, economic and social improvements to the central business district through a long-term operations strategy allocating organizational and financial responsibility.
(Code 1961, § 19B-1; Ord. No. 353, 7-7-1987)

Sec. 40-48. Powers of the district.

(a) *District legal status.* The district is a body politic and corporate subject to such statutes and regulations that govern such a legal body.

(b) *Powers.* The district shall have the following powers:

(1) To sue and be sued;

(2) To acquire, hold and convey any real estate, real or personal;

(3) To contract;

(4) To borrow money, provided any obligation incurred for this purpose shall be discharged not more than one (1) year after it was incurred, and such district may pledge any tax levies received against any such obligation;

(5) To recommend to the City Council the imposition of a levy upon the taxable interests in real property within such district, the revenues from which may be used in carrying out any of the powers of such district;

(6) To construct, own, operate and maintain public improvements;

(7) To provide, within such district, some or all of the services which said City of Danbury is authorized to provide therein, such as security services or cleaning services, excluding therefrom any elementary or secondary public education services, and provided that such services are not now being provided within any portion of the area included in such district by any multitown body or authority;

(8) To retain legal counsel with the approval of the City Council;

(9) To buy, lease and operate buses, minibuses or other transportation for shuttle service in the downtown area;

(10) To receive and use gifts and donations for the purposes of the district;

(11) To enter into, fund and perform agreements which reduce the cost of motor vehicle parking to residents and visitors of such district;

(12) To operate revenue-sharing facilities or events and to use the revenues for district purposes.

(Code 1961, § 19B-3; Ord. No. 353, 7-7-1987)

State law reference—Powers of district, C.G.S. § 7-339n.

Sec. 40-49. Boundary of the district.

(a) *Description.* The boundary of the district shall be all that certain piece or parcel of land described in section 40-54 and as revised in 2011.

(b) *Eligibility of tax-exempt property.* All property therein shall be included in the district. For the purpose of this district, the property owners of tax-exempt property within the district will not be eligible to vote, nor will they be subject to any tax levies, unless the tax-exempt status changes. If the tax-exempt status changes, the property shall be subject to the district tax levy in accordance with section 40-51, and such levy shall be pro-rated to cover the period from the change of the tax status to the end of the fiscal year.

(Code 1961, § 19B-4; Ord. No. 353, 7-7-1987; Ord. No. 711, 12-6-2011)

Editor's note—Schedule A, referred to in above, has not been included herein, but can be found on file for inspection by the public in the office of the legislative assistant.

Sec. 40-50. District organization and operations.

(a) *Board of Commissioners.*

(1) The Board of Commissioners shall have twelve (12) regular members and four (4) ex officio members. The Commissioners shall be elected at large from the entire district and may include members who are property owners, lessors of property, lessees of property and any employee(s) of the aforesaid categories. A majority of Commissioners must at all times be property owners within the district. The Board of Commissioners is hereby empowered to fill any vacancies which occur on the Board of Commissioners. The four (4) ex officio members will be the Mayor and the Planning Director, or their designees, a member of the Danbury Parking Authority selected by the Authority and a member of the Community Services Division of the Danbury Police Department selected by the Police Chief.

(2) The Board of Commissioners shall be the executive body governing the day-to-day operations of the district. The Board shall make administrative decisions and interpret policy for the district.

(3) The term of office for Commissioners shall be three (3) years.

(4) With the exception of the first election of the Board of Commissioners, a nominating committee shall be appointed by the Board to prepare nominations for the biennial election. Nominations may also be made at the time of the general meeting.

(5) Commissioners shall be elected by a plurality vote of a quorum of property owners present at the general meeting.

(6) The Board of Commissioners shall elect officers.

(7) The Board of Commissioners shall hire such staff assistance as is considered necessary to perform their duties and as is approved in the budget submitted to the general meeting.

(8) The Board of Commissioners and its staff shall be authorized to conduct the business of the district in a responsible manner.

(9) Commissioners are required to attend at least fifty (50) percent of all Board meetings during a given calendar year. The Chairperson of the Board of Commissioners shall notify the Board, in writing, of any Commission member who has failed to so attend. Upon receipt of such written notification, the Board may, after a hearing of the Board during which the

member in question may appear and respond to the notification, remove the violating member and fill the vacant position in accordance with subsection (a)(1) of this section.

(b) *General meetings of property owners.*

(1) There shall be an annual meeting of district property owners present or by proxy to approve the yearly budget and to conduct such other business as is determined necessary.

(2) Special meetings may be called by the Board of Commissioners to conduct business that cannot be postponed until the annual meeting.

(Code 1961, § 19B-6; Ord. No. 353, 7-7-1987; Ord. No. 430, 1-7-1992; Ord. No. 522, 12-3-1996; Ord. No. 540, 3-7-2000)

Sec. 40-51. District revenue and budget.

(a) *District budget.*

(1) The district shall adopt an annual budget at a general meeting of property owners, present or by proxy, and shall file the budget with the Director of Finance on or before February 1 each year. The annual budget may be amended as provided in the bylaws of the district. Amended budgets must be filed with the Director of Finance within fifteen (15) days of adoption.

(2) Upon the adoption of the interim budget the Board of Commissioners shall recommend to the City Council a levy upon taxable interests in real property within said district. Thereafter the Board of Commissioners shall recommend to the City Council, on or before April 1st of each year, a levy upon taxable interests in real property within such district. In accordance with C.G.S. § 7-339r(d), it shall be the obligation of the City Council to impose the recommended levy as a municipal levy and such levy shall be in addition to the regular municipal levy and it shall be the obligation of the City to collect such levy for the benefit of the district.

(3) Said budget shall include an amount to reimburse the City of Danbury for ordinary, customary and usual charges incurred by the City for those services performed on behalf of the special services district, such as preparing and mailing tax bills, collection of taxes and accounting services. Any controversy or dispute arising out of the amount claimed by the City of Danbury as reimbursement for said services shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

(b) *Collection of levy.*

(1) The levy upon taxable interests in real property in the district shall be due and payable in four (4) parts, on July 1, October 1, January 1, and April 1, following the adoption of the levy for the fiscal year. On or before July 1 each year, the Tax Collector of the City of Danbury shall bill holders of taxable interest in real property in the district.

(2) Delinquent interest charges shall be assessed on late district tax payments and shall be computed in the same manner as used for establishing delinquent charges on regular property tax bills of the City.

(3) The Tax Collector of the City of Danbury shall collect the district tax, interest charges, and any other revenue of the district and shall deposit said monies received in a special revenue fund of the City to be maintained by the Treasurer of the City for the benefit of the district.

(c) *Disbursement of funds.*

(1) No disbursement shall be made from said fund except in compliance with chapter VI, section 6-1 of the Revised Charter of the City of Danbury as the

same may be amended from time to time; and provided further, that said disbursement is based upon the written request of a duly authorized representative of the district and only in accordance with the then-current approved annual budget of the Board of Commissioners of the district. The district shall set forth in its bylaws procedures for approving disbursements of funds and for requesting such disbursements from the City, including, but not limited to, a procedure approved by the Treasurer of the City of Danbury whereby, upon the request of a duly authorized representative of the district, the Treasurer of the City shall issue checks payable to a special bank account established by the Board of Commissioners and upon which account duly authorized members or agents of the Board of Commissioners may issue checks, provided said disbursements are in accordance with the then-current annual budget of the Board of Commissioners of the district.

(2) All orders on contracts for expenditures approved by the Board of Commissioners on behalf of the district which meet the criteria established in C.G.S. § 7-339q shall be awarded to the lowest responsible bidder only after public invitation to bid, which shall be advertised in the newspaper having circulation in such special services district.

(Code 1961, § 19B-7; Ord. No. 353, 7-7-1987; Ord. No. 413, 3-5-1991)

Sec. 40-52. Municipal obligations.

(a) *Maintenance of effort and services.* Notwithstanding the powers of the district defined in section 40-48, the City shall continue to be obligated to provide existing municipal services within the district. Further, in keeping with the intent of this article, which is to improve the district through a cooperative effort of the City and the property owners of the district, the City agrees to maintain the existing level of municipal services provided within the district.

(b) *Municipal regulations.* The district shall be subject to such ordinances of the City as apply to private organizations conducting business with the municipality (e.g., zoning, inland wetland regulations, etc.). The City may waive local fees which may apply to activities conducted by the district.

(Code 1961, § 19B-8; Ord. No. 353, 7-7-1987)

Sec. 40-53. Dissolution of district.

The district may be dissolved as provided in C.G.S. § 7-339s.

(Code 1961, § 19B-9; Ord. No. 353, 7-7-1987)

Sec. 40-54. Legal description.

The Downtown Special Services District shall contain all those certain pieces or parcels of land situate in the City of Danbury, County of Fairfield and State of Connecticut lying within the following perimeter description:

(1) Commencing at a point on the easterly highway line of Main Street, which point marks the intersection of said easterly highway line of Main Street with the southerly boundary line of land now or formerly of New York, New Haven and Hartford Railroad Company; said point being the point of beginning;

(2) Thence running in an easterly direction along said southerly boundary line of land now or formerly of the New York, New Haven and Hartford Railroad company across Maple Avenue to its intersection with the westerly highway line of Balmforth Avenue;

(3) Thence running along said westerly highway line of Balmforth Avenue in a southerly direction across White Street to the westerly highway line of Patriot Drive;

(4) Thence continuing in a southerly direction along said westerly highway line of Patriot Drive across Independence Way and across Liberty Street to the southerly highway line of Liberty Street;

(5) Thence running in a southerly direction along the westerly highway line of said Liberty Street to its intersection with the northerly highway line of Keeler Street;

(6) Thence running across Keeler Street in a straight line to the northeast corner of parcel I14372 as shown on the Tax Assessor map, sheet I14;

(7) Thence running southerly along the easterly boundary line of said lot I14-372, fifty-nine (59) feet more or less to a point;

(8) Thence turning and running in a westerly direction along the southerly boundary line of said lot I14-372 to a point;

(9) Thence turning and running along the easterly boundary line of said lot I14-372 to a point lying along the northerly boundary line of lot I14-385 as shown on said Tax Assessor map I14;

(10) Thence turning and running along the southerly boundary line of said lot I14-372 to the northeasterly corner of lot I14-383 as shown on said Tax Assessor map I14;

(11) Thence turning and running along the easterly boundary line of said lot I14-383 to the northerly highway line of Center Street;

(12) Thence turning and running along said northerly highway line of Center Street to its intersection with the easterly highway line of Main Street;

(13) Thence running in a southwesterly direction in a straight line across Main Street to the intersection of the westerly highway line of said Main Street with the northerly highway line of Boughton Street;

(14) Thence running along said northerly highway line of Boughton Street to its intersection with the easterly highway line of Foster Street;

(15) Thence turning and running along said easterly highway line of Foster Street to its intersection with the southerly highway line of West Street;

(16) Thence running across West Street to the intersection of the northerly highway line of said West Street with the easterly boundary line of Terrace Place, being the southwesterly corner of Tax Assessor lot I14-148 as shown on said Tax Assessor map I14;

(17) Thence running along said easterly boundary line of Terrace Place, along the westerly boundary line of said lot I14-148, one hundred fifty-six (156) feet more or less to the northwesterly corner of said lot I14-148 and the southwesterly corner of lot I14-149 as shown on said Tax Assessor map I14;

(18) Thence turning and running along the northerly boundary line of said lot I14-148 to the northeasterly corner of said lot I14-148 lying along the westerly boundary line of Tax Assessor lot I14-147 as shown on Tax Assessor map I14;

(19) Thence running across said lot I14-147 to the southwesterly corner of Tax Assessor lot I14-174;

(20) Thence turning and running in a northerly direction along the westerly boundary line of said lot I14-174 to the southerly boundary line of Tax Assessor lot I14-150 as shown on said Tax Assessor map I14;

(21) Thence turning and running in an easterly direction along said southerly boundary line of said lot I14-150, ten (10) feet more or less to the southwesterly corner of Tax Assessor lot I14-172;

(22) Thence turning and running along the westerly boundary line of said lot I14-172 to the northwesterly corner of said lot I14-172 lying along the southerly boundary line of Chapel Place;

(23) Thence running across said Chapel Place to the southwesterly corner of Tax Assessor lot I14-170 as shown on Tax Assessor map I14;

(24) Thence running along the westerly boundary line of said lot I14170 to the northwesterly corner of said lot I14-170 lying along the southerly boundary line of Tax Assessor lot I14-164;

(25) Thence turning and running in a westerly direction along the southerly boundary line of said lot I14-164 to the southwesterly corner of said lot I14-164;

(26) Thence turning and running in a northerly direction along the westerly boundary line of said lot I14-164 to a northwesterly corner of said lot I14-164 and the southwesterly corner of Tax Assessor lot I14-161;

(27) Thence turning and running in an easterly direction along a northerly boundary line of said lot I14-164 to the southeasterly corner of said lot I14-161;

(28) Thence turning and running along a westerly boundary line of said lot I14-164, being the easterly boundary line of said lot I14-164 to the southerly boundary line of Library Place;

(29) Thence turning and running along said southerly boundary line of Library Place to a point opposite the southwesterly corner of Tax Assessor Lot I14-016 as shown on Tax Assessor map I14;

(30) Thence turning and running across said Library Place to said southwesterly corner of lot I14016;

(31) Thence running along the westerly boundary line of said lot I14-016 to the northwesterly corner of said lot I14-016;

(32) Thence turning and running in an easterly direction along the northerly boundary line of said lot I14-016 to a point where the most westerly boundary line of Tax Assessor lot I14-015 intersects with said northerly boundary line of said lot I14-016;

(33) Thence turning and running in a northerly direction along said westerly boundary line of lot I14-015 to the northwesterly corner of said lot I14-015;

(34) Thence turning and running in an easterly direction seven (7) feet more or less along the northerly boundary line of said Tax Assessor lot I14-015 to the southwesterly corner of Tax Assessor lot I14-014 as shown on Tax Assessor map I14;

(35) Thence turning and running along the westerly boundary lines of Tax Assessor lots I14-014, I14-013, I14-274 and I14-012 all as shown on Tax Assessor map I14 to the northwesterly corner of said lot I14-012 lying along the southerly boundary line of lot I14-011;

(36) Thence turning and running in a westerly direction along said southerly boundary line of lot I14-011 to the easterly boundary line of Tower Place, being the southwesterly corner of said lot I14011;

(37) Thence turning and running in a northerly direction along the said easterly boundary line of Tower Place being the westerly boundary line of said lot I14-011 and the westerly boundary line of Tax Assessor lot I14-010 to a point marking the northeasterly terminus of said Tower Place and the southwesterly corner of Tax Assessor lot I14-009;

(38) Thence running in a northerly direction along the westerly boundary line of said lot I14-009 to the southerly boundary line of Tax Assessor lot I14-007, being the northwesterly corner of said lot I14-009;

(39) Thence turning and running in a westerly direction along the southerly boundary lines of Tax Assessor lots I14-007, I14-004, I14-003 and I14-002 to the southwesterly corner of said lot I14-002;

(40) Thence turning and running in a northerly direction along the westerly boundary line of said lot I14-002 to the southerly highway line of Elm Street, being the northwesterly corner of said lot I14-002;

(41) Thence running in a northwesterly direction across Elm Street to the southwesterly corner of Tax Assessor lot H14-356 as shown on Tax Assessor map

H13 said point being the intersection of the northerly highway line of Elm Street with the northerly highway line of Kennedy Avenue;

(42) Thence running in a northwesterly direction along said northerly highway line of Kennedy Avenue, being the southerly boundary line of said tax lot H14356 to the intersection of the northerly highway line of Kennedy Avenue with the southerly highway line of Rose Street said point being the northwesterly corner of said lot H14-356;

(43) Thence running along said southerly highway line of Rose Street, being the northerly boundary line of lot H14-356 to the northeasterly corner of said lot H14-356 and the northwesterly corner of a parcel labeled UNK 1.358A on Tax Assessor map H13;

(44) Thence continuing along said southerly highway line of Rose Street along the northerly boundary of said Parcel labeled UNK 1.358A to its northeasterly corner and the northwesterly corner of Tax Assessor lot H13-289 as shown on Tax Assessor map H13;

(45) Thence continuing along said southerly highway line of Rose Street along said lot H13-289 to the northeasterly corner of lot H13-289 lying along a westerly boundary line of Tax Assessor lot H13-290;

(46) Thence turning and running along a jog in the said southerly highway line of Rose Street, along said lot H13-290 to the northwesterly corner of said lot H13-290;

(47) Thence turning and continuing along said southerly highway line of Rose Street along the northerly boundary line of said lot H13-290 and H13-294 to the westerly highway line of the aforementioned Main Street, said point being the northeasterly corner of lot H13-294;

(48) Thence running diagonally across said Main Street to the point of beginning.

(Ord. No. 711, § 19B-10, 12-6-2011)

Chapter 41

RESERVED

Chapter 42

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

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*State law reference—General authority relative to streets and sidewalks, C.G.S. § 7-148(c)(4)(F), (c)(6), (c)(7)(iii), (c)(7)(vi).

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ARTICLE I. IN GENERAL

Sec. 42-1. Policies, rules and regulations for use of municipal facilities.

The City of Danbury is authorized to establish policies and procedures for the use and rental of various municipal facilities by the public. The City Council may adopt, and may amend this section from time to time, and shall establish an annual schedule of use fees for said facilities. This policy shall apply to all City facilities as set forth, except the Danbury Public Library and those under the jurisdiction and control of the Stanley Lasker Richter Memorial Park Authority, the Tarrywile Park Authority and the Department of Parks and Recreation. The Superintendent of Public Buildings shall be responsible for the implementation of this section with respect to all municipal facilities and shall oversee the use of said facilities.
(Code 1961, § 11-1; Ord. No. 618, 6-2-2004)

Sec. 42-2. Removal of snow and ice from sidewalks; maintenance, repair and replacement of sidewalks; obstructions to public property; enforcement.

(a) *Snow and ice.*

(1) Every person owning or occupying any land fronting upon any sidewalk within the City shall, within four (4) hours of daylight immediately following the cessation of any fall of snow, or accumulation of ice thereon, cause the same to be removed, so that travel upon said sidewalk shall not be obstructed, dangerous or inconvenient, and, upon failure so to do within the time limit, shall be punished as provided in section 1-8. After the expiration of the time limit as aforesaid, if such snow and ice shall not have been removed, the Director of Public Works or his designee shall cause the same to be removed at the expense of such owner or occupier, such expense to be recovered from either the owner or occupier in an action brought in the name of the City.

(2) Pursuant to the provisions of C.G.S. § 7-163a, and notwithstanding the provisions of C.G.S. § 13a-149 or any other General Statute or Special Act, the City shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the City is the owner or person in possession and control of land abutting such sidewalk. The provisions hereof shall not relieve the City from any liability imposed by law resulting from its affirmative acts with respect to such sidewalk.

(3) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the City had prior to the effective date of the ordinance from which this section is derived and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of such injury.

(4) No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against the person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two (2) years from the date when the injury is first sustained.

(b) *Maintenance, repair and replacement.*

(1) Every person, firm, corporation, association or partnership owning any property abutting any public sidewalk within the City shall be responsible for:

a. The repair or replacement of damaged, unpaved or unsafe sidewalks;

b. Keeping the sidewalk unobstructed by any object, unless prior approval is granted by the City Council; and

c. Keeping the sidewalk extending along the full frontage of said property clean of sand, litter, trash or other debris at all times.

(2) The Director of Public Works or his designee may issue an order to any such owner requiring him to repair or replace any damaged, unpaved or unsafe sidewalk abutting his property within such period of time as is specified in said order. If the owner of any such property fails to comply with a proper order of the Director of Public Works or his designee, the Director of Public Works or his designee shall cause repairs or replacement as specified to be made at the expense of such owner, and such expense may be recovered from the owner of said abutting property in an action brought in the name of the City.

(3) For property abutting any public sidewalk located within the Downtown Revitalization Zone (DRZ), as specified in section 7.F. of the City of Danbury Zoning Regulations, the City may, at its discretion, and provided funding is duly appropriated for such purpose in accordance with law, repair or replace such sidewalks or portions thereof.

(c) *Obstructions to public property.* No person shall place or cause to be placed any snow, ice, sand, litter, trash or other debris or any object that obstructs, may obstruct or otherwise interferes with safe passage or the regular and proper maintenance or drainage of any street, road, public highway, sidewalk or other public property in the City.

(d) *Enforcement.*

(1) All lawful expenses incurred by the City by virtue of this section shall accrue interest at a rate of twelve (12) percent per annum and shall be a lien upon the premises adjoining such sidewalk, provided that the Director of Public Works or his designee shall cause a certificate of lien to be recorded in the Town Clerk's office within sixty (60) days of the completion of any necessary repair, replacement or removal authorized in this section. Said costs may also be assessed against the real estate and collected as part of the taxes pursuant to the provisions of C.G.S. § 12-169b. Any such amount added to the assessment shall constitute a lien upon the real estate and may be enforced in the same manner as property tax liens.

(2) For any violation of this section, any City Police Officer or the Director of Public Works or his designee, or member of the Unified Neighborhood Inspection Team (UNIT) for violations occurring within the DRZ, shall be authorized to issue citations as set forth in section 1-8.

(Code 1925, § 175; Code 1961, § 17-7; Ord. No. 263, 11-20-1980; Ord. No. 286, 10-5-1982; Ord. No. 694, 12-2-2008; Ord. No. 719, § 17-7, 11-19-2012)

State law reference—Authority to require owners or occupants of land adjacent to any sidewalk or public work to remove snow, ice, sleet, debris or any other obstruction therefrom, C.G.S. § 7-148(c)(6)(C)(v).

Sec. 42-3. Cleaning gutters.

Whenever the gutter opposite any dwelling house, store or other building, or lot or lots of ground in said City, shall at any time become obstructed with snow, ice, dirt or anything whatever, the owner, occupant or person having charge of the same, shall cause said gutter to be cleaned out so that water may run freely therein, under a penalty of not more than ten dollars ($10.00) for every such neglect, to be paid by the occupant, owner or person having charge thereof, severally and respectively. Whenever a gutter shall be permitted to remain obstructed as aforesaid, with snow, ice, dirt or anything whatever, for six (6) hours after notice is given to the owner, occupier, or persons having charge of the same, by the City Engineer, the City Engineer shall remove said obstruction, and the expense of said removal shall be collected from the owner or occupant in an action brought therefor in the name of the City.

(Code 1925, § 74; Code 1961, § 17-8)

State law reference—Authority to obtain lien for removal of snow, ice, sleet, debris or any other obstruction therefrom, C.G.S. § 7-148(c)(6)(C)(v).

Sec. 42-4. Bridges over gutters; obstructing water flow.

No person shall erect or construct any bridge over any gutter in any of the streets of the City,

or fill up any canal, drain, ditch or gutter made by Authority, or obstruct the course of any run of water in any street or public square without permission from the City Engineer.
(Code 1925, § 75; Code 1961, § 17-9)

Secs. 42-5—42-26. Reserved.

ARTICLE II. ROAD CONSTRUCTION

Sec. 42-27. Purpose; right-of-way dedication; warranty deed.

(a) It is the purpose of these specifications to establish minimum acceptable standards of road and street construction in the City of Danbury, Connecticut.

(b) Except as provided for in section 42-29, dedication of the right-of-way will not be accepted until the work has been completed as set forth in these specifications.

(c) Before any road or street is accepted as a public highway, there must first be delivered a marketable warranty deed conveying the right-of-way to the City of Danbury. The grantor thereof must also furnish the City of Danbury an acceptable certificate of title signed by a practicing attorney of the State of Connecticut.
(Code 1961, § 17-21; Ord. No. 52, § 1, 12-7-1965; Ord. No. 158, 3-2-1971)

Sec. 42-28. Acceptance of roads and highways.

(a) *Construction and Department of Public Works review prerequisite to acceptance.* The City Council shall take no action on any petition requesting the acceptance of a road or highway until the road or highway has been constructed and corresponding as-built plans have been referred to the Department of Public Works for review. Said as-built plans shall conform to the requirements contained in section 42-32(b).

(b) *Preliminary inspection.* Upon such referral the City Engineer shall perform an inspection of the road or highway and shall prepare a preliminary inspection report indicating whether or not the road or highway has been constructed in conformance with applicable provisions of this Code, applicable provisions of the Danbury Subdivision Regulations and any other requirements imposed by governmental authorities having jurisdiction over such construction projects or any portions thereof. The City Engineer shall provide copies of the preliminary inspection report to the City Council and the petitioner.

(c) *Correction of inadequacies.* The petitioner shall then be required to correct all items of work identified as inadequately completed in the preliminary inspection report.

(d) *Final inspection.* The City Engineer shall then perform an inspection of the road or highway and shall prepare a final inspection report indicating whether or not the inadequately completed items of work identified in the preliminary inspection report have been corrected and whether or not the road or highway is then in conformance with applicable provisions of this Code, provisions of the Danbury subdivision regulations and any other requirements imposed by governmental authorities having jurisdiction over such construction projects or any portions thereof. The City Engineer shall provide copies of the final inspection report to the City Council and the petitioner.

(e) *Supplementary inspections.* Any supplementary inspection required after completion of the final inspection due to the failure of the petitioner to correct any item of work identified as inadequately completed in the final inspection report, or in any supplementary inspection report shall be performed by the City Engineer at a cost to the petitioner of one hundred dollars ($100.00) per supplementary inspection. Copies of all supplementary inspection reports shall be provided to the City Council and to the petitioner.
(Code 1961, § 17-35; Ord. No. 331, 4-1-1986)

Sec. 42-29. Acceptance of certain existing private roads.

(a) *Statement of purpose and intent.* It is recognized that there exist in the City of Danbury certain private streets and roads which were constructed prior to the enactment of stringent road ordinances by the City of Danbury and its corporate predecessors as well as other roads with respect to which no bond exists

which could be successfully used to indemnify the City of Danbury for the cost of improving or constructing such roads. It is also recognized that these streets and roads are rapidly falling into decay and that the health, welfare and safety of the people living on these roads and streets will be adversely affected by the conditions of these streets and roads. It is also recognized that these streets and roads cannot meet the requirements of the current road ordinance of the City of Danbury; but that it is in the best interest of the people living on these streets and roads, and it is in the best interest of the City of Danbury, that such streets and roads be accepted by the City of Danbury as public highways.

(b) *Other ordinances not to apply.* Any street or road which meets the requirements of this section shall not have to comply with the existing ordinances of the City of Danbury pertaining to road construction, including, but not limited to, this article.

(c) *General requirements.* The City Council of the City of Danbury shall be authorized to accept streets and roads pursuant to the provisions of this section if, after giving due consideration to the financial impact of such acceptance, the following requirements have been met:

(1) There must not have been posted with the City of Danbury, or its corporate predecessors, a bond which can be successfully used to indemnify the City of Danbury for the cost of improving or constructing such streets or roads.

(2) A majority of the owners of property which abuts the road to be accepted must petition the City Council for acceptance under the provisions of this section.

(3) The right-of-way shall not be less than thirty (30) feet in width and the traveled portion shall not be less than twenty (20) feet in width. The Director of Public Works and the City Engineer must certify that the road is adequate to support the traffic which is expected to use it and that the road is in condition such that it is reasonably safe for public travel.

(4) Access to such road must be available from either a state highway or accepted City street.

(d) *Deed.* Before final acceptance, a deed to the road right-of-way and a certificate of title, both in a form satisfactory to the office of the Corporation Counsel must be delivered to the City. Any and all deeds and easements, together with appropriate hold harmless agreements required by the City Engineer or the office of the Corporation Counsel, shall be provided by the owner or owners involved at no cost to the City. In the event that the petitioners are unable to provide the necessary easements or convey title to the road right-of-way to the City, the City may elect to acquire such easements or title through the exercise of its power of eminent domain, provided that one (1) or more the petitioners have agreed to assume the costs thereof.

(e) *Responsibility of City.* By accepting a street or road pursuant to this section, the City shall not be obligated to construct or reconstruct such a road or street so that it complies with the existing specification of the City, including, but not limited to, the provisions of this article. The sole obligation of the City after accepting such a road or street shall be to maintain such a road or street in a condition that will render it reasonably safe for travel.

(Code 1961, § 17-34; Ord. No. 158, 3-2-1971; Ord. No. 160, 6-1-1971; Ord. No. 173, 4-4-1972; Ord. No. 243, §§ 1—3, 6-5-1979; Ord. No. 250, §§ 1—4, 10-2-1979; Ord. No. 253, 3-4-1980; Ord. No. 480, 11-4-1993)

Sec. 42-30. Engineering plan.

A plan and profile of the proposed street shall be prepared in accordance with and as described in the Land Subdivision Regulations of the City of Danbury, which sections of the Subdivision Regulations that relate to the design of roadways and utilities are incorporated herein by reference, by a qualified engineer or land surveyor properly licensed by the State of Connecticut. The plan shall clearly define the limits of the proposed rights-of-way and shall include the locations, widths, profiles and grades of the proposed roadways. The plan shall show all

proposed sidewalks, the proposed storm drainage and shall show the location and size of all existing culverts and drainage structures on the adjoining highways.
(Code 1961, § 17-22; Ord. No. 52, § 2, 12-7-1965; Ord. No. 190, 8-7-1973)

Sec. 42-31. Procedures.

The procedure for persons wishing to construct roads shall be as follows:

(1) *Planning Commission approval.* The layout of the roadway in question shall have been approved by the Planning Commission and the linen map on which approval is indicated shall be on file in the office of the Town Clerk.

(2) *Engineering recommendations.* A print of the approved map shall have been submitted to the City Engineer for his review relative to size, type and locations of drainage facilities.

(3) *Bond.* A performance bond shall have been deposited with the Planning Commission to guarantee the satisfactory performance of the work as shown on the plan. The size of this bond shall be determined by the Planning Commission, upon the advice and consent of the City Engineer, and shall represent its estimate of the cost of the proposed work. At least twenty (20) percent of the bond shall be posted in cash and the remaining eighty (80) percent may be either cash, certified check or a bond issued by a professional surety. The twenty (20) percent cash portion shall be the last portion of the board to be released, as set forth in subsection (3)e of this section. The Planning Commission shall accept, in lieu of a bond, a formal, executed and recorded writing by the owner of the property made out to the City of Danbury, provided said writing contains:

a. A complete legal description of the subdivision.

b. A recital of the date and prior approval of the subdivision by the Planning Commission of the City of Danbury.

c. A recital of the amount of the bond set by said Planning Commission.

d. A recital by reference to the agreement by the owner-developer to complete the roads and all utilities.

e. The covenant of the owner that no lots shown on the subdivision shall be sold, leased or offered for sale or lease until there has been full compliance with the bond provisions of this section.

f. A recital therein that the covenants shall be expressly binding upon all the lots shown on said subdivision.

1. The City, upon delivery of said document, shall record said instrument, the charge for same, however, to be paid by the owner-developer, and executed in the same manner as deeds and other instruments of conveyance, so that it shall be notice to the public that said lots cannot be sold unless the regulations shall have been complied with in full.

2. When the bond provisions of this section have been complied with by the posting of the bond, the covenant shall be automatically released and there shall be no necessity for a formal written release executed by the City of Danbury to release said covenant.

(4) *Permit.* When the described items in subsections (1) through (3) of this section have been completed, the Planning Commission shall cause a permit to be issued and said permit shall grant the subdivider the right to construct roadways in the City in accordance with the approved plan.

(5) *Signature upon completion of stages on permit.* The permit shall designate certain stages of construction and it shall become the responsibility of the subdivider to obtain the signature of the City Engineer upon completion of each stage and before starting additional work. The subdivider shall give the City Engineer forty-eight (48) hours notice when he is desirous of an inspection. Failure of the subdivider to obtain the engineer's signature as designated shall constitute a default of the regulation and said permit shall become null and void and further work shall not be permitted.

(6) *Time limit for completion of work; extension.* If the work has not been completed within a two-year period, the Planning Commission shall recommend that the bond be in forfeit and proper notice shall be given in writing to the subdivider and to the surety of this action. The permit may be extended by the Planning Commission if it deems it in the best interest of the City.

(7) *Release of bond—Drainage and foundation course.* When the drainage and the foundation course have been completely installed and so certified by the City Engineer, the Commission shall recommend that fifty (50) percent of the original bond be released.

(8) *Same—Final wearing surface.* When the final wearing surface and all other final construction requirements have been completely installed and so certified by the City Engineer, the Commission shall recommend that an additional thirty (30) percent of the original bond shall be released.

(9) *Same—As-built drawing delivered.* The remaining twenty (20) percent of the original bond shall be released when the as-built drawing has been delivered to the office of the Planning Commission, when a satisfactory instrument of conveyance has been delivered to the office of the Corporation Counsel, and when the roadway has been accepted by the City Council.

(Code 1961, § 17-23; Ord. No. 52, § 3, 12-7-1965; Ord. No. 93, 2-7-1967; Ord. No. 190, 8-7-1973; Ord. No. 221, § 1, 5-3-1977)

Sec. 42-32. General conditions.

(a) *Time element.* No final surfacing shall be permitted unless a reasonable time has elapsed with the drainage and base course in place.

(b) *As-built drawing.* No roadway or section of roadway shall be proposed for acceptance until an as-built drawing has been prepared and certified by the engineer or surveyor of the subdivider. The drawing shall show the relationship of the completed roadway to the proposed right-of-way. It shall show the location of all monuments which have been indicated on the final plan and it shall show the location, size and type of all drainage conduits, sewers, water lines and other utilities. It shall also show the location of all drainage easements. This plan shall be drawn in ink on linen and shall be delivered to the office of the Planning Commission.

(c) *Street classification.* All proposed streets shall be designated into one (1) of the following classifications by the Planning Commission prior to final approval, following the plan of development.

(1) Primary—Major thoroughfares;

(2) Industrial;

(3) Secondary—High density (in sections where zoning permits lot areas of less than twenty thousand (20,000) square feet or less);

(4) Secondary—Low density (in sections where zoning requires lot areas of forty thousand (40,000) square feet or larger).

(d) *Grade and cross section.* The minimum cross section and maximum grades permitted shall be as follows:

	Primary	*Industrial*	*Secondary High-Density*	*Secondary Low-Density*
Right-of-way	50'*	50'	50'	50'
Paved surface, curb-to-curb	36'*	36'*	30'	26'
Graded shoulder width	7'*	7'*	9'	6'
Wearing surface	Asphaltic Concrete	Asphaltic Concrete	Asphaltic Concrete	Asphaltic Concrete
Thickness of wearing surface	Two Course 3"	Two Course 4"	Two Course 3"	Two Course 3"*
Maximum grades	6%	6%	10%	10%
Radius of horizontal curves*	300'	150'	150'	150'
Minimum distance between curves*	300'	150'	150'	150'
Stopping sight distance	350'	200'	150'	150'
Cul-de-sac radius, R.O.W.*	not permitted	55'	50'	50'
Cul-de-sac radius, pavement*		50'	40'	40'
Curbs required	yes*	yes*	yes*	yes*
Sidewalks required*	yes	no	yes	no
*New or revised standard				
Note "A"—Revoked				
Note "B"—Revoked				
Note "C"—Up to 9% permitted only if approved by City of Danbury Planning Commission and the City Engineer of the City of Danbury after a finding by both that topography and other such conditions reasonably prevent compliance with the 6% grade limitations.				

(e) *Certificate of occupancy.* No certificate of occupancy shall be issued by the Building Inspector until the first course of pavement is in place and has been inspected and found satisfactory by the City Engineer.

(f) *Developer to provide road maintenance.* The developer shall provide normal road maintenance, including snow removal, at his own expense, at all times during the course of construction and until the road is accepted by the City Council.

(g) *Cash maintenance bond to ensure maintenance of roads; failure to maintain.*

(1) The subdivider shall maintain all roads which are being constructed until such roads are finally accepted by the City of Danbury as public highways. Such maintenance shall include snow plowing and sanding. To ensure that such maintenance will be performed, a cash maintenance bond in the sum of fifteen (15) percent of the total performance bond must be deposited with the City of Danbury prior to the subdivision being approved by the Planning Commission. Surety bonds are not acceptable for maintenance bonds.

(2) In the event that the subdivider fails to plow or sand a road within four (4) hours following the cessation of a snowfall or ice build up, the Public Works Department of the City of Danbury shall have the right to plow or sand the road in question or arrange for a private contractor to plow or sand the road in question.

(3) Should the subdivider fail to maintain a road or make necessary repairs within seven (7) days after receiving notice from the Public Works Department of the City of Danbury that maintenance or repairs are necessary, the Public Works Department may make whatever repairs are necessary or cause such repairs to be made by a private contractor.

(h) *Cost and surcharge for City to maintain road.* Whenever the Public Works Department either performs snow removal, sanding or maintenance, or causes to be performed by private contractors any such snow removal, sanding or maintenance, the cost thereof together with a ten (10) percent surcharge to be paid to the City of Danbury shall be deducted from the maintenance bond and shall be paid over to the City of Danbury so as to reimburse the City for any expense incurred.

(i) *Replenishment of maintenance bond.* Whenever funds are deducted from the maintenance bond, the subdivider shall, upon written notice from the City of Danbury, replenish said maintenance bond to the original amount required. In the event that the maintenance bond is not replenished, no further certificate of occupancies will be issued for any houses located on the roads in question until such time as the maintenance bond has been replenished.

(j) *Petitions for acceptance of roads.* Petitions or requests for acceptance of roads must be submitted to the City Council between April 1 and October 31 inclusive. Such petitions shall contain the recommendation of the Planning Commission of the City of Danbury in accordance with C.G.S. § 8-24.
(Code 1961, § 17-24; Ord. No. 52, § 4, 12-7-1965; Ord. No. 145, 10-7-1969, Ord. No. 190, 8-7-1973; Ord. No. 205, 2-4-1975; Ord. No. 221, § 2, 5-3-1977)

Sec. 42-33. Construction specifications.

(a) *Layout.* The subdivider shall establish and clearly mark on site the centerline of the proposed roadway. The stakes may be on an off-set from the centerline. He shall also indicate the location of drainage structures and easements in the same manner.

(b) *Clearing grubbing.* The subdivider shall remove all trees and stumps within the limits of the surface to be paved and the shoulder areas. He shall also remove trees and stumps for a distance of twenty (20) feet from the influent and effluent of all drainage structures. Large trees may remain in the shoulder area with the approval of the City Engineer.

(c) *Excavation, filling and rough grading.*

(1) The subdivider shall complete the shape of the road right-of-way, streams and ditches and easement areas to the line and grade as shown on the approved plan. All unsuitable or unstable material shall be completely excavated and removed from the traveled way, and all rocks or boulders larger than eight (8) inches in diameter shall be excavated at least eight (8) inches below the finished subgrade of road pavement, drainage or drainage structure.

(2) Where fills are necessary to complete the required line and grade or to backfill drains or other excavation, the materials incorporated in the work shall be acceptable to the City Engineer, and shall be placed in layers, each layer to be thoroughly compacted by means acceptable to the City Engineer. All compaction shall continue until fills are firm and unyielding. The rough grade of the road pavement shall be completed to within three (3) inches above or below finished subgrade as shown on the cross-section of the right-of-way improvement. Earth shoulders and flow line of ditches and gutters shall be maintained in satisfactory condition at the subdivider's expense at all times during the course of construction of the subdivision and until such time as the City has accepted dedication of the right-of-way.

(d) *Preparation of subgrade.*

(1) After completion of the rough grade and prior to the laying of the foundation course the subgrade shall be shaped to line and grade and thoroughly compacted.

(2) All hollows and depressions which develop under rolling shall be filled with granular material and again rolled. This process shall be continued until no depressions develop. The subgrade shall not be muddy, frozen, or otherwise unsatisfactory when the foundation course is laid upon it.

(3) Any soft or unstable portions of the subgrade which develop under the roller shall be completely excavated and removed and shall be replaced with granular material and the area regraded and compacted as set forth in this subsection.

(4) No gravel shall be placed for the foundation course until the City Engineer has approved the conditions of the sub-base.

(e) *Foundation course; granular material.*

(1) After the subgrade preparation has been completed to the specification in subsection (d) of this section, the subdivider shall furnish and place a foundation course of approved bank-run gravel, or washed gravel. All materials acceptable for this course shall be hard, durable and sound and shall be well graded from coarse to fine. The definition of the term "bank-run gravel" shall be as outlined in the general specification of the Connecticut Department of Transportation as amended. The material shall be placed on the finished subgrade in two (2) compacted six (6) inch layers and shall be compacted by rolling in an approved manner. Water shall be added to the material in such amounts as the City Engineer may direct for proper compaction.

(2) After compaction, the foundation course shall be graded by means of a self-propelled mechanical grader. This course shall be true to line and grade and cross-section.

(3) Prior to finish grading of the foundation course, the contractor shall set grade stakes and shall indicate the grade as shown on the approved plan.

(f) *Fine grading.* Before placing of the asphaltic concrete, the contractor shall fine grade the road using processed gravel of a type approved by the City Engineer. In general, the processed gravel shall be two (2) compacted inches in thickness and shall be uniform throughout. The fine grading shall be accomplished by means of a motorized grader only (no bulldozer grades shall be permitted for this work). In conjunction with the grading, final compaction shall be done using a three-wheeled roller or other roller as approved by the City Engineer (not less than ten (10) tons).

(g) *Wearing surface.* The wearing, or final surface, shall consist of bituminous concrete, machine placed in the conventional manner, having a cross slope of four (4) inches from crown at centerline to gutter line.

(h) *Type.* The bituminous concrete shall conform to the requirements of the Connecticut State Department of Transportation's "Standard Specifications for Roads, Bridges and Incidental Construction 2008, and as specifically outlined in section 4.03 of said specifications.

(i) *Placing.* No bituminous concrete shall be placed without the express approval of the City Engineer. In general, no paving shall be permitted beyond October 31; however, if weather conditions are suitable, the City Engineer may permit work beyond this date.

(j) *Patching.* Before final approval is recommended, the City Engineer shall meet the contractor and inspect the paved surface. All portions of the paving which have settled or deteriorated shall be marked and these sections shall be removed forthwith by means of a compressor. Suitable patches (two (2) courses) shall be installed with the edges sealed in the conventional manner.

(k) *Utilities.* Unless it can be proven to the Planning Commission that the physical characteristics of a right-of-way are prohibitive, all utilities and lateral connections shall be installed underground on new streets, including telephone and electrical conduits. They shall be installed within the right-of-way and spaced and cased so as not to interfere with one (1) another. No finished grading shall be done until all utilities have been installed in the street. Where utilities are installed, the contractor shall raise all manholes, valve boxes, etc., up to the final road grade. These utility appurtenances shall be clearly visible and shall be so set that a fine line and grade is maintained.

(l) *Curbing.* Where curbing is required it shall be of the asphaltic concrete type. The material shall be machine placed in the conventional manner and it shall be true to line and grade and shall be immediately backed up, using suitable material. In high density areas concrete or granite curbing shall be required.

(m) *Shoulders and side slopes.*

(1) In all cases there shall be a shoulder area as defined in these specifications. This area shall be graded to slope upward from the top of the curb at a rate of one-quarter (¼) inch per foot and shall be free of stumps, boulders and construction debris. The shoulder areas shall be seeded, using a meadow mix.

(2) All side slopes beyond the shoulder limit (whether in cut or fill) shall not exceed a ratio of one (1) foot vertical to two (2) feet horizontal. In all cases the side slopes shall be graded to a true line and grade and shall be free of all debris. All disturbed areas shall be seeded, using a meadow mix.

(3) Side slopes in rock cut shall be under the direction of the City Engineer, but in no case shall rock projections be permitted closer than five (5) feet to the edge of the traveled way. Rock cuts shall be free of all loose material and the tops of same shall be protected by means of suitable fencing or barricades if so ordered by the Commission in the interest of public safety.

(n) *Turnarounds.* Whenever a temporary turnaround or turnaround is eliminated by the extension of a road or street, it shall be the responsibility of the person constructing the extension to grade and seed the area formerly used as the turnaround so that the road or street area no longer used for the turnaround is eliminated.

(o) *Sidewalks.*

(1) Sidewalks shall be concrete and shall be a minimum of five (5) feet wide.

(2) Concrete sidewalks shall be laid on a six-inch compacted bank run gravel base, built to grade, and constructed of concrete four (4) inches thick, except that where they cross driveways they shall be six (6) inches thick, having expansion joints with pre-molded fillers spaced every twenty (20) feet and having suitable weakened plain joints.

(3) The sides of all walks will be backfilled with suitable material thoroughly compacted and finished flush with the top of the walk. All surplus material shall be removed and the site left in a neat and presentable condition.

(4) Sidewalk grades hereafter given shall be to the curb grade unless otherwise ordered by the City Council.

(5) The surface of all cement sidewalks laid in the City shall be roughened and no surface of any cement sidewalk shall be troweled smooth. No cement sidewalk except those whose surfaces are roughened shall be accepted.

(p) *Street trees.*

(1) Before any subdivision bond is released, or before any commercial or industrial use receives a permanent certificate of occupancy, the developer shall plant, on City property, one (1) street tree for every fifty (50) feet of road frontage or fraction thereof.

(2) A street tree shall be a deciduous tree of at least two (2) inches D.B.H., of a variety native to this area, with a straight form, a good crown and root structure and acceptable to the Tree Warden as a desirable shade tree.

(3) The trees shall be planted under the supervision of the Tree Warden and normal nursery planting procedures shall be followed.

(4) If the parcel or tract is in a wooded area and contains deciduous trees of a desirable type, with at least one (1) tree, ten (10) inches D.B.H., for every thousand (1,000) square feet of area and no fill is

used, and if there is a life expectancy after construction of ninety (90) percent, the requirements in this subsection are waived.

(Code 1925, § 76, 179; Code 1961, §§ 17-5, 17-6, 17-25; Ord. No. 52, § 5, 12-7-1965; Ord. No. 174, 5-2-1972; Ord. No. 190, 8-7-1973; Ord. No. 347, 6-2-1987)

Sec. 42-34. Drainage specifications.

(a) *Storm drainage.* The storm drainage system shall be reviewed by the City Engineer and the engineering plan shall reflect the drainage layout as approved. The minimum grade of any drainage pipe shall be one (1) percent unless otherwise directed.

(b) *Excavation laying and backfilling.*

(1) The widths of the trench in which the pipe is placed shall be sufficient to permit thorough tamping of the backfill under and around the pipe. Where rock and earth boulders are encountered, they shall be removed below grade and replaced with suitable materials in such a manner as to provide an earth cushion having a thickness under the pipe of not less than eight (8) inches. In no case shall the top of any drainage pipe be less than eighteen (18) inches below the finished grade of the pavement. Where soft, spongy or other unstable soil is encountered at the grade established, such unstable soil under the pipe and for a width of one (1) foot on each side of the pipe, shall be removed and replaced with gravel or other suitable material. In all cases, the bedding shall be thoroughly compacted and shall provide a firm foundation for the pipe.

(2) Pipes shall be laid to true line and grade on prepared bed of the trench. All connections for making field joints with corrugated metal pipe shall be made as recommended by the manufacturer using corrugated metal bands securely fastened. All joints in making field connections of reinforced concrete pipe shall be filled with a Portland cement mortar.

(3) Backfilling of all drains shall be done in accordance with section 42-33(c) on fills under the heading of excavation, filling and rough grading. Any additional drainage facilities not shown on the approved plan but are reasonably necessary to conform to acceptable engineering standards for roadway construction shall be constructed by the subdivider at the subdivider's expense when requested by the City Engineer.

(c) *Pipe.* Storm drain and culvert pipe may be of either corrugated metal or reinforced concrete as directed by the City Engineer. The minimum pipe size shall be fifteen (15) inch. Lesser diameter pipe may be permitted under certain conditions but only with express consent of the City Engineer. In all cases, the conduit shall conform to the specifications of the Connecticut Department of Transportation.

(d) *Catchbasin and curb inlets.* The following specification indicates the minimum acceptable construction for typical catchbasins and curb inlets. In general, the catchbasin tops shall be of the precast variety but when Granite or concrete curbing is required, the cast iron frame and grade standard catchbasin of the City of Danbury shall be required.

(1) *Location.* Catch basins shall be constructed at all points of change of slope or alignment and at all junction points. At no time shall catchbasins be placed further apart than three hundred fifty (350) feet on slopes less than three percent (3); three hundred twenty-five (325) feet on slopes from three (3) to six (6) percent; and three hundred (300) feet on slopes over six (6) percent in steepness.

(2) *Excavation.* The hole for a catchbasin shall be excavated to a depth of thirty-six (36) inches below the designated elevation of the invert of the effluent pipe. In the event of a wet condition, crushed stone to a minimum depth of nine (9) inches leveled and compacted over the entire area of the excavation shall be laid in the hole. The foundation shall consist

of an eight (8) inch thick slab of concrete. The slab shall extend six (6) inches beyond the outside of the walls of the catchbasin. In all cases, the slab shall be smooth and level.

(3) *Walls.* The walls shall be constructed of solid concrete catchbasin blocks. They shall measure six (6) inches by eight (8) inches by twelve (12) inches. To a maximum depth of six (6) feet below the finished surface, the catchbasin walls shall be constructed of concrete blocks. From five (5) feet to a maximum depth of ten (10) feet below the finished surface, the walls shall be constructed solid concrete catchbasin blocks having a width of eight (8) inches in thickness. Below ten (10) feet from the finished surface the catchbasin walls shall be twelve (12) inches in thickness and shall be constructed of solid concrete blocks or poured concrete. The inside dimensions of the catchbasin shall remain constant from top to bottom and shall match the frame opening of the curb inlet to be used. All blocks shall be laid in a workmanlike manner and the inside joints shall be pointed up (in an approved manner). Precast concrete units will be permitted.

(4) *Installation of pipe.* Concrete blocks around all pipes entering or leaving the catchbasin shall be cut to fit the contour of pipe as closely as possible; common brick may be used for this purpose. The ends of all pipes shall be cut off flush with the inside surfaces of the catchbasin walls. All rough edges shall be smooth and reinforcing wire shall be cut flush with the surface. All joints adjacent to a pipe opening shall be solidly filled with mortar for the full thickness of the wall.

(5) *Curb inlets.* All catchbasins shall be capped using precast basin tops and shall be so installed that the flow line of the grade is two (2) inches below the finished gutter grade and the pavement shall be sloped towards the inlet.

(6) *Steps.* Catch basins having a greater depth than forty-eight (48) inches from the finished surface to the top of the concrete base shall be provided with steps. Steps shall be of wrought iron having a minimum diameter of three-quarters (¾) inch; shall be hot-bended to shape and shall be galvanized after bending. They shall be solidly set in the masonry at the time of construction and shall extend all the way through the wall. Reinforced bars shall not be permitted as steps.

(e) *Open ditches.* With the approval of the Commission, open ditches may be used when the grade of the land traversed is relatively flat, or when it is desirable to drain and dry surrounding areas. In no case shall the grade of an open ditch exceed three (3) percent.

(f) *Rip-rap.* Rip-rap shall consist of field stones placed in such a manner as to perfect a relatively smooth line and grade. The rip-rap shall be placed for a distance of twenty (20) feet at the influent and effluent ends of all drainage lines to prevent scour and erosion. Paved sections as approved by the City Engineer may be used in lieu of stone riprap.

(g) *Discharge area.* Where drainage pipes are to discharge onto proposed building sites, the pipe shall be carried to the limit of the graded area behind a house, or a minimum distance of one hundred (100) feet from the edge of the right-of-way.

(h) *Easements.* Permanent easements of a nature acceptable to the Corporation Counsel shall be provided in all cases where drainage pipes or ditches cross lands other than street right-of-way. A minimum width of fifteen (15) feet shall be required and said easements shall be clearly defined on the linen drawing on file in the land records.

(i) *Right to drain required.* Where drainage waters are discharged directly or indirectly onto adjacent landowners, the subdivider shall secure written permission of a nature acceptable to the Corporation Counsel of said landowner to so do.

(j) *House and foundation drains.* House and foundation drains in no case shall be permitted to discharge onto the highway. These drains may be connected to the stormwater system. All such drainage connections shall be made prior to construction of the final wearing course.
(Code 1961, § 17-26; Ord. No. 52, § 6, 12-7-1965)

Sec. 42-35. Final grading.

Before fine grading or construction of curbs and gutters is started, all service line from underground utilities shall have been installed to every lot in the proposed subdivision. When all underground work is completed, the final grade shall be established and the wearing surface applied. Curbing, where required, shall then be installed throughout and shoulders fine graded and seeded as a final operation.
(Code 1961, § 17-27; Ord. No. 52, § 7, 12-7-1965)

Sec. 42-36. Utilities.

In all cases, the installation of all utilities within the right-of-way shall be under the direction of the City Engineer. Service lines shall be run to each and every lot at the time of initial installation of the distribution main. Said service to extend to a point twenty-four (24) inches inside the curb line and shall be terminated with a valve and curb box in the case of gas and water service.
(Code 1961, § 17-28; Ord. No. 52, § 8, 12-7-1965)

Sec. 42-37. Guard rails.

When, in the opinion of the Superintendent of Highways, guard railing is necessary to protect the traveling public, they shall be installed as directed by the Superintendent of Highways or his designee and said guard rails shall conform to applicable state highway department specifications.
(Code 1961, § 17-29; Ord. No. 52, § 9, 12-7-1965; Ord. No. 347, 6-2-1987)

Sec. 42-38. Monuments.

(a) Monuments shall be set on all right-of-way lines of street, at all intersections, angle points and points of curves. There shall be a clear foresight and backsight to adjacent monuments on the right-of-way line or lines on which a monument is set. Monuments shall be at least thirty-six (36) inches long and shall be at least four (4) inches square.

(b) The monuments shall be of granite or of concrete with a center reinforcing rod of a type approved by the City Engineer. The monuments shall not be set before the final wearing course has been completed nor shall they be set while frost is in the ground. They shall be set so that the top is one (1) inch above the finished grade and they shall be so set and tamped as to prevent shifting.

(c) The subdivider's engineer and/or surveyor shall certify that the location of all monuments is accurate before acceptance of the street by the City of Danbury.
(Code 1961, § 17-30; Ord. No. 52, § 10, 12-7-1965)

Sec. 42-39. Sight distance at intersections.

Adequate sight distance at all intersections shall be provided. The subdivider shall regrade all areas falling within the sight distance triangle. He shall remove trees, brush, stones, etc., and other objects designated by the City Engineer so that clear, unobstructed sight distance is obtained.
(Code 1961, § 17-31; Ord. No. 52, § 11, 12-7-1965)

Sec. 42-40. Driveway aprons.

(a) When houses have been built within the subdivision prior to the acceptance of the proposed road for public use, suitable driveway aprons shall be constructed as hereinafter set forth.

(b) Asphaltic concrete driveway aprons shall be constructed from the edge of the paved surface to the edge of the right-of-way. They shall be graded and constructed in such a manner that the gutter line of the road itself is preserved intact.

(c) Concrete driveway ramps shall be eighteen (18) inches in the ground at the curb line and eight (8) inches wide, with a two-inch lip. There should be no radius at either side of the driveway ramp and the ends of the curb shall be beveled down to the surface of the concrete.

(d) No driveway shall be constructed so that excessive water is discharged onto the sidewalk or the roadway.

(e) The construction of driveway aprons in a subdivision shall be included in the amount of the bond and their construction shall be under the direction of the City Engineer. Where driveways are constructed on accepted City streets they shall be under the direction of the Sidewalk Inspector.
(Code 1961, § 17-32; Ord. No. 52, § 12, 12-7-1965; Ord. No. 190, 8-7-1973)

Secs. 42-41—42-68. Reserved.

ARTICLE III. CONSTRUCTION, REPAIR, INSTALLATION AND MAINTENANCE OF IMPROVEMENTS OR ENCROACHMENTS IN STREETS AND PUBLIC WAYS*

DIVISION 1. GENERALLY

Sec. 42-69. Penalty for violation; continuing noncompliance.

Anyone violating any of the terms of this article or any other ordinance covering the issuance of permits and the work to be performed thereunder shall be subject to the penalties provided for pursuant to the provisions of section 1-8.
(Code 1961, § 17-43; Ord. No. 245, § 1(C), 8-7-1979)

Sec. 42-70. Legislative findings; purpose.

City highways have been established and maintained primarily for the purpose of movement of vehicles and pedestrians. It is also desirable to allow individuals and utility companies to utilize highway rights-of-way for purposes other than transportation. However, to prevent recurring, dangerous and annoying interruptions to traffic and pedestrians and to avoid interference with future road construction and to provide a uniform standard of construction and construction methods, it is necessary that strict control be maintained and standard procedures be followed for excavation, construction and maintenance of City highways.
(Code 1961, § 17-41; Ord. No. 245, § 2, 8-7-1979)

Sec. 42-71. Scope, amendment of article provisions.

(a) The Director of Public Works has compiled the provisions of this article listing all types of work to be performed in, on, over or under any of the streets or highways in the City by anyone other than the City for which a permit is required by this article and other ordinances of the City or the statutes of the State of Connecticut.

(b) The City Council shall, from time to time, adopt such regulations or ordinances as it deems fitting, necessary and proper to control the issuance of such permits and the work to be done under such permits. Such enactments may be amended from time to time by the City Council upon recommendation of the Director of Public Works. Said enactments, and the amendments thereto, shall be included in this article and shall be filed with the City Legislative Assistant in accordance with law.
(Code 1961, § 17-42; Ord. No. 245, § 1(A), (B), 8-7-1979)

Sec. 42-72. Procedure for permanent repairs in connection with permit work.

(a) If no permanent repairs are necessary at the time of completion, the office of the Superintendent of Highways shall ascertain whether or not any City funds were expended in connection with said permit which may be chargeable to the permittee. The Superintendent of Highways shall then send notice to the permittee and to the Director of Finance that the bond may be released subject to appropriate charges, if any.

(b) In the event that permanent repairs are required after performance of the work under permit, a letter shall be sent by the office of the

*State law references—Authority of cities to regulate excavations generally, C.G.S. §§ 7-148(c)(6)(C)(iii), 7-148(c)(6)(C)(iv); authority regulate excavations by public service companies, C.G.S. § 16-229; limitation of actions against municipalities for damages due to excavations, C.G.S. § 52-578.

Superintendent of Highways to the permittee, with a copy to the Inspector, notifying the permittee that permanent repairs shall be made. The permittee shall notify the Superintendent of Highways twenty-four (24) hours before permanent repairs are to begin. The Inspector shall note the date of said permanent repairs on his copy and return said copy to the Superintendent of Highways. The same procedure shall then be followed as indicated in subsection (a) of this section.
(Code 1961, § 17-65; Ord. No. 245, § 9(E), (F), 8-7-1979; Ord. No. 284, 6-1-1982; Ord. No. 413, 3-5-1991)

Sec. 42-73. Final inspection and acceptance of permit work.

Final inspection of work performed under the permit shall be made by the Superintendent of Highways or his designee. The purpose of such inspection shall be to ascertain whether the work has been performed in accordance with the terms of the permit and in a manner satisfactory to the City.
(Code 1961, § 17-66; Ord. No. 245, § 17, 8-7-1979; Ord. No. 284, 6-1-1982; Ord. No. 347, 6-2-1987)

Sec. 42-74. Quality of construction and repair work.

Construction repair and maintenance work done by a permittee shall be in accordance with workmanlike skills and procedures, and the highest grade materials shall be used for each class of work performed. All work shall conform to the specifications of the City and to recognized standards of construction repair and maintenance.
(Code 1961, § 17-67; Ord. No. 245, § 19, 8-7-1979)

Sec. 42-75. Materials and workmanship.

Materials used by a permittee in connection with the installation or repair of structures and fixtures in the highway right-of-way and those used in the repair and replacement of highway surfaces, structures and roadsides shall be equal to or better than materials specified in the latest standard specifications of the City for the various types of work. The specifications mentioned herein, insofar as they apply to work done under permits, shall be considered the standards for methods and workmanship.
(Code 1961, § 17-68; Ord. No. 245, § 31, 8-7-1979)

Sec. 42-76. Safety to traffic generally.

It shall be the duty of the permittee to make certain that the security of the traveling public is safeguarded and its rights are not unreasonably curtailed. Unless specifically indicated in the permit or authorized by the Superintendent of Highways, the travel path shall not be obstructed. The portions of the highway which are torn up or which are used for storing materials, or are otherwise unsafe for public travel, shall be adequately protected at all times to avoid the possibility of accidents. Such areas shall be marked at night by flares, lanterns, lights, flasher beacons or other warning devices approved by the Superintendent of Highways. When portions of the traveled way are made dangerous for the movement of vehicles or pedestrians, a sufficient number of Police Officers, flagmen or trafficmen shall be employed by the permittee to direct the traffic safely through the areas. The work shall, if possible, be planned to avoid such conditions.
(Code 1961, § 17-69; Ord. No. 245, § 20, 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-77. Construction of traffic detours.

(a) When, in the opinion of the Superintendent of Highways and Police Chief, a City highway may be obstructed by the permit applicant's proposed operations to such an extent as to unduly restrict vehicular traffic or make hazardous its use, a parallel City road bypass may be designated. All expense incurred by the permittee as a result of this bypass establishment, use and restoration of said detour shall be the entire responsibility of the permittee. The permittee shall notify the Police and Fire Departments of the layout and expected time of the use of the detour. The permittee shall supply and maintain such signs at his expense as may be necessary to clearly outline the detour.

(b) Prior to detouring of traffic over a road bypass, an inspection shall be made by the permittee and representatives of the Department of Public Works and/or the Police Department as may be required to determine the adequacy of the signs and the structural condition of the road involved. A second inspection shall be made by the same persons when the detour is terminated so that there will be an agreement as to the extent of repairs, if any, to be made by the permittee to restore the conditions equal to those existing prior to the establishment of the detour.
(Code 1961, § 17-70; Ord. No. 245, § 21, 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-78. Drainage systems to be kept open.

The work performed under permit shall be planned and carried out so that drainage systems of the highway are effective at all times. Any damage arising from the failure of the permittee to properly keep culverts, ditches, inlets, catchbasins or any other drainage device from becoming obstructed must be borne by him, and the bond shall be held by the City until such damages are paid.
(Code 1961, § 17-71; Ord. No. 245, § 22, 8-7-1979)

Sec. 42-79. Excavations generally.

The size of the excavation shall be kept as small as practical to carry on the work. No material removed in excavating shall be placed in the traveled path unless approved by the Superintendent of Highways. In any case the material shall be placed so as to interfere as little as possible with the ordinary use of the highway.
(Code 1961, § 17-72; Ord. No. 245, § 23, 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-80. Slides and cave-ins of excavations.

(a) *Duties of permittee.* If the pavement shoulder or sidewalk along the sides of the trench or excavation becomes undermined due to slides and/or cave-ins of the sides of the excavations, the permittee or his contractor shall remove the pavement, sidewalk or other improvements over the cave-in and shall take immediate remedial measures to prevent further deterioration of the highway or its appurtenances. The permittee shall be responsible for replacing the entire amount of the pavement, curbing or sidewalk destroyed by such slides and cave-ins.

(b) *Bridging of trenches on certain streets.* Whenever an excavation shall take place on any major or minor arterial street and shall include one-third (1/3) or more of the distance of the total width of the street, steel bridging of adequate strength may be required to maintain normal traffic flow and, if required, shall be placed over the excavated trench if said trench is to remain open overnight.

(c) *Sheeting and placing of trenches.* Whenever it is necessary to prevent damage to a highway or structure in the highway because of cave-ins or sliding of the sides of trenches, the permittee shall sheet and place the trenches in a manner satisfactory to the Superintendent of Highways. A Superintendent of Highways may direct that such sheeting and placing be left in place in order to protect the highway from damage due to settlement.
(Code 1961, § 17-73; Ord. No. 245, §§ 24, 25, 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-81. Blasting operations.

When rock or other hard material must be removed by a permittee, he may blast such material if the pavement or other structures will not be endangered thereby. The permittee shall exercise extreme care in blasting operations in order to prevent injury to persons and property. The contractor shall secure all necessary permits and observe all local ordinances and state laws relating to transportation, storage and handling of explosives. When blasting is to take place near adjacent structures or services, the same shall be carefully protected against damage. The explosives must be of such number and size of charge and be so placed so as not to cause an unduly large excavation or unnecessarily shatter rock adjacent to the excavation. All rock loosened or shattered

in the sides of the excavation shall be completely removed by wedging or barring or other approved means.
(Code 1961, § 17-74; Ord. No. 245, § 26, 8-7-1979)

Sec. 42-82. Jacking or boring.

Pipes and conduits shall generally be placed by the open-cut method. In individual cases, where there is a deep installation and heavy traffic or other special circumstances, the City Engineer may allow or even require that the installation be made by jacking or boring when such method is of definite benefit to the traveling public. No jetting or other use of water shall be allowed in connection with jacking or boring. The permittee shall be responsible for careful investigation of the permit area to determine the location of all existing utility, municipal and privately owned pipe or conduit lines. The permittee may be required to submit a plan and profile showing all such lines and a detailed plan showing method of operation.
(Code 1961, § 17-75; Ord. No. 245, § 27, 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-83. Backfilling.

(a) Backfilling of excavations in City highways shall be performed so that the least possible settling will occur. The acceptability of excavated material for use in the backfill shall be determined solely by the Superintendent of Highways. The excavation shall be filled with suitable material and thoroughly tamped in layers not exceeding twelve (12) inches. Compaction shall take place by mechanical rammers or vibrators or by pneumatic tampers or hand tampers. If a hand tamper is used, it shall weigh not less than twelve (12) pounds and have a tamping face area of not more than fifty (50) square inches. Other methods of compaction may be used only with the approval of the Superintendent of Highways.

(b) The twelve (12) inches of trench immediately below the bottom of the proposed pavement shall be backfilled with processed stone or gravel and compacted in six-inch layers.
(Code 1961, § 17-76; Ord. No. 245, § 28, 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-84. Temporary pavement repairs.

As soon as the excavations have been backfilled and tamped the pavement shall be replaced temporarily by the permittee. The temporary pavement shall consist of a bituminous concrete mixture approved by the Superintendent of Highways and compacted to a minimum depth of two (2) inches or for the full depth of the existing bituminous concrete surface in the case where a surface course and a binder course had previously been installed. The surface of the temporary pavement shall be reasonably smooth and the permittee shall be responsible for its maintenance until the permanent surface can be replaced. If in any case the permittee does not maintain the temporary pavement adequately, the City shall make the necessary repairs to prevent accidents and the permittee shall be charged by the City for this work.
(Code 1961, § 17-77; Ord. No. 245, § 29, 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-85. Maintenance of temporary repair during period of settling.

Depending upon the character of the excavation, the depth, the kind of material used in backfilling, the degree of compactness obtained and other conditions, the Superintendent of Highways may require that the temporary repair of an excavation be maintained until he is satisfied that the settlement of the backfill material is, for all practical purposes, complete and that the permanent repair can be made without creating a hazard to highway users. Upon approval by the Superintendent of Highways, the permittee shall make the permanent repair within a period of two (2) weeks.
(Code 1961, § 17-78; Ord. No. 245, § 29, 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-86. Permanent repairs to roads.

(a) *Surface treatment and gravel base, or bituminous concrete surface with gravel base, or bituminous concrete surface and binder course with gravel base.* The permittee shall cut back sides of the path area with a saw or a pneumatically operated spade. The cut shall be vertical and in straight lines as directed by the

Superintendent of Public Highways. If pavement outside of the trench area has settled, cracked or been damaged in any way due to excavation, it shall also be included in the removal and repair. If the trench edge is generally three (3) feet or less from the face of the curb or from the edge of a concrete gutter, the pavement between said curb or gutter shall be removed and replaced in its entirety.

(1) After the temporary material has been removed, the kerfed edges shall be given a light tack coat with an asphalt emulsion or RC-2. The hot-laid bituminous concrete shall then be placed so as to give either a minimum of a two-inch compacted surface or the full depth of the existing bituminous concrete pavement, whichever is greater. The Superintendent of Public Highways shall require a power-driven roller for compaction. The finished surface shall be tight and free from waves or depressions.

(2) After final rolling has been completed the entire exposed joint shall be sealed with a coating of asphalt emulsion or RC-2, overlapping all edges at least two (2) inches.

(3) See subsection (d) of this section relative to the option of pavement overlays.

(b) *Bituminous concrete surface and penetration macadam base, or surface treatment and penetration macadam base.* On relatively small repairs, that is, less than three (3) feet in width and twenty (20) feet in length, permanent repairs may be made, if authorized by the Superintendent of Highways, with a processed gravel base and a hot-laid bituminous class I or II concrete surface course in a manner previously described.

(1) For repairs where large areas of pavement are involved, permanent repairs shall conform to the undisturbed section of the existing road thickness and type of material to be used. Material specifications and construction methods shall be in accordance with the City's standard specifications for this type of work.

(2) See subsection (d) of this section relative to the option of pavement overlays.

(c) *Bituminous concrete surface and cement concrete base, or cement concrete surface and gravel base, or bituminous concrete surface and soil cement base.* The temporary patch shall be removed from the original excavation and the subgrade smoothed so that there will be a uniform depth over the area equal to the depth of the slab. However, no additional filling of the subgrade will be permitted at this time, and, if any part of the normal subgrade under the temporary patch is excavated when the patch is removed, the entire void shall be filled with concrete when the permanent patch is poured. Following the removal of the temporary patch, the existing pavement shall be cut back at least twelve (12) inches beyond both edges of the original excavation, care being taken not to disturb the base below the concrete thus removed. This shelf or ledge will provide a firm support for the permanent patch. Whenever the present pavement opening is six (6) feet, six (6) inches or less from a transverse expansion joint, or three (3) feet or less from a longitudinal joint or the outer edge of pavement, the entire part of the concrete pavement from the excavation to the joint or edge shall be removed and replaced with the new surface. All final cuts in concrete pavement shall be made with a concrete saw in straight lines and square corners. When using the concrete saw, care shall be taken not to cut any reinforcement. The saw cut shall extend to the top of the reinforcement only; concrete below this shall be taken out with a pavement breaker. The entire subgrade and edges of the original pavement shall be wet down before the new concrete is placed. Care shall be taken to ensure that expansion joints are re-established, when destroyed by the permittee's operations, in a manner comparable to the original installation.

(1) *Materials.*

a. *Cement.* All cement shall be Portland cement which will conform with the requirements of the specifications of the American Association of State Highway Officials, M-85, type II with all subsequent changes or additions. The proportion of concrete for

all pavement work shall be 1-2-2½, which is one (1) part cement, two (2) parts fine aggregate or sand, and two and one-half (2½) parts coarse aggregate or stone, which by weight is as follows: cement, ninety-four (94) pounds; sand or fine aggregate, one hundred eighty-one (181) pounds; stone or coarse aggregate, two hundred twenty-six (226) pounds. To these materials shall be added not more than five (5) gallons of water for each bag of cement used.

b. *Fine aggregate.* Fine aggregate shall be sand, consisting of clean, hard, durable, uncoated particles of quartz or other rock, free from lumps of clay, soft or flaky material, loam or organic material. In no case shall sand containing frozen material be used. Fine aggregate shall be uniformly graded from coarse to fine and shall meet the following requirements:

Square-Opening Sieves	*Percent by Weight Passing*
⅜-inch	100
No. 4	95—100
No. 16	45—80
No. 30	20—55
No. 50	10—30
No. 100	2—10

The gradation in this table represents the extreme limits which shall determine suitability for use from all sources of supply. The gradation from any one (1) source shall be reasonably uniform and not subject to the extreme percentages of graduation specified in this table. For the purpose of determining the degree of uniformity, a fineness modulus determination shall be made upon representative samples from any source. Fine aggregates from any one (1) source having a variation in fineness modulus greater than two-tenths (0.20) either way from the fineness modulus of the representative samples shall be rejected.

c. *Coarse aggregate.* Coarse aggregate shall be broken stone, or gravel when allowed, consisting of clean, hard, tough, durable fragments of rock of uniform quality throughout. It shall be free from soft, disintegrated pieces, mud, dirt, organic or other injurious material and shall not contain more than one (1) percent crusher dust by weight. The coarse aggregate shall consist of fifty (50) percent, one and one-quarter-inch and fifty (50) percent, one-half-inch broken stone.

Percent by Weight Passing Sieves in Gradation of Coarse Aggregate		
Size of Sieve	*1¼-inch stone*	*½-inch stone*
1½-inch	100	
1¼-inch	90—100	
1-inch	35—70	
¾-inch	0—25	
⅝-inch		100
½-inch	0—5	90—100
⅜-inch		30—50
No. 4		0—8
No. 8		0—3

d. *Water.* The water shall be reasonably clean, shall not be salty or brackish, and shall be free from oil, acid and injurious alkali or vegetable matter. Water shall not be taken from shallow, muddy or marshy surfaces.

(2) *Measurement of materials.* Quantity shall be measured carefully, and the permittee shall be required to use such equipment as, in the opinion of the inspector, shall ensure uniformity of volume and proportion. Proportioning by means of shovels will not be permitted. In determining the volume of aggregate, consideration shall be given to the bulking effect of any moisture contained in these materials.

(3) *Mixing.* A truck mixer shall be used. The permittee shall add, an extra forty-seven (47) pounds of Portland cement to each cubic yard of concrete proportioned by the formula mentioned heretofore. The dry mix shall be batched at a central plant and transported to the site of the work in the truck mixer. The water shall be added only after the arrival of the truck mixer at the site of the work, and the amount of water added shall be under the control of the inspector.

a. When the concrete is mixed in top-door-loading truck mixers, the mixing period shall consist of not less than forty (40) revolutions of the drum, at mixing speed, after the water is added to the cement and aggregates in the drum.

b. When concrete is mixed in end-loading truck mixers and the mixer is loaded in excess of fifty (50) percent but not in excess of fifty-seven and one-half (57½) percent of the gross volume of the drum, the mixing period shall consist of not less than sixty (60) revolutions of the drum, at mixing speed, after the water is added to the cement and aggregates in the drum. If loaded to not more than fifty (50) percent of the gross volume of the drum, the mixing period shall consist of not less than forty (40) revolutions of the drum, at mixing speed, after the water is added to the cement and aggregates in the drum.

During the period of the mixing, the drum shall rotate at the speed for which it has been designed. The entire contents of the mixer shall be removed from the drum before materials for the succeeding batch are placed therein. The mixer shall preferably be equipped with mechanical means for preventing the addition of aggregate after the mixing has commenced, but in any event the addition of aggregate after the commencement of mixing shall not be permitted.

(4) *Retempering.* Concrete shall be mixed only in such quantities as are required for immediate use and shall be used fresh and before initial set has taken place. Any concrete in which initial set has begun shall be wasted and not used in the work. No retempering of concrete shall be allowed.

(5) *Placing concrete.* Concrete shall be placed on a moist subgrade in the area to be patched in a continuous horizontal layer immediately after the mixing, and in no case shall concrete be used which has not reached its final position within twenty (20) minutes after the time the water is first added to the mix. The method and manner of placing shall be such as to avoid the possibility of segregation or separation of the aggregate or the displacement of the reinforcement. Special care shall be taken to fill each part of the area by depositing concrete directly as near to its final position as possible.

(6) *Finishing concrete.* On narrow patches, concrete may be compacted by working with a slicing rod and tamper. On large areas, the new concrete shall be vibrated with an immersion-type vibrator. After all of the concrete is in place and well worked, it shall be finished to a smooth and even surface by the use of a straight-edge or wood float so that when the concrete has set it will conform to the cross-section of the surrounding pavement or base course. On concrete pavements, when the concrete has taken up all the water and just before initial set, the new patch shall be gone over with a broom, drawn from inside to outside of the patch, after which the exposed edge and the edge parallel to all expansion joints shall be finished with an edging tool acceptable to the Inspector. The inspector shall determine whether dragging the surface with burlap is required to match the texture of the original surface. Where bituminous concrete surface is used, the surface of the base

course shall be roughened with a rake or similar instrument so that a good bond may be obtained.

(7) *Curing and protection:*

a. *Normal weather.* Under normal weather conditions, after the surface of the concrete has been given its final finish, it shall be protected by a covering of moist mats. These mats shall be laid longitudinally over the surface of the finished pavement by unrolling from a supported roll, so as not to bring an excessive weight upon or to mar the new surface of the pavement. When properly laid, these mats shall be saturated and kept saturated for a period of seventy-two (72) hours, at the end of which time they may be removed, and no further wetting or artificial curing will be required.

b. *Cold weather protection.* When, in the opinion of the Superintendent of Highways the condition of the weather is such that any pavement which has not been completely cured is liable to be frozen, such pavement shall be protected by covering it, as soon as the concrete has hardened sufficiently, with mats acceptable to the Superintendent of Highways, upon which shall be placed a layer of hay or straw, six (6) to eight (8) inches in thickness, over which another layer of mats shall be spread. The edges of these mats shall be firmly fastened in place. The protecting material shall remain in place for such time as the Superintendent of Highways may direct. Any concrete laid during cold weather shall be placed at the permittee's risk, and all damaged sections shall be removed and replaced at his own expense.

(d) *Bituminous concrete overlay.* The permittee shall overlay the entire road width with bituminous concrete. The temporary pavement (except cold patch mix which shall be removed) specified under section 42-84 shall serve as a base for permanent pavement. The permittee shall fill all depressions and potholes with bituminous concrete and properly clean and prepare the entire road surface to receive a final overlay of bituminous concrete.
(Code 1961, § 17-79; Ord. No. 245, § 35, 8-7-1979; Ord. No. 284, 6-1-1982; Ord. No. 347, 6-2-1987)

Sec. 42-87. Repairs to sidewalks and curbs.

Where it is necessary to repair damaged cement concrete sidewalks and curbs, the permittee shall remove the damaged sidewalk or curb to its full depth and to formed joints. Patching or the repairing of partial slabs or parts of curbing shall not be permitted. Where it is necessary to repair bituminous concrete sidewalks or curbs, the edges shall be cut vertically and in straight lines and given a tack coat of RC-2 prior to placement of new material. The replacement of sidewalks and curbs shall in all cases conform to the City's standard specifications for this type of work.
(Code 1961, § 17-80; Ord. No. 245, § 37, 8-7-1979)

Sec. 42-88. Location of poles and guys.

(a) Whenever existing pole lines, guys, braces or anchors are to be relocated or new poles, guys, braces or anchors set, the proposed location shall be designated by stakes placed at the site. The location of all poles, guys, braces, or anchors shall be approved by the Superintendent of Highways.

(b) Backfilling of excavations and repairs to existing improvements shall be in accordance with conditions previously described.
(Code 1961, § 17-81; Ord. No. 245, § 38, 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-89. Excavations in grass areas.

(a) Excavations in grass areas shall be backfilled and compacted in the manner previously described. The upper six (6) inches of the backfill shall contain loam or topsoil which shall be loose and friable and free from sticks, roots,

rocks, rubbish, weeds or any other substance that will interfere with the formation of suitable grass cover. The loam shall be placed and raked so as to flush with the surrounding surfaces. In the event settlement takes place, additional material shall be added so as to keep the surface reasonably even.

(b) After settlement is complete, the permittee shall sow grass seed at a rate of not less than one-half (½) pound per one hundred (100) square feet. The grass seed shall be similar or equal in purity, germination and seed varieties by weight of the standard quality of "Red Seal Mix". Fertilizer shall be applied at the rate of three (3) pounds per one hundred (100) square feet and shall be of a commercial type, derived from organic sources and shall have percentages by weight of nitrogen, phosphoric acid and potash of 5-8-7, 10-6-4 or 5-10-5.

(c) Seeding shall be permitted in the spring and fall only, unless otherwise authorized by the Superintendent of Highways.

(d) It shall be the permittee's responsibility to re-establish grass areas disturbed by him until such time as dense growth is attained with a height of approximately three (3) inches.
(Code 1961, § 17-82; Ord. No. 245, § 36, 8-7-1979)

Sec. 42-90. Driveway openings.

(a) The approval of a permit application for driveway construction shall be contingent on the following conditions:

(1) That the driveway opening approved shall be used strictly to provide access to adjoining property and not for the purpose of parking or servicing vehicles within the City right-of-way.

(2) That the driveway shall be constructed in accordance with standard details for driveway openings and standard specifications on file in the office of the Superintendent of Highways, and such changes as may be necessary to fit a particular condition.

(3) That existing driveway openings fronting the property and which will not be in use shall be reconstructed to a normal sidewalk and curb cross-section where such sidewalk and curb exists.

(4) That no more than one (1) combination entrance and exit shall be allowed for any property the frontage of which is less than fifty (50) feet. Parcels having a frontage from fifty (50) feet to one hundred (100) feet will be permitted two (2) entrances if one-third (⅓) of the intervening frontage is used in a channelizing island. Driveway layouts for lots with a frontage greater than one hundred (100) feet for which more than two (2) entrances are considered shall be reviewed separately by the Superintendent of Highways and a decision based on the circumstances of each case. Driveways which are less than one hundred (100) feet from any intersection shall be reviewed separately by the Traffic Authority and the Superintendent of Highways of the City. Driveways leading to commercial and industrial establishments shall also have the approval of the Traffic Authority of the City.

(5) That the driveway within the limits of the City right-of-way shall slope toward the gutter.

(6) That drainage ditches or gutters shall not be altered or impeded in any way, and, where a driveway shall cross an open ditch, the applicant shall provide suitable drainage structures as determined by the Superintendent of Public Highways.

(7) That when existing sidewalk or curbing has to be removed to construct a driveway, such curb or sidewalk shall be removed for its full depth and to formed hints. The breaking and removal of parts of sidewalk slabs or parts of curbing shall not be permitted.

(b) Under unusual circumstances the above requirements may be varied, as decided by the Superintendent of Highways in his sole discretion.
(Code 1961, § 17-83; Ord. No. 245, § 32, 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-91. Driveway or curb repair, reconstruction or relocation as result of highway relocation, etc.

Whenever a driveway or curb requires repairing, reconstructing or relocating as a result of a highway relocation, repair, construction or reconstruction, and there is no taking of private property involved, the Director of Public Works or his agents may enter upon such private property for the purpose of repairing, relocating or reconstructing such driveway or curb. He and his agents shall use care that no unnecessary damage shall result and the cost of such repair, relocation or reconstruction or of any damage or injury caused to such property shall be paid from appropriations made for such purpose.
(Code 1961, § 17-84; Ord. No. 315, 3-5-1985)

Secs. 42-92—42-110. Reserved.

DIVISION 2. PERMIT

Sec. 42-111. Operations for which permit required.

The following types of operations within the limits of City highways and rights-of-way shall require a written application for a permit issued by the Public Works Department, before any work may be performed:

(1) The construction, repair, installation and maintenance of sewers, drains, water mains, gas mains, telephone and electrical conduits, television cables, fire alarms or traffic-control cables, or service connections thereto; driveways, pavement extensions; manholes, inlets, catchbasins; fire hydrants; sidewalks, curbs, steps, retaining walls or fences.

(2) The temporary storage of equipment or construction materials.

(3) The erection and maintenance of poles, wires, guys, cables or other overhead structures.

(4) Any other operations which may cause abnormal wear to, deface or damage existing structures, pavement, curbs or sidewalks.

(Code 1961, § 17-47; Ord. No. 245, § 1(C), 8-7-1979; Ord. No. 354, 10-6-1987)

Sec. 42-112. Application for permit.

An application for a permit must be filed with the City before a preliminary investigation will be undertaken in connection with the issuance of a permit. Standard application forms for this permit may be secured from the Director of Permit Coordination. Each application form shall be completely filled in, signed and mailed or delivered to the Department of Public Works together with a non-refundable permit fee in the amount of fifty dollars ($50.00) or three (3) percent of the total amount of the bond required to be posted pursuant to the requirements of section 42-121, whichever is greater, said fee not to exceed five hundred dollars ($500.00); except for public service companies as defined by C.G.S. § 16-1(4), which shall be required to submit a non-refundable permit fee in the amount of fifty dollars ($50.00). An explanation of the application sketches shall be made either in the space provided on the application form or on a separate sheet, in duplicate, and which shall be attached to the application. Such diagrams or sketches shall show the character and extent of the work as well as the location of the work to be done in relation to the outstanding features of the road, such as: Property lines, intersections, pavement lines, sidewalks, trees, drainage structures and utility poles identified by number. The applicant will be required to disclose, upon request, the methods and materials proposed to be used on projects deemed by the City, in its discretion, to be unusual or complex. The applicant will be required to submit, upon request, engineered sketches or a plot plan, which the City, in its discretion deems necessary.
(Code 1961, § 17-48; Ord. No. 245, § 3, 8-7-1979; Ord. No. 289, 6-1-1982; Ord. No. 329, 4-1-1986; Ord. No. 596, 4-1-2003)

Sec. 42-113. Responsibility of permit applicant to establish boundary lines.

Permit applicants must retain their own registered land surveyors to establish lines and otherwise inform themselves of the demarcation between public lands and private holdings.
(Code 1961, § 17-49; Ord. No. 245, § 15, 8-7-1979)

Sec. 42-114. Submission by permit applicant of plans and specifications for work of major scope.

When applications are made for permits involving work of "major scope," which shall be defined to mean work other than service connections in the pavement area and other than repairs to existing facilities beyond the traveled portion of the roadway, complete plans and specifications must be submitted in duplicate with the application form. They should be so detailed that the exact location of the various parts of the work, the risk of injury to road users, and the probability of damage to trees, highway structures and private property may be ascertained.
(Code 1961, § 17-50; Ord. No. 245, § 4, 8-7-1979)

Sec. 42-115. Filling out, signing of permit form by applicant.

An applicant must fill out a permit form and sign same, showing authority to be or to bind the applicant.
(Code 1961, § 17-51; Ord. No. 245, § 9(A), 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-116. Grounds for rejection of permit applications.

(a) *Excessive damage, disturbance or danger.* When it appears that the work called for in an application would cause substantial or needless damage to a highway, create excessive disturbances to traffic, or cause exceptionally dangerous conditions not commensurate with the benefits to the applicant, the request for permit shall be denied. The applicant shall be informed of such rejection by letter which shall state the reasons for the rejection.

(b) *Prior nonperformance by applicant.* The Director of Permit Coordination may, at his discretion, refuse to issue a permit to any person, company or utility when, in his opinion, the work performed under a permit previously issued to the applicant was unsatisfactorily completed and where the applicant has failed to reimburse the City for recoverable charges billed under terms governing the previous permit. If, however, the applicant has applied to a court of proper jurisdiction for a judicial determination of his rights and duties regarding such previous nonperformance and the litigation is pending or the court has ruled in favor of said applicant, then the issuance of such a permit may not be refused.
(Code 1961, § 17-53; Ord. No. 245, § 5, 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-117. Notification of permit decision; filing of bond and insurance.

The permit applicant shall be informed of approval or disapproval of his application within ten (10) working days of his submission. Upon approval, but prior to issuance of any permit hereunder, the applicant shall file the required bond, together with an approved certificate of insurance in duplicate with the Director of Finance.
(Code 1961, § 17-54; Ord. No. 245, § 9(C), 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-118. Applicability of other local, state requirements.

The issuance of a permit to an applicant to perform any of the operations specified in section 42-111 does not relieve the applicant in any way from complying with other municipal ordinances or resolutions or state statutes, regulations or other lawful acts of other state or local agencies or departments.
(Code 1961, § 17-44; Ord. No. 245, § 1(C), 8-7-1979)

Sec. 42-119. Jurisdiction of City highways retained, including authority to require removal, relocation of structures, etc.

The granting of permits to install public utility and other structures does not diminish or waive the jurisdiction of the City or its officers, agents or employees over City highways. If at any time it becomes necessary, in the opinion of the City, to remove or relocate any of the structures or fixtures installed under a permit, said removal or relocation, upon notification by the City or its authorized agent, shall be made immediately in

accordance with law, and the cost thereof shall be borne by the City or the owner as by law shall be proper.
(Code 1961, § 17-45; Ord. No. 245, § 18, 8-7-1979)

Sec. 42-120. Indemnification of City from loss.

The applicant for a permit under the provisions of this article agrees, by the issuance of a permit, that he will hold the City, its officers, agents and employees, harmless from any and all claims and actions and will indemnify them from any loss, including reasonable costs and attorney's fees, whatsoever arising from the exercise of said permit. The applicant shall sign the application and shall also initial the form in the margin just to the right of the hold harmless clause.
(Code 1961, § 17-46; Ord. No. 245, § 14, 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-121. Bond requirements.

(a) Prior to the issuance of a permit, the applicant shall deposit with the City a certified check or such form of other security assuring satisfactory completion in an amount and form as shall be determined by the Corporation Counsel. The amount of the security shall be established separately for each permit so that the City shall be protected against loss in the event of the failure of the permit holder to complete the work or make required repairs or restoration of damages involving the work or encroachment authorized by the permit. A cash bond may be required by the tree warden to cover any trees or shrubs in the construction area. The amount of the security shall be determined by the Director of Permit Coordination, with the approval of the Director of Finance on the basis of the cost required to make proper restorations or repairs. This bonding requirement may be waived by the Superintendent of Highways when the cost of restoration does not exceed one hundred dollars ($100.00) and when the applicant is the owner-occupant of a residence located adjacent to the work to be performed and when said applicant guarantees performance of the work. Immediately upon approval of an application for permit the Superintendent of Highways shall advise the applicant as to the amount of the security required and as to the applicability of the provisions of section 42-76.

(b) An annual blanket surety bond, acceptable to the Director of the Department of Public Works or his designee, may be deposited to avoid the inconvenience and expense of obtaining individual bonds for each permit requested.

(c) The security, as referenced in subsection (a) of this section shall be released to the permit holder two (2) calendar years after the completion of the permanent restoration or repairs, provided said restoration or repairs has been satisfactorily completed by the applicant. If further restoration or repairs are necessary, the security will be held for an additional one-year period from the date the applicant makes those repairs.
(Code 1961, § 17-55; Ord. No. 245, § 6, 8-7-1979; Ord. No. 284, 6-1-1982; Ord. No. 385, 2-6-1990)

Sec. 42-122. Insurance requirements.

An applicant for a permit to work within the City highways or lands shall furnish to the City, prior to the issuance of a permit, certificates of insurance including automobile, property damage liability, bodily injury liability and workers' compensation insurance and such other forms of insurance as may be required by the Department of Finance of the City of Danbury. This insurance requirement may be waived by the Superintendent of Highways when the cost of restoration does not exceed one hundred dollars ($100.00) and the applicant is the owner-occupant of a residence located adjacent to the work to be performed and when the applicant guarantees performance of the work.
(Code 1961, § 17-56; Ord. No. 245, § 7, 8-7-1979; Ord. No. 284. 6-1-1982)

Sec. 42-123. Issuance of permit; distribution of copies; display of copy at job site.

(a) A permit shall be issued upon compliance with the requirements of this article and upon receipt of the required bond and certificate of insurance in the correct form and amount. No

permit shall be valid unless the signature of the Superintendent of Highways or his designee is affixed thereto.

(b) When a permit is issued it shall be distributed as follows:

(1) Original to the applicant;

(2) First copy to the Superintendent of Highways;

(3) Second copy to the inspector.

(c) A copy of the permit shall be available at the job site at all times for inspection by local police, highway personnel and other interested persons. To be valid, the permit must show the effective and expiration dates and must be signed by the Superintendent of Highways.
(Code 1961, § 17-57; Ord. No. 245, §§ 8, 9(D), 11, 8-7-1979; Ord. No. 284, 6-1-1982; Ord. No. 508, 11-9-1995)

Sec. 42-124. Additional work, repairs not designated in original permit.

In the event the permittee discovers that additional work or repairs not designated in the original permit must he done in the same location, the permittee must file application with the City for a permit to authorize the additional work in the same manner as the first permit.
(Code 1961, § 17-59; Ord. No. 245, § 3, 8-7-1979)

Sec. 42-125. Emergency permits.

In an emergency the Director of Permit Coordination and the Director of Public Works, or their designees, may grant oral permission to perform work that would otherwise require a written permit issued in accordance with the provisions of this article. When permission has been granted orally by the City to perform emergency work, such as repair of broken gas or water mains, the person or company concerned must file a written application for a permit on the first working day following oral approval in a manner prescribed for nonemergency work. Thereafter, a written permit shall be issued in confirmation of the oral permission as a permanent record of the transaction. Persons performing emergency work must have an approved certificate of insurance on file with the City, in accordance with section 142-122, prior to performing any work within highway limits.
(Code 1961, § 17-60; Ord. No. 245, § 10, 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-126. Commencement of work under permit; working days.

(a) Except as otherwise provided herein, work under the permit shall begin within thirty (30) calendar days, and shall be completed by December 1 or such other expiration date as shall be designated on the permit. No work shall be done between December 1 and March 1, except as provided in section 42-125, and provided further that the December 1st deadline for the completion of permitted work may be extended if, in the judgment of the Superintendent of Highways, weather conditions permit continuation of the work.

(b) The permittee shall be forbidden to commence work until the items referred to in section 42-121(a) have been complied with. The permittee shall notify the Public Works Department at least twenty-four (24) hours in advance of the exact date and hour he proposes to begin work.

(c) Saturdays, Sundays and normal City holidays shall not constitute working days, and no construction or activity shall be done on said days, except as provided in section 42-125.
(Code 1961, § 17-61; Ord. No. 245, § 8, 8-7-1979; Ord. No. 284, 6-1-1982; Ord. No. 347, 6-2-1987; Ord. No. 509, 11-9-1995)

Sec. 42-127. Extension of time for completion of permit work.

All work shall be completed in a manner satisfactory to the City before the expiration date shown on the permit except in cases where permanent repairs must be made at a future date. Otherwise, the permit holder shall request an extension of time. An extension of time may be granted by the Superintendent of Highways upon written application by the permittee,

provided that said application shall state a reasonable justification beyond the control of the applicant.
(Code 1961, § 17-62; Ord. No. 245, § 3, 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-128. Replacement of improvements within the limits of the highway or public property; repair of damages resulting from permit work.

The permittee, at his own expense, shall replace all improvements in equal or better condition, as compared to that which existed prior to commencement of work, and shall repair in kind any damage caused by his activities under a permit. Repair and replacement work shall be performed by or under the direction of the permittee and shall be supervised by the Superintendent of Highways. The replacement of any damaged or removed property monuments shall be done by a surveyor registered for such work in the State of Connecticut.
(Code 1961, § 17-63; Ord. No. 245, § 16, 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-129. Inspector's field notes.

The Inspector shall note on his copy of the permit the date operations were begun and completed; any unusual conditions encountered; and, if permanent repairs are required, he shall note the type of repair and approximate date of commencement and completion of such repairs. A copy of the Inspector's notes shall be returned to the Superintendent of Highways.
(Code 1961, § 17-64; Ord. No. 245, § 9(E), 8-7-1979; Ord. No. 284, 6-1-1982)

Sec. 42-130. Revoking permits.

Any permit issued by the City shall be revocable for due cause for violations of law immediately upon notification to the permittee, provided that written notification shall be mailed or delivered to the permittee on the next working day.
(Code 1961, § 17-58; Ord. No. 245, § 12, 8-7-1979; Ord. No. 284, 6-1-1982)

Secs. 42-131—42-158. Reserved.

ARTICLE IV. PUBLIC SHADE TREES*

Sec. 42-159. Damage, removal and replacement.

(a) Unless specifically authorized pursuant to a written permit issued by the City Forester, no person, firm or corporation shall damage, cut, carve, prune, transplant, spray or remove any public tree or shrub, including the root system thereof, or attach any ropes, wires, nails, advertising posters or other contrivances to any tree or shrub or allow any gaseous, liquid or solid substance which is harmful to such trees or shrubs to come in contact with them, or set fire or permit any fire to burn if such fire or the heat therefrom will injure any portion of any such tree or shrub. Any work performed under such permit shall be done in strict accordance with the conditions thereof. The City may recover the cost of repair or replacement of any tree or shrub damaged in violation of this section from the property owner involved or from any other responsible party.

(b) No permit authorizing the removal of any trees or shrubs from within the limits of any public roads or grounds shall be issued unless the applicant agrees to replace any trees or shrubs so removed. Such replacement shall meet the minimum standards of size, species and placement as provided for in the permit issued by the City Forester. Said standards shall ensure that the replacement trees and shrubs shall be of a quality equal to those to be replaced. The permittee shall bear the cost of removal and replacement of all trees and shrubs so removed.

(c) Unless prior written permission from the City Forester has been obtained no person, firm or corporation shall deposit, store, place or maintain within the limits of any public road or grounds any stone, brick, sand, cement or other impervious material in such a manner as may obstruct the free passage of air and water to the roots of any tree or shrub growing within such road or grounds.
(Code 1961, § 17-95; Ord. No. 354, § 17-85, 10-6-1987)

***State law reference**—General authority relative to shade trees, C.G.S. §§ 7-131(d), 7-148(c)(6)(A)(iv).

Sec. 42-160. Planting.

(a) Any person wishing to plant trees or shrubbery upon any public road or grounds shall first obtain a written permit from the City Forester. Before issuance of a permit to plant, the application shall be reviewed by the City Engineer to determine if the proposed planting would create a sight distance hazard.

(b) Whenever any tree or shrub shall be planted improperly in any public place in violation of the provisions hereof or of any permit issued hereunder, the City Forester may remove or cause the removal thereof, or may take such other action deemed necessary to rectify such improper planting and the cost thereof may be charged to the property owner involved or to the party responsible for the improper planting.
(Code 1961, § 17-96; Ord. No. 354, § 17-86, 10-6-1987)

Sec. 42-161. Protection of trees.

No person shall excavate any ditches, tunnels, trenches or lay any driveway within a radius of twenty (20) feet from any tree or shrub located within the limits of any public road or other public place without first obtaining a written permit from the City Forester. All trees within the limits of any public road or other public place and within twenty (20) feet of any excavation or street work or within twenty (20) feet of construction of any building, driveway or other structure shall be guarded either with a substantial fence, frame, box or barrier of such dimensions as may be required by the City Forester or in any other fashion as the City Forester may prescribe. Unless otherwise authorized by the City Forester all building materials and other debris shall be kept outside the barrier.
(Code 1961, § 17-97; Ord. No. 354, § 17-87, 10-6-1987)

Sec. 42-162. Public trees on private property.

Upon receipt of the written consent of a property owner the City Forester may plant, trim, spray, care for and preserve shrubs and shade trees located on the private property of such owner and lying within ten (10) feet of the limits of any public road or other public grounds for the purpose of shading or ornamenting any such road or grounds. All shrubs and trees placed under the provisions of this section shall be deemed public shrubs and trees and shall be under the care and control of the City Forester and may be removed only upon written permit from him.
(Code 1961, § 17-98; Ord. No. 354, § 17-88, 10-6-1987)

Sec. 42-163. Hearing.

If any person, firm or corporation objects to the action of the City Forester in the issuance or nonissuance of a permit to remove, transplant, prune or plant any tree or shrub within the control of the City Forester or take any other action for which a permit is required pursuant to the provisions of section 42-159 et seq., he or it may appeal to the City Forester in writing. The City Forester shall then hold a public hearing at some suitable time and place after giving reasonable notice of such hearing to all persons known to be interested therein and posting a notice thereof on or near the trees or shrubs involved. Within three (3) days after such hearing the City Forester shall render his decision granting or denying the appeal.
(Code 1961, § 17-99; Ord. No. 354, § 17-89, 10-6-1987)

Sec. 42-164. Permit conditions.

The procedure for the issuance of permits hereunder by the City Forester shall be in substantial accordance, mutatis mutandis, with the application, bonding, insurance and working conditions and requirements contained in sections 42-69, 42-72 through 42-75, 42-80 through 42-89, 42-112, 42-113, 42-115, 42-121 through 42-124, 42-126 through 42-129; except that the City Forester shall be substituted in all cases where reference is made to the Director of Permit Coordination.
(Code 1961, § 17-100; Ord. No. 354, § 17-90, 10-6-1987)

Secs. 42-165—42-181. Reserved.

ARTICLE V. SCENIC ROADS*

Sec. 42-182. Preamble.

(a) The scenic and rural roads of the City are irreplaceable resources. The scenic values of some rural roads in Danbury have been destroyed or are in danger of destruction because of past or potential alterations or improvements to their rights-of-way. Such alterations and improvements have had, and could continue to have, an adverse impact on the quality of Danbury's aesthetic and historical environment, an environment that is of great benefit to residents and visitors alike.

(b) The Connecticut General Assembly has found, through the adoption of C.G.S. § 7-149a, that the preservation and protection of the scenic or historic values of rural roads is essential to the welfare of the people of Connecticut.

(c) It is the purpose of this article to balance the need to provide for convenient and safe public transportation routes with the need to preserve these scenic and rural values. It is the intent of this article to protect the road and road right-of-way only.

(d) Therefore, be it ordained by the City of Danbury that, pursuant to the authority granted by C.G.S. § 7-149a, the City shall provide for the designation of certain municipal highways or portions thereof within its borders as scenic roads.
(Code 1961, § 17-110; Ord. No. 448, 8-4-1992)

Sec. 42-183. Authority.

The City Council shall be authorized to designate by ordinance a highway or any portion of any highway as a scenic road. Notwithstanding any other provisions of this article, and in addition to such other responsibilities and powers as hereinafter set forth, the Planning Commission of the City shall, with respect to this article, make all land use determinations over which it may retain appropriate statutory jurisdiction.
(Code 1961, § 17-111; Ord. No. 448, 8-4-1992)

*State law reference—Municipal powers relative to scenic roads, C.G.S. § 7-149a.

Sec. 42-184. Designation criteria.

(a) No highway or portion of a highway shall be designated as a scenic road if the abutting property contains intensive commercial development or if the highway itself has intensive vehicular traffic. Prior to designating a highway or portion thereof as a scenic road, the City Council shall first specifically find that the highway or portion of highway to be designated is at least one-half (½) mile in length or that the entire length of the highway is less than one-half mile in length and at least one (1) end of the highway abuts a highway already designated as scenic. The City Council shall also find that at least one (1) of the following criteria is met:

(b) The highway is unpaved;

(c) The highway is bordered by mature trees or stone walls;

(d) The travelled portion of the highway is no more than twenty (20) feet in width;

(e) The highway offers scenic views;

(f) The highway blends naturally into the surrounding terrain; or

(g) The highway parallels or crosses over brooks, streams, lakes or ponds.

(h) No highway or portion thereof may be designated as a scenic road by the City Council pursuant to this article unless the owners of the majority of the lot frontage abutting the highway or portion thereof agree to the designation of the highway as a scenic road by filing a written statement of approval with the Town Clerk, which statement of approval shall meet the requirements of section 42-185.
(Code 1961, § 17-112; Ord. No. 448, 8-4-1992)

Sec. 42-185. Procedure for designation.

(a) *Statement of approval.* No ordinance designating a highway or portion thereof shall be adopted unless the City Council shall have received a statement of approval which meets each of the requirements set forth as follows.

The statement of approval shall be submitted on a form approved by the Town Clerk and shall contain the following:

(1) The name of the highway to be designated as a scenic road, a map and general description of the portion of such highway sought to be designated, together with a statement of the approximate total length of the highway or portion thereof to be designated;

(2) A description of those characteristics of the road which qualify it for scenic road status, including, but not limited to, which of the criteria set forth in section 42-184 the road satisfies;

(3) Signatures of the owners of a majority of lot frontage abutting the highway or portion of highway in question, stating that they approve of designating the road or portion thereof as a scenic road and indicating their addresses and their lot frontage along the road or portion of the road in question; and

(4) The names and addresses of owners of lot frontage abutting the highway or portion of highway in question who did not approve the designation.

(b) *Filing with Town Clerk.* The original of the statement of approval shall be filed with the Town Clerk, who shall retain one copy, forward one (1) copy to the Tax Assessor, and forward the original to the City Council. The Tax Assessor shall verify the ownership and the total lot frontages of those signing the statement of approval, shall verify that such total lot frontage constitutes a majority of lot frontage abutting the highway or portion thereof to be designated as a scenic road, and shall submit such verification to the City Council within five (5) days from the date the Assessor receives the statement of approval from the Town Clerk.

(c) *Hearing.* In order to designate a highway or portion thereof a scenic road, the City Council shall first hold a public hearing regarding the designation of such road as a scenic road. Notice of the public hearing shall be given in the manner provided in section 3-8 of the Danbury Municipal Charter, and by sending a copy of the notice of the hearing by registered or certified mail to the owners of lots fronting the highway or the portion of the highway to be designated as a scenic road.

(d) *Decision.* The City Council shall approve for designation any highway or portion of highway which it finds meets the criteria of section 42-184 and if the statement of approval conforms to the procedural requirements of subsection (a) of this section. Within ten (10) days after the passage of an ordinance designating a highway or portion of a highway as a scenic road, the Town Clerk shall cause a notice to be addressed by certified mail to the owners of lots fronting on that highway or portion thereof designated as a scenic road. Such notice shall be a simple statement that the highway or portion thereof was designated as a scenic road by ordinance, together with the date of such action. The grounds for the designation or nondesignation shall be stated in the records of the City Council and in the case of designation shall include in detail the special features which make the highway so designated scenic.

(e) *Identification by signs.* Each designated scenic road shall be identified by the posting of signs at both ends of the road. Such signs shall read as follows:

SCENIC ROAD

POSTED SPEED LIMIT STRICTLY ENFORCED

(Code 1961, § 17-113; Ord. No. 448, 8-4-1992)

Sec. 42-186. Rescission.

The designation of a highway or a portion thereof as a scenic road may be rescinded by the City Council by ordinance using the same of the procedures as was used for the designation in section 42-185, and provided that the owners of the majority of the lot frontage abutting the highway or a portion of the highway concur with such rescission as set forth in this article. No designation of a highway or portion of a highway as a scenic road may be rescinded, and no petition or request for a rescission may be filed, for at least two (2) years after the effective date

of the ordinance so designating such highway or portion thereof as a scenic road. No designation of a highway or portion of a highway as a scenic road may be rescinded unless the highway or portion thereof to be rescinded is at least one-half (½) mile in length.
(Code 1961, § 17-114; Ord. No. 448, 8-4-1992)

Sec. 42-187. Application for alterations.

(a) *Preservation objective.* The City shall maintain its scenic roads in good and sufficient repair and in passable condition. Routine maintenance and the regulation of future alterations and improvements of designated highways shall be carried out so as to preserve to the highest degree possible the scenic characteristics of the highway which are indicated in the records of the City Council as the basis for its designation as a scenic road.

(b) *Routine road maintenance.* Such maintenance shall include removal of dead and seriously diseased or damaged trees and branches of trees; trimming of the tree branches that encroach on the travelled portion of the highway below the height needed to allow school buses and emergency vehicles to pass; trimming or removal of brush and removal of boulders or other obstacles that encroach on the travelled portion of the road; necessary trimming for utility lines; trimming of brush to enhance and protect scenic views, stone walls, mature trees and other characteristics of the scenic road set forth in the decision designating it a scenic road correction of drainage problems; and graveling, retreatment and repair of existing roadway surfaces. Routine road maintenance shall not require approval by the City Council, except that the Mayor shall be notified of contemplated routine maintenance to a scenic road at least one (1) week before it is scheduled to commence.

(c) *Natural disasters.* In the case of a natural disaster or emergency in which a road becomes impassable or unsafe for public travel and access must be provided, emergency repairs may be made as needed to restore the highway or portion of highway to its pre-emergency condition.

(d) *Alterations or improvements procedure.* As used in this article, the terms "alteration" and "improvement" includes widening of the right-of-way or of the travelled portion of the highway, paving, changes of grade, straightening, removal of stone walls or mature trees within the road right-of-way, and all other improvements within the right-of-way except routine maintenance as defined in subsection (b) of this section. The alteration or improvement of a designated scenic road shall be determined by the City Council. Any proposal for alteration or improvement whether by a public or private applicant shall be submitted to the City Council, along with a suitable map showing in detail the proposed alteration or improvement. At its next regularly scheduled meeting after submission of the proposal, the City Council shall refer the proposal to the Planning Commission. If it deems necessary, the Planning Commission may require the applicant to submit engineering or other technical reports documenting the need for the alteration or improvement and offering potential alternative solutions. The Planning Commission may hold a public hearing on the application. The Planning Commission shall submit findings of fact, the minutes of any hearing and a recommendation to the City Council within thirty-five (35) days after the submission of the proposal to it by the City Council. Within thirty-five (35) days after receiving the Planning Commission's report, the City Council shall hold a public hearing on the application. The City Council shall consider the Planning Commission's findings of fact and recommendation in making its determination, provided that the City Council shall approve an alteration or improvement involving widening of a scenic road which the Planning Commission has recommended, disapproving only upon a two-thirds (⅔) vote of the City Council. In making its determination, the City Council shall consider the opinion of the City Engineer. Final action on the application shall be taken within forty-five (45) days after the public hearing held by the City Council.

(e) *Standards for alteration.* No alterations or improvements to a scenic road or portion thereof (other than routine maintenance) shall be made unless the City Council determines that such

alterations or improvements are necessary to maintain the road in good and sufficient repair and in reasonably safe condition for public travel. The City Council shall not grant an application to improve or alter a scenic road or portion thereof to accommodate a proposed subdivision or development of land to which the scenic road would provide access unless the City Council determines that such alteration or improvement will not have a material adverse effect on the scenic characteristics of the highway which formed the basis for its designation as a scenic road, or unless the City Council, upon the advice of the Corporation Counsel, determines that a refusal to permit such alteration or improvement would result in a violation of article I, section 11 of the Connecticut Constitution. In determining whether to allow proposed improvements or alterations, the Planning Commission and the City Council shall take into account the specific safety features of the proposed change, the overall impact of the proposed change on the scenic road and the public response to the proposed change. Any decision by the City Council to alter or improve a scenic road shall reflect the least possible damage to the scenic character of the highway. If alterations or improvements to a scenic road are required, then they shall conform to the following requirements:

(1) *Speed limits.* Scenic values are correlated with lower speeds. The speed limit established by the City for a scenic road shall be clearly posted and strictly enforced.

(2) *Curves.* Scenic values are correlated with the existence of curves, which allow a constant unfolding of new and changing views. Curves shall not be eliminated unless they are found to be a definite traffic safety hazard.

(3) *Grades.* Hills and valleys are correlated with scenic values. They shall not be altered by cut and fill operations unless such operations are found to be necessary to ensure road safety.

(4) *Widths.* A narrow road is correlated with high scenic beauty. Designated highways shall not be widened unless the amount of traffic, as determined by a factual study, demands it in order to eliminate or lessen existing or potential safety hazards. For some rural roads, the amount of traffic that can be handled can be greatly increased by wide bypasses and turnouts constructed at intervals where they do least damage to scenic and other values; such bypasses and turnouts shall be created wherever possible as a safe alternative to road widening.

(5) *Side slopes.* Existing steepness of side slope is preferable to reduction of gradient by extensive removal of soil and rock and shall be preserved wherever possible. This is especially true where the slope is fully stabilized and where it is rich with existing ground cover, shrubs and trees.

(6) *Utility lines.* Wherever possible and whenever financially feasible, utility lines shall be put underground. Where such lines are overhead, the utility corporations shall cooperate by suitable vegetation management techniques which preserve wild flowers and shrubs and replace those disturbed by construction activity.

(7) *Vegetation.* Vegetation on the side of the road shall be managed in such a way as to preserve wild flowers, permissible shrubs of ornamental and wildlife value and trees. Over-arching isolated trees and the canopy of a closed forest can have extremely high scenic value.

(8) *Stone walls.* If stone walls or portions thereof must be removed, they shall when deemed necessary by the City Council, be rebuilt in a suitable location along the scenic road.

(9) *Nonscenic activities and structures shall be forbidden.* Such prohibition shall include the installation or establishment of billboards, sand, gravel and salt piles, refuse disposal and other similar uses of the road right-of-way which interfere with the scenic character of the road. Nothing herein shall be deemed to prevent the

placement of sand barrels, refuse containers or recycling containers within the right-of-way of any scenic road.

(f) *Paving criteria.* No scenic road may be paved unless the City Council passes a resolution to the effect that there is no reasonable alternative to the improvement or alteration of the road other than paving. Such resolution shall be based upon certification by the City Engineer or the Director of Public Works that there is no reasonable alternative to the improvement or alteration of the road other than paving, and that the alteration or improvement by paving is necessary to maintain the road in good and sufficient repair and in reasonably safe condition for travel. Any paving of a scenic road in accordance with this subsection or any work to be done in connection with such paving shall not commence before sixty (60) days after the date of the resolution of the City Council in accordance with the provisions of this subsection. Before any alteration or improvement may be made to a road pursuant to this subsection, all other requirements and procedures of this section must also be complied with.

(g) *Rights of landowners.* Nothing in this article shall be deemed to prohibit a person owning or occupying land abutting the highway or portion thereof designated as a scenic road from maintaining, repairing, altering or improving land which abuts the road so designated if such activity occurs on land outside of the right-of-way, paved or unpaved, of the scenic road or having access to his property by driveway or subdivision road by encroachment within the rights-of-way, provided that such encroachment is constructed so as to safeguard the highway's scenic features as recorded by the City Council.

(h) Nothing herein shall prohibit a landowner from permanently removing a portion of a stone wall in order to construct or improve a driveway or, in the case of a subdivision, to connect a subdivision road with a designated scenic road.

(i) The City shall provide notice of any proposal to amend this article to all owners of property on any road any portion of which has been designated as scenic. The notice shall be mailed to such owner's address as shown in the last-completed grand list of the City or at any later address of which the City Council may have knowledge, not less than ninety (90) days prior to any action on said proposal.
(Code 1961, § 17-115; Ord. No. 448, 8-4-1992)

Sec. 42-188. Enforcement.

This article shall be enforced by the Department of Planning and Zoning. Violation of this article shall be subject to a fine not exceeding one hundred dollars ($100.00) per day for each day the violation continues, and such other legal remedies as may be available to the City.
(Code 1961, § 17-116)

Sec. 42-189. Designation of a portion of Long Ridge Road as a scenic road.

In accordance with the provisions of this article, the City Council does hereby designate a portion of Long Ridge Road as a scenic road. The portion so designated is located between a point on Long Ridge Road on the northerly side of the intersection of Long Ridge Road and Church Road, being adjacent to the most southerly point of Assessor's lot J25007 and a point on Long Ridge Road adjacent to the most northerly point of Assessor's lot J23007. Such Assessor's lots are shown and designated on maps maintained in the office of the Tax Assessor.
(Code 1961, § 17-120; Ord. No. 461, 4-6-1993)

Secs. 42-190—42-216. Reserved.

ARTICLE VI. NEWSRACK/VENDING DISPLAYS

Sec. 42-217. Intent and purpose.

It is not the intent of this chapter to discriminate against, regulate, or interfere with the publication, circulation, distribution or dissemination of any printed material which is constitutionally protected. To that end, the content of any material distributed through a newsrack shall not be used to form the basis for any action

taken to enforce the provisions of this chapter. The provisions set forth in this chapter shall be construed strictly in accord with this intent.
(Code 1961, § 11-21; Ord. No. 665, 5-1-2007)

Sec. 42-218. Word usage; definitions.

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

Block means one (1) side of a street between two (2) consecutive intersecting streets.

Director of Public Works means the head of the Danbury Department of Public Works or his duly designated representative, in the UNIT.

Distributor means any person responsible for the installation, operation or maintenance of a newsrack in a public right-of-way.

Mayor means the Mayor of Danbury or his duly designated representative, in the UNIT.

Newsrack means any self-service or coin-operated box, container, storage unit or other dispenser installed, operated or maintained for the display and distribution or sale of newspapers, periodicals or other printed matter.

Public right-of-way means any area owned, maintained or within the control of the City of Danbury, open for use of the public for vehicular or pedestrian travel, including but not limited to roadways, sidewalks, streets, alleys or public grounds.

Roadway means that portion of any street improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

Sidewalk means any portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

Street means the entire area encompassed by a roadway and a sidewalk.

UNIT means "Unified Neighborhood Inspection Team" comprised of permit enforcement officials as designated by the Mayor or Director of Public Works.
(Code 1961, § 11-22; Ord. No. 665, 5-1-2007)

Sec. 42-219. Newsracks restricted.

(a) No person shall install, use or maintain any newsrack which projects onto, into or which rest, wholly or in part, upon the roadway of any public street.

(b) No person shall install, use, or maintain any newsrack which in whole or in part rests upon, in, or over any public right-of-way:

(1) When such installation, use, or maintenance endangers the safety of persons or property;

(2) When such site or location is used for public utility purpose, public transportation purposes, or other governmental use;

(3) When such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including, not but limited to, parked or stopped vehicles; the ingress to or egress from any residence or place of business; the use of poles, posts, traffic signs or signals, hydrants, mailboxes or other objects permitted at or near said location;

(4) When such newsrack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery; or

(5) In any other manner inconsistent with or in violation of the provisions of this article.

(Code 1961, § 11-23; Ord. No. 665, 5-1-2007)

Sec. 42-220. Permit required.

It shall be unlawful for any person, firm or corporation to erect, place, maintain or operate, on any public right-of-way, in the City of Danbury any newsrack without first having obtained a permit from the Director of Public Works. One (1) permit may be issued to include any number of newsracks, and shall be signed by the applicant.
(Code 1961, § 11-24; Ord. No. 665, 5-1-2007)

Sec. 42-221. Application for permit.

(a) Application for such permit shall be made, in writing, to the Director of Public Works upon such form as shall be provided to the applicant

and shall contain the name and business address of the applicant, a telephone number or numbers at which the applicant may be reached during normal business hours, and the proposed location of said newsrack(s) and shall be signed by the applicant.

(b) A permittee may place additional newsracks at any location on any public right-of-way in Danbury which complies with the provisions of this article by amending its application to include the location of each such newsrack on a form to be prescribed by the Director of Public Works and by paying the fee set forth in section 42-222.
(Code 1961, § 11-25; Ord. No. 665, 5-1-2007)

Sec. 42-222. Conditions for permit; fee; term.

(a) Such newsrack or newsracks and the installation, use or maintenance thereof shall be conditioned upon observance of the provisions of this article including the time, place and manner provision of section 42-219. Permits shall be issued or denied within seventy-two (72) hours (excluding Saturday, Sundays and legal holidays) after the application has been filed. A permit fee of fifteen dollars ($15.00) shall be required for each proposed location.

(b) Such permits shall be valid for three (3) years and shall be renewable pursuant to the procedure for original applications referred to in section 42-221 and upon payment of the permit fee.
(Code 1961, § 11-26; Ord. No. 665, 5-1-2007)

Sec. 42-223. Hold harmless.

Every applicant for a permit to place a newsrack on a public right-of-way in the City of Danbury shall file a written statement with the Director of Public Works in a form satisfactory to the Corporation Counsel, whereby such owner agrees to indemnify and hold harmless the City, its officers, and employees from any loss, liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as result of his installation, use and/or maintenance of a newsrack within the City of Danbury.
(Code 1961, § 11-27; Ord. No. 665, 5-1-2007)

Sec. 42-224. Newsrack identification required.

Every person who places or maintains a newsrack on a public right-of-way within the City of Danbury shall have his permit number, name, address and telephone number affixed to the newsrack in place where such information may be easily seen before placing said newsrack on the right-of-way.
(Code 1961, § 11-28; Ord. No. 665, 5-1-2007)

Sec. 42-225. Location, placement of and number of newsracks.

Any newsrack which rests in whole or in part upon, or on any portion of a public right-of-way or which projects into, into or over any part of a public right-of-way shall be located in accordance with the provisions of this section:

(1) No newsrack shall be chained, bolted, or otherwise attached to any fixture located in the public right-of-way, except to other newsracks.

(2) Newsracks may be placed next to each other, provided that no group of newsracks shall extend for a distance of more than five (5) feet along a curb, and a space of not less than three (3) feet shall separate each group of newsracks.

(3) No newsrack shall be placed, installed, used or maintained:

a. Within five (5) feet of any marked crosswalk;

b. Within fifteen (15) feet of the curb return of any unmarked crosswalk;

c. Within five (5) feet of any fire hydrant, fire call box, police call box or other emergency facility;

d. Within five (5) feet of any driveway;

e. Within five (5) feet past, or twenty-five (25) feet prior to, any sign marking a designated bus stop, according to the direction of travel on the roadway adjacent to the bus stop sign, except that a newsrack may be placed immediately adjacent

to the end of a bus shelter if such placement shall not otherwise violate the requirements of this chapter;

f. Within five (5) feet of the end of any bus bench;

g. At any location whereby the clear sidewalk space for the passageway of pedestrians is reduced to less than six (6) feet in width;

h. Upon or within five (5) feet of any public area improved with flowers, shrubs, trees or other landscaping, or within five (5) feet of any display window of any building abutting the sidewalk or parkway or in such manner as to impede or interfere with the reasonable use of such window for display purposes;

i. Within five hundred (500) feet of any other newsrack on the same side of the street containing the same issue or edition of the same publication, within a business or industrial district;

j. Within any single-family residential zone except with the written permission of the abutting property owner, and except on a street designated as major arterial street, minor arterial street or collector street in the City of Danbury plan of development as that document may be adopted or amended from time to time;

k. Within fifteen hundred (1,500) feet of any other newsrack containing the same issue or edition of the same publication, within any residential district;

l. On any access ramp for disabled person.

(Code 1961, § 11-29; Ord. No. 665, 5-1-2007)

Sec. 42-226. Standards for maintenance and installation.

Any newsrack which in whole or in part rests upon, in or over any public right-of-way shall comply with the following standards:

(1) No newsracks shall exceed four (4) feet in height, two (2) feet in width, or two (2) feet in thickness.

(2) The name of the publication being dispensed therein shall have:

a. On the front of the newsrack, lettering size not exceeding one and three-quarter (1¾) inches in height.

b. On the sides and back of the newsrack, lettering size that shall not exceed two and one-half (2½) inches in height.

(3) No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper or news periodical sold therein.

(4) Each newsrack shall be made of metal and shall be painted in a color scheme consisting of a dark background with white lettering. Shades of red, yellow or green similar to those used in traffic control signs or devices shall not be used on any newsrack.

(5) Each newsrack shall have affixed to it, in readily visible place so as to be seen by anyone using the newsrack, a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction, or to secure a refund in the event of a malfunction of the coin return mechanism, or to give the notices provided for in this article.

(6) Each newsrack shall be so weighted and balanced as to prevent it from being tipped by the opening of its door, or by the impact of snow cast by a passing snowplow.

(7) Each newsrack shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newsrack shall be serviced and maintained so that:

a. It is reasonably free of dirt and grease;

b. It is reasonably free of chipped, faded, peeling and cracked paint and graffiti in the visible painted areas thereof;

c. It is reasonably free of rust and corrosion in the visible unpainted metal areas thereon;

d. The clear plastic or glass parts thereof, if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes and discoloration;

e. The paper or cardboard parts or inserts thereof are reasonably free of tears, peeling or facing;

f. The structural parts thereof are not broken or unduly misshapen;

g. It shall not contain any materials which pre-date the current issue of the publication. Such material shall not be deposited in any public trash receptacle owned by the City of Danbury and shall not be deposited in any privately owned trash receptacle without the permission of the owner or renter thereof. In the event that the publication is manufactured from recyclable material, it shall be discarded in an appropriate manner for that type of recyclable material.

(8) No newsrack shall contain or utilize any electronically powered illumination or sound.

(Code 1961, § 11-30; Ord. No. 665, 5-1-2007)

Sec. 42-227. Penalties for offenses.

Upon determination by the Director of Public Works or by a duly designated official with the UNIT that a newsrack has been installed, used or maintained in violation of the provisions of this article, an order to correct the offending condition shall be issued to the distributor of the newsrack. Such order shall be telephoned to the distributor and confirmed by mailing a copy of the order by certified mail, return receipt requested. The order shall specifically describe the offending condition, suggest actions necessary to correct the condition, and inform the newsrack distributor of the right to an appeal. Failure to correct the offending condition within five (5) days (excluding Saturdays, Sundays and legal holidays) of the order or to appeal the order within five (5) days after its receipt shall result in the offending newsrack being summarily removed and processed as unclaimed property. If the offending newsrack is not properly identified as to owner under provisions of section 42-224, it shall be removed immediately and processed pursuant to the provisions of the section. An impound fee, which shall be measured by the City's cost and expense of impounding, shall be assessed against each newsrack summarily removed. The Director of Public Works shall cause inspection to be made of the corrected condition or of a newsrack reinstalled after removal under this section. The distributor of said newsrack shall be charged an inspection fee of twenty-five dollars ($25.00) for each newsrack so inspected. This charge shall be in addition to any other fees and charges required under this article.

(Code 1961, § 11-31; Ord. No. 665, 5-1-2007)

Sec. 42-228. Remedies not exclusive/citations.

(a) The remedies for enforcement set forth in the article are not exclusive and may be utilized consistently with the citations procedure set forth in section 42-230.

(b) Nothing contained in this article shall be interpreted to limit or impair the exercise by the City of its police powers to remove any newsrack which presents a clear and present danger of imminent personal injury or property damage to users of the public right-of way.

(Code 1961, § 11-32; Ord. No. 665, 5-1-2007)

Sec. 42-229. Existing newsracks.

Newsracks existing within single family residential districts as of December 1, 2006, shall be permitted to remain in place, provided

that their location had been registered with the Director of Public Works in the manner prescribed by section 42-221 on or before July 1, 2007.
(Code 1961, § 11-33; Ord. No. 665, 5-1-2007)

Sec. 42-230. Abandonment.

In the event that a newsrack remains empty for a period of ninety (90) continuous days it shall be deemed abandoned, and may be treated in the manner as provided in section 42-227 for newsracks in violation of the provisions of this article.
(Code 1961, § 11-34; Ord. No. 665, 5-1-2007)

Secs. 42-231—42-253. Reserved.

ARTICLE VII. PARADES AND PUBLIC ASSEMBLIES*

DIVISION 1. GENERALLY

Sec. 42-254. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Parade means any march, demonstration, procession or motorcade, which the parade permit applicant believes will consist of more than twenty-five (25) persons, animals, or vehicles or a combination thereof upon the streets, sidewalks, parks or other public property owned by or under the control of the City of Danbury, for a common purpose as a result of prior planning that interferes with the normal flow of pedestrian or vehicular traffic upon said streets, sidewalks, parks or other public property.

Parade or public assembly permit means a permit as required by this article.

Public assembly means any meeting, demonstration, picket line, rally or gathering, which the parade permit applicant believes will consist of more than twenty-five (25) persons, held on the streets, sidewalks, parks or other pubic property owned by or under the control of the City of Danbury, for a common purpose as a result of prior planning that interferes with the normal flow of pedestrian or vehicular traffic upon said streets, sidewalks, parks or other public property.

Sidewalk means any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

Street means any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.
(Code 1961, § 11-45; Ord. No. 677, § 11-15, 6-5-2007)

Sec. 42-255. Special events.

All special events, including, but not limited to, pedestrian, bicycle or vehicular races, that require participants to pay an entry fee and which the applicant believes will consist of more than twenty-five (25) persons, that interferes with the normal flow of pedestrian or vehicular traffic upon the streets, sidewalks, parks or other public property owned by or under the control of the City of Danbury shall comply with the provisions of this article. In addition, the Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets, and sidewalks, parks or other public property owned by or under the control of the City of Danbury. If possible without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the parade or public assembly is deemed necessary by the Chief of Police, he shall so inform the applicant. The applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police at the sole expense of the applicant.
(Code 1961, § 11-47; Ord. No. 677, § 11-17, 6-5-2007)

*State law reference—Authority to regulate parades, C.G.S. § 7-148(c)(7)(H)(i).

Sec. 42-256. Police protection.

The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the parade or public assembly for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets, sidewalks, parks or other public properties. Except as otherwise provided in section 42-255, all costs of police protection shall be borne by the City of Danbury.
(Code 1961, § 11-50; Ord. No. 677, § 11-20, 6-5-2007)

Sec. 42-257. Prohibitions.

The following prohibitions shall apply to all parades and public assemblies:

(1) It shall be unlawful for any person to participate in a parade or public assembly for which the person knows a permit has not been granted;

(2) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly licensed parade or public assembly to knowingly fail to comply with any condition of the permit;

(3) It shall be unlawful for any person to carry any sign, poster, plaque, or notice, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material;

(4) It shall be unlawful for any person participating in a parade or public assembly to utilize sound amplification equipment at decibel levels that exceed those limits imposed by section 28-53; and

(5) It shall be unlawful for any person to ride, drive, or cause to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.

(Code 1961, § 11-60; Ord. No. 677, § 11-30, 6-5-2007)

Sec. 42-258. Public conduct during parades or public assemblies.

(a) No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or public assembly or with any person, vehicle or animal participating or used in a parade or public assembly.

(b) No driver of a vehicle shall drive between the vehicles or persons comprising a parade or public assembly when such vehicles or persons are in motion and can be readily identified as participating in a parade or public assembly.

(c) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a parade or public assembly. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street in violation of this section, unless such signs have been so posted.
(Code 1961, § 11-61; Ord. No. 677, § 11-31, 6-5-2007)

Secs. 42-259—42-279. Reserved.

DIVISION 2. PERMIT

Sec. 42-280. Required.

No parade or public assembly shall be allowed unless a permit authorizing such activity has been obtained from the Chief of Police in accordance with the provisions of this article.
(Code 1961, § 11-46; Ord. No. 677, § 11-16, 6-5-2007)

Sec. 42-281. Application.

(a) A person seeking a parade or public assembly permit shall file an application with the Chief of Police on forms provided by such officer and the application shall be signed by the applicant under oath.

(b) For single, non-recurring parades or public assemblies, an application for a permit shall be filed with the Chief of Police at least three (3) and not more than one hundred eighty (180) days before the parade or public assembly is proposed to commence. The Chief of Police shall waive the minimum three-day filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place, and nature of the parade or public assembly, the anticipated number of participants, and the City services required in connection with the event, the Chief of Police determines that the waiver will not present a hazard to public safety.

(c) For parades or public assemblies held on a regular or recurring basis at the same location, an application for a permit covering all such parades or public assemblies during that calendar year may be filed with the Chief of Police at least thirty (30) and not more than one hundred eighty (180) days before the date and time at which the first such parade or public assembly is proposed to commence. The Chief of Police shall waive the minimum thirty-day period after due consideration of the factors specified in subsection (b) of this section.

(d) The application for a parade or public assembly permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such parade or public assembly;

(2) The names, addresses and telephone numbers of the headquarters of the organization for which the parade or public assembly is to be conducted, if any, and the authorized and responsible heads of the organization;

(3) The requested date or dates of the parade or public assembly;

(4) The route to be traveled, including the starting point and the termination point;

(5) The approximate number of persons who, and animals and vehicles that will constitute such parade or public assembly and the type of animals and description of the vehicles;

(6) The hours when such parade or public assembly will start and terminate;

(7) A statement as to whether the parade or public assembly will occupy all or only a portion of the width of the streets, sidewalks, parks or other public properties proposed to be traversed;

(8) The location of any assembly areas for such parade or public assembly;

(9) The time at which units of the parade or public assembly will begin to assemble at any such area;

(10) The intervals of space to be maintained between units of such parade or public assembly;

(11) If the parade or public assembly is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from that person with the Chief of Police authorizing the applicant to apply for the permit on his behalf;

(12) The type of parade or public assembly, including a description of activities planned during the event;

(13) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the parade or public assembly;

(14) The approximate number of participants (spectators shall not be considered to be participants);

(15) The approximate number of spectators if known;

(16) A designation of any public facilities or equipment to be utilized;

(17) Any additional information that the Chief of Police finds reasonably necessary to a fair determination as to whether a permit should issue; and

(18) For parades or public assemblies to be held within the right-of-way of or on a sidewalk adjacent to a state highway or on other land owned by the State of

Connecticut, the applicant shall present evidence that it has obtained the approval of the State of Connecticut for said parade or public assembly. The Danbury Police Department shall maintain a list of highways and lands with respect to which prior state approval is required.

(Code 1961, § 11-48; Ord. No. 677, § 11-18, 6-5-2007)

Sec. 42-282. Fees.

(a) A nonrefundable fee of one hundred dollars ($100.00) to cover administrative costs of processing the permit shall be paid to the City by the applicant when the application is filed.

(b) Persons engaging in parades or public assemblies conducted for the sole purpose of public issue speech protected under the First Amendment shall not be required to comply with the provisions of this section.

(Code 1961, § 11-49; Ord. No. 677, § 11-19, 6-5-2007)

Sec. 42-283. Liability insurance.

(a) As a condition precedent to the issuance of a permit authorizing a parade or public assembly, the permittee shall obtain public liability insurance from an insurance company licensed to do business in the State of Connecticut and having a financial rating in Best's Insurance Guide of at least "B". Such insurance shall provide "occurrence" coverage against liabilities for death, personal injury or property damage arising out of or in any way connected with such parade or public assembly. Such insurance shall be in the amount of at least two million dollars ($2,000,000.00), combined single limit, and shall name the City and the City's officers, employees and agents as additional insureds under the coverage afforded. In addition, such insurance shall be primary and noncontributing with respect to any other insurance available to the City and shall include a severability of interest (cross liability) clause. Proof of such insurance, in a form approved by the City's risk manager, shall be filed with the Chief of Police prior to the issuance of the permit and such insurance shall be maintained in full force and effect throughout the course of the parade or public assembly authorized by such permit.

(b) Persons engaging in parades or public assemblies conducted for the sole purpose of public issue speech protected under the First Amendment shall not be required to comply with the provisions of this section.

(Code 1961, § 11-51; Ord. No. 677, § 11-21, 6-5-2007)

Sec. 42-284. Standards for issuance.

(a) The Chief of Police shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(1) The conduct of the parade or public assembly will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

(2) The conduct of the parade or public assembly will not require the diversion of so great a number of City Police Officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the City;

(3) The concentration of persons, animals, and vehicles at public assembly points of the parade or public assembly will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly areas;

(4) The conduct of the parade or public assembly is not reasonably likely to cause injury to persons or property;

(5) The parade or public assembly is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;

(7) There are sufficient parking places near the site of the parade or public assembly to accommodate the number of vehicles reasonably expected;

(8) No parade or public assembly permit application for the same time and location has already been granted or has been received and will be granted;

(9) No parade or public assembly permit application for the same time but a different location has already been granted or has been received and will be granted, and the police resources required for that prior parade or public assembly are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property; and

(10) No event is scheduled elsewhere in the City where the police resources required for that event are so great that the deployment of police services for the proposed parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.

(b) A permit shall not be required for a parade or public assembly on streets, sidewalks, parks or other public property unless the applicant believes that the parade or public assembly may necessitate the exclusive use or temporary closure of one (1) or more streets, sidewalks, parks or other public properties, in which case a permit shall be required. All persons wishing to conduct a parade that is not expected to necessitate the exclusive use or temporary closure of one (1) or more streets, sidewalks, parks or other public properties shall file a notice of such parade or public assembly with the Chief of Police. If the Chief of Police believes that exclusive use or temporary closure of streets, sidewalks, parks or other public properties is reasonably probable, he may require that a permit application be filed. If a parade or public assembly attracts an unexpected number of participants such that the parade or public assembly actually results in the exclusive use of one (1) or more streets, sidewalks, parks or other public properties by the parade or public assembly participants, the Danbury Police Department shall accommodate the parade or public assembly by closing a portion of the affected streets, sidewalks, parks or other public properties, where so doing will not compromise public safety or unreasonably interfere with the normal flow of traffic upon said streets, sidewalks, parks or other public properties.
(Code 1961, § 11-52; Ord. No. 677, § 11-22, 6-5-2007)

Sec. 42-285. Nondiscrimination.

The Chief of Police shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this article based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.
(Code 1961, § 11-53; Ord. No. 677, § 11-23, 6-5-2007)

Sec. 42-286. Notice of denial of application.

The Chief of Police shall act promptly upon a timely filed application for a parade or public assembly permit but in no event shall grant or deny a permit less than forty-eight (48) hours prior to the event. If the Chief of Police disapproves the application, he shall notify the applicant either by personal delivery or certified mail at least forty-eight (48) hours prior to the event of his action and state the reasons for denial. In the event that an application for a parade or public assembly is filed after the deadline established in section 42-281, the forty-eight (48) hour deadlines established in this section shall not apply, however the Chief of Police shall act on said application as promptly as possible.
(Code 1961, § 11-54; Ord. No. 677, § 11-24, 6-5-2007)

Sec. 42-287. Alternative permit.

(a) The Chief of Police, in denying an application for a parade or public assembly permit, shall authorize the conduct of the parade or public assembly at a date, time, location, or route

different from that named by the applicant. Any alternative specified by the Chief of Police shall match the originally requested date, time, location and route as closely as possible. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police.

(b) An alternate parade or public assembly permit shall conform to the requirements of, and shall have the effect of, a parade or public assembly permit issued under this article.
(Code 1961, § 11-55; Ord. No. 677, § 11-25, 6-5-2007)

Sec. 42-288. Appeal procedure.

(a) Any applicant shall have the right to appeal the denial of a parade or public assembly permit to either the City Council or the Mayor. The choice of forum shall be at the option of the applicant. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the Chief of Police and a copy of the notice either with the City Legislative Assistant, with respect to appeals to the City Council, or with the Mayor. The City Council or the Mayor shall act upon the appeal within forty-eight (48) hours following receipt of the notice of appeal.

(b) In the event that the City Council or the Mayor rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.
(Code 1961, § 11-56; Ord. No. 677, § 11-26, 6-5-2007)

Sec. 42-289. Notice to other City officials.

Immediately upon the issuance of a parade or public assembly permit, the Chief of Police shall send a copy thereof to the following:

(1) The Mayor;

(2) The Corporation Counsel;

(3) The Fire Chief;

(4) The Director of the Department of Public Works;

(5) The Director of the Housatonic Area Regional Transit System, whenever the regular routes of its vehicles will be affected by the route of the proposed parade or public assembly.

(Code 1961, § 11-57; Ord. No. 677, § 11-27, 6-5-2007)

Sec. 42-290. Contents of permit.

Each parade or public assembly permit shall, to the extent applicable, state the following information:

(1) Starting and approximate ending time;

(2) Minimum speed of parade units;

(3) Maximum speed of parade units;

(4) Maximum interval of space to be maintained between parade units;

(5) The portions of the streets, sidewalk, parks or other public property that may be occupied by the parade or public assembly;

(6) The maximum length of the parade in miles or fractions thereof; and

(7) Such other information as the Chief of Police shall find necessary to the enforcement of this article.

(Code 1961, § 11-58; Ord. No. 677, § 11-28, 6-5-2007)

Sec. 42-291. Duties of permittee.

(a) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(b) The Parade or Public Assembly Chairperson or other person heading such activity shall carry the parade or public assembly permit upon his person during the conduct of the parade or public assembly.
(Code 1961, § 11-59; Ord. No. 677, § 11-29, 6-5-2007)

Sec. 42-292. Revocation of permit.

The Chief of Police shall have the authority to revoke a parade or public assembly permit instantly upon violation of the conditions or

standards for issuance as set forth in this article or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons or property.
(Code 1961, § 11-62; Ord. No. 677, § 11-32, 6-5-2007)

Chapter 43

RESERVED

Chapter 44

TAXATION*

Article I. In General

Sec. 44-1. Tax information retrieval and report.
Secs. 44-2—44-19. Reserved.

Article II. Property Taxation

Division 1. Generally

Sec. 44-20. General powers, duties of Assessor.
Sec. 44-21. Authority of Assessor to enter property; penalty for obstructing; failure to list property.
Sec. 44-22. Board of Assessment Appeals; powers and duties.
Sec. 44-23. Board of Assessment Appeals; additional members.
Sec. 44-24. Uniform valuation of personal property.
Sec. 44-25. Fixed-base operators; list of aircraft provided to Tax Assessor; time for filing; required information; penalty.
Sec. 44-26. Waiver of addition to assessments.
Sec. 44-27. Mobile home personal property tax option adopted.
Sec. 44-28. Acceptable methods of payment for delinquent motor vehicle personal property tax.
Sec. 44-29. Waiver of property tax under five dollars ($5.00).
Sec. 44-30. Fee for delinquent payment.
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Division 2. Tax Exemptions, Tax Abatements and Other Tax Relief

Sec. 44-49. Abatement of property tax for low or moderate income persons.
Sec. 44-50. Tax exemption for buildings equipped with solar heating and cooling systems.
Sec. 44-51. Tax credit for elderly homeowners.
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Sec. 44-55. Senior volunteer tax relief.
Sec. 44-56. Deferral of assessment increases attributable to the rehabilitation of historically significant properties.
Sec. 44-57. Additional exemption for veterans and spouses of low and moderate income.
Sec. 44-58. Additional exemption from property tax for one hundred (100) percent disabled veterans.
Sec. 44-59. Additional tax exemption for the blind.
Sec. 44-60. Tax exemption for veterans for motor vehicles.
Sec. 44-61. Exemption of property leased to charitable, religious or nonprofit organizations.
Sec. 44-62. Tax exemptions for certain organizations.
Sec. 44-63. Deferral of assessment increases attributable to construction or improvements.
Sec. 44-64. Deferral of assessment increases attributable to rehabilitation of real property under the Connecticut Urban Rehabilitation Homeownership Program.

***State law reference**—Taxation, C.G.S. § 12-1 et seq.

Sec. 44-65. Fixing of assessments attributable to the placement of personal property to be located in a manufacturing facility.
Sec. 44-66. Denial of property tax exemption on new machinery and equipment.
Sec. 44-67. Real property tax abatement in connection with remediation of environmentally impacted sites.
Sec. 44-68. Real property tax abatement on open space land in exchange for the transfer of certain rights to the City.
Sec. 44-69. Adoption of assessment rates limiting property tax increases on residential and apartment properties through valuation, clerical correction, or tax credit; watchtower authority; October 1, 2012, revaluation.

ARTICLE I. IN GENERAL

Sec. 44-1. Tax information retrieval and report.

Upon receipt of a written request for a report of tax information with respect to the current and delinquent tax obligations of a taxpayer, the Tax Collector shall conduct a review of municipal tax records and prepare a report disclosing the tax status of all real and personal property owned by said taxpayer. Each request shall relate to a single taxpayer and shall be available for a prepaid fee of fifteen dollars ($15.00).
(Code 1961, § 18-32; Ord. No. 623, 6-2-2004)

Secs. 44-2—44-19. Reserved.

ARTICLE II. PROPERTY TAXATION

DIVISION 1. GENERALLY

Sec. 44-20. General powers, duties of Assessor.

The Assessor of the City shall do and perform all the duties, exercise the powers and be subject to the liabilities imposed by law on the Assessors of towns, in addition to the powers, duties and liabilities imposed by special and general laws of the General Assembly and by this Code.
(Code 1961, § 18-1)

State law reference—Powers and duties of Assessors generally, C.G.S. § 12-40 et seq.

Sec. 44-21. Authority of Assessor to enter property; penalty for obstructing; failure to list property.

The Assessor shall have power to go on any property in said City for the purpose of ascertaining the value thereof, and any person who shall willfully hinder said Assessor in the discharge of his duties, or refuse to describe and list their property as provided in state law, shall pay a fine as provided therein.
(Code 1925, § 218; Code 1961, § 18-2)

Sec. 44-22. Board of Assessment Appeals; powers and duties.

The Board of Assessment Appeals shall do and perform all the duties, exercise the powers and be subject to the liabilities imposed in accordance with the provisions of C.G.S. ch. 203 (C.G.S. § 12-40 et seq.) on Boards of Assessment Appeals of towns, in addition to the powers, duties and liabilities imposed by special laws and by this Code.
(Code 1925, § 223; Code 1961, § 18-6)

State law reference—Duties, powers of boards of assessment appeals, C.G.S. § 12-110 et seq.

Sec. 44-23. Board of Assessment Appeals; additional members.

(a) Pursuant to the provisions of C.G.S. § 9-199(c), which authorizes the legislative body of any municipality to provide by ordinance for the appointment of additional members to the Board of Assessment Appeals, two additional members shall be appointed in accordance with the further provisions hereof.

(b) Commencing with the assessment year beginning on October 1, 2014, the membership of the Danbury Board of Assessment Appeals shall be increased from three (3) members to five (5) members. Said members shall be resident electors of the City of Danbury and shall be appointed by the Mayor.

(c) The initial term of said additional members shall be determined such that all members of the Board of Assessment Appeals serve for staggered terms. Thereafter all members shall serve for terms of five (5) years.
(Ord. No. 20, 5-5-2015)

Sec. 44-24. Uniform valuation of personal property.

In order to establish a uniform means of determining the true and actual value of tangible personal property, other than motor vehicles, the City of Danbury does hereby adopt the provisions of C.G.S. § 12-63(b).
(Code 1961, § 18-28; Ord. No. 546, 5-2-2000)

Sec. 44-25. Fixed-base operators; list of aircraft provided to Tax Assessor; time for filing; required information; penalty.

(a) All fixed-base operators, as defined in the Danbury Aviation Commission "Minimum Standards for Lease and/or Use of the Danbury Municipal Airport," shall provide to the office of the Danbury Tax Assessor a list of all aircraft located on property owned or leased by said fixed-base operator and operating from the Danbury Municipal Airport for a period of time in excess of forty-five (45) days.

(b) Said lists shall be filed with the office of the Danbury Tax Assessor commencing on or before the first day of each month.

(c) All lists required pursuant to this section shall be prepared on forms available from the office of the Danbury Tax Assessor. Such lists shall provide:

(1) The name of the legal owner.

(2) The make or model of the aircraft.

(3) The year of manufacture.

(4) The serial number.

(5) The federal registration number.

(6) The correct mailing address of the legal owner.

(7) Such other information as may be required by the Danbury Tax Assessor.

(d) Failure to provide any lists required hereunder shall be punishable by a fine not to exceed one hundred dollars ($100.00), and any such failure may result in termination of any lease or permit in accordance with the procedures provided in the "Minimum Standards for Lease and/or Use of the Danbury Municipal Airport" as promulgated and amended from time to time by the Danbury Aviation Commission.
(Code 1961, § 18-13; Ord. No. 271, 7-7-1981)

Sec. 44-26. Waiver of addition to assessments.

(a) *Statutory authority.* The authority for actions taken pursuant to this section is enabled through the provisions of C.G.S. § 12-119a.

(b) *Permission to waive penalties.* The Assessor of the City may, in the case of any penalty added to an assessment pursuant to C.G.S. § 12-42 for failure to file a property tax list, or for the omission of property on a list as required pursuant to C.G.S. § 12-53, waive such penalty or penalties for good and sufficient cause as further set forth in subsection (c) of this section.

(c) *Reasons for granting waiver.* Such waiver as that permitted pursuant to subsection (b) of this section may be granted by the Assessor of the City for the following reasons:

(1) Excusable error on the part of the taxpayer;

(2) Excusable error on the part of the Assessor;

(3) Existence of variations in accounting procedures in reporting value on fiscal year or calendar year versus municipal assessment year;

(4) Existence of variations in methods and schedules of depreciation of personal property.

(d) *Publication of waivers.* In the event the Assessor of the City waives any penalty as described in subsection (c) of this section, he shall immediately thereafter cause to be published in a newspaper of general circulation in the City a list of the waiver(s) so granted, including the name of the taxpayer, the property or properties involved and the amount(s) of such waiver.

(e) *Approval of Finance Director.* Prior to granting any waiver pursuant to this section, the Assessor of the City shall obtain the written approval of the Director of Finance.
(Code 1961, § 18-18; Ord. No. 458, § 18-18, 2-22-1993)

Sec. 44-27. Mobile home personal property tax option adopted.

(a) The City of Danbury adopts the mobile home personal property tax option established by the C.G.S. § 12-63a. Pursuant to said act, the City of Danbury elects to assess mobile manufactured homes located within its boundaries as personal property.

(b) Notwithstanding the foregoing, mobile homes shall be assessed as real property commencing with the first assessment date following the first sale of such mobile home occurring after October 1, 1986. As used herein, the term "first sale" shall have the meaning contained in C.G.S. § 12-63a(d)(2).
(Code 1961, § 18-19; Ord. No. 348, 6-24-1987)

Sec. 44-28. Acceptable methods of payment for delinquent motor vehicle personal property tax.

The Tax Collector of the City of Danbury shall not accept payment of any delinquent motor vehicle personal property tax unless said payment is made in cash or by bank check or money order or through the use of a credit card that has been approved by said Tax Collector.
(Code 1961, § 18-21; Ord. No. 372, 2-6-1989)

Sec. 44-29. Waiver of property tax under five dollars ($5.00).

The City hereby adopts the provisions of and invokes the option provided by C.G.S. § 12-144c relating to the waiver of any property tax due in an amount less than five dollars ($5.00). The payment of any property tax due the City in an amount less than five dollars ($5.00) shall hereby and hereafter be waived and the office of the Tax Collector of the City shall be authorized to adjust its records accordingly.
(Code 1961, § 18-23; Ord. No. 427, 9-4-1991)
State law reference—Waiver of property taxes under specified amount, C.G.S. § 12-144c.

Sec. 44-30. Fee for delinquent payment.

Any person who was delinquent in the payment of any property tax or installment on any motor vehicle and who the City of Danbury reported to the Commissioner of Motor Vehicles as delinquent under the provisions of C.G.S. § 14-33 shall pay a fee of five dollars ($5.00).
(Code 1961, § 18-31; Ord. No. 604, 10-7-2003)

Secs. 44-31—44-48. Reserved.

DIVISION 2. TAX EXEMPTIONS, TAX ABATEMENTS AND OTHER TAX RELIEF

Sec. 44-49. Abatement of property tax for low or moderate income persons.

(a) Upon the written request of an owner of housing rented or to be rented solely to low or moderate income persons or families, the City of Danbury may provide for the abatement in part or in whole of real property taxes on any such housing, all in accordance with the provisions of C.G.S. §§ 8-215—8-216a.

(b) Such abatement shall be pursuant to a contract between the municipality and owners of any such housing, which contract shall provide the terms of said abatement, that moneys equal to the amount of such abatement shall be used for any one (1) or more of the purposes identified in C.G.S. § 8-215, and that such abatement shall terminate at any time when such housing is not used and occupied solely as residence for low or moderate income persons or families whereupon the Tax Collector of the City of Danbury is authorized and empowered to apply such agreed upon tax abatement to the tax based upon the assessment. Said contract shall set forth legal boundary description of the real property being used for the aforesaid purposes.

(c) Such written request for tax abatement shall be first made to a Tax Abatement Committee composed of the Director of Finance, the Corporation Counsel and the Tax Assessor together with a proposed contract between such owner and the City. Such Tax Abatement Committee shall ascertain the factors upon which a tax abatement may be granted in each case, including among other considerations the amount of reimbursement for such tax abatement from the State of Connecticut for which the City is eligible. The Committee shall then determine the amount of tax abatement to be granted and forward such contract to the Mayor's office and then to the proper City boards, together with the reasons for its decision, for review and approval. The Tax Abatement Committee shall, in addition, be responsible for an annual review to determine if the premises to which a tax abatement has been granted remains eligible for such

tax abatement according to the terms of the contract between the owner and the City, and shall notify the Tax Collector of the City of any termination of such tax abatement, such termination of the tax abatement to be effective as of the date that said property shall have ceased to be eligible for such tax abatement.
(Code 1961, § 18-10; Ord. No. 157, §§ 1—3, 2-2-1971; Ord. No. 412, 3-5-1991)

Sec. 44-50. Tax exemption for buildings equipped with solar heating and cooling systems.

The City of Danbury shall give tax exemptions for buildings or additions to buildings, the construction of which commenced on or after October 1, 1976, which are equipped with an active solar energy heating or cooling system, as authorized and set forth in C.G.S. § 12-81(56).
(Code 1961, § 18-11; Ord. No. 226, 9-6-1977)

Sec. 44-51. Tax credit for elderly homeowners.

(a) The City of Danbury hereby enacts a tax credit for elderly homeowners, pursuant to C.G.S. § 12-129n, for eligible residents of the City of Danbury on the terms and conditions provided herein. This section is enacted for the purpose of assisting elderly homeowners with a portion of the cost of property taxation commencing with the Assessment List of 1986.

(b) Any person who owns real property in the City of Danbury or is liable for the payment of taxes thereon, pursuant to C.G.S. § 12-48, and who occupies the property as a principal residence shall be entitled to a credit of up to four hundred and fifty dollars ($450.00), if single, or to a credit of up to six hundred dollars ($600.00), if married, on the real estate tax bill, provided the following conditions are complied with:

(1) Age of homeowner for eligibility.

a. Such person is sixty-five (65) years of age or over at the close of the previous calendar year, or his spouse is sixty-five (65) years of age or over at the close of the previous calendar year and resides with such person, or such person is sixty (60) years of age or over and the surviving spouse of a taxpayer qualified for tax credit under this section at the time of his death; or

b. Such person is under age sixty-five (65) and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security, or has not been engaged in employment covered by Social Security and accordingly has not qualified for benefits thereunder, but has become qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act and any government related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under Social Security.

(2) Such person must have a principal residence located in Danbury and must have paid taxes in Danbury for one (1) year immediately preceding his receipt of tax benefits hereunder.

(3) The property for which the credit is claimed must be the primary legal residence of such person and occupied more than one hundred eighty-three (183) days of each calendar year.

(4) Applications must be filed with the Assessor's office between February 1 and May 15 in the year following the list year with respect to which benefits are claimed hereunder, in triplicate, one (1) copy going to the taxpayer, one (1) to the Tax Collector and one (1) to the Assessor. The applicant must reapply every two (2) years in order to continue eligibility for relief hereunder.

(5) Such person shall not have received qualifying income during the calendar year preceding the fiscal year for which a tax benefit is claimed in excess of an

amount which shall be ten thousand dollars ($10,000.00) greater than the limits as established and adjusted pursuant to C.G.S. § 12-170aa(b). For purposes hereof, the term "qualifying income" includes total adjusted gross income, tax-exempt interest, realized capital gains, and Social Security payments, as determined under the Internal Revenue Code of 1986, or any subsequent corresponding Internal Revenue Code of the United States, as from time to time amended. An application for benefits offered pursuant to state tax relief programs for elderly homeowners may be accepted by the Tax Assessor as an application for benefits hereunder.

(6) No tax credits shall be given under this section to any persons who owe delinquent taxes to the City of Danbury. The applicant shall submit a certificate from the Tax Collector to the effect that no such delinquent taxes are owed.

(7) No property tax relief authorized hereunder, together with any relief received by any such resident under provisions of C.G.S. §§ 12-129b through 12-129c, and 12-170aa, shall exceed, in the aggregate, seventy-five (75) percent of the tax which would, except for said C.G.S. §§ 12-129b through 12-129c, inclusive, and 12-170aa and this section, be laid against the taxpayer.

(c) The tax credit for real property as provided herein shall apply to only the residence itself and the lot on which the residence is located, but such credit shall not apply to more than the minimum lot size permitted by the zoning ordinances of the City of Danbury.

(d) The Assessor shall determine whether each applying taxpayer is entitled to tax credit under this section and shall compute the amount of tax credit to which each qualified taxpayer is entitled and cause a certificate of tax credit to be issued in such form as to permit the Tax Collector to reduce the amount of tax levied against the taxpayer. The tax credit shall be applied proportionately to the tax payments.

(e) Only one (1) tax credit shall be allowed for each parcel of land eligible for the tax credit under this section. In any case where title to such real property is recorded in the name of the taxpayer or his spouse, who are eligible for tax credit, and any other person or persons, the amount shall be prorated to allow a tax credit equivalent to the fractional share in the property of such taxpayer or spouse, and if such property is a multiple-family dwelling, such credit shall be prorated to reflect the fractional portion of such property occupied by the taxpayer, as provided by state statutes, as they may be amended. Persons not otherwise eligible shall not receive any tax credit. No tax credit shall be allowed hereunder if such dwelling is used for more than four (4) families.

(f) The tax credit allowed hereunder shall not apply to any water rent, water use charge, water tax, sewer tax or sewer use charge which may be levied against real property in the City of Danbury.

(g) If a taxpayer has qualified and received tax relief under the provision of this section and subsequently becomes disqualified for any reason, he shall notify the Tax Assessor on or before February 1 of the year in which he becomes disqualified and his exemption shall cease for such fiscal year and such disqualification shall continue until he becomes eligible again and has filed a new application.

(h) The total of all tax credits granted under this section shall not exceed for each fiscal year an amount equal to five (5) percent of the total real estate property tax assessed in the City of Danbury during the preceding fiscal year; tax credits given to eligible applicants hereunder shall be prorated in such a manner so that the total amount of City tax relief hereunder shall remain within the limits fixed herein.

(i) If any person with respect to whom a claim for tax credit in accordance with this section has been approved for any assessment year transfers, assigns, grants or otherwise conveys in such assessment year the interest in real property to which such claim for tax credit is related, regardless of whether such transfer, assignment, grant or conveyance is voluntary or involuntary, the

amount of such tax credit shall be a pro rata portion of the amount otherwise applicable in such assessment year to be determined by a fraction the numerator of which shall be the number of full months from the October 1st in such assessment year to the date of such conveyance and the denominator of which shall be twelve (12). If such conveyance occurs in the month of October, the grantor shall be disqualified for tax credit in such assessment year. The grantee shall be required within a period not exceeding ten (10) days immediately following the date of such conveyance to notify the Assessor thereof, whereupon the Assessor shall determine the amount of tax credit to which the grantor is entitled for such assessment year with respect to the interest in real property conveyed and notify the Tax Collector of the reduced amount of tax credit applicable to such interest. Upon receipt of such notice from the Assessor, the Tax Collector shall, if such notice is received after the tax due date in the Municipality, within ten (10) days thereafter mail or hand a bill to the grantee stating the additional amount of tax due as determined by the Assessor. Such tax shall be due and payable and collectible as other property taxes and subject to the same liens and processes of collection, provided such tax shall be due and payable in an initial or single installment not sooner than thirty (30) days after the date such bill is mailed or handed to the grantee and in equal amounts in any remaining, regular installments as the same are due and payable.
(Code 1961, § 18-12; Ord. No. 264, 11-20-1980; Ord. No. 277, 12-1-1981; Ord. No. 333, 4-1-1986; Ord. No. 343, 2-3-1987; Ord. No. 381, 2-6-1990; Ord. No. 557, 11-8-2001; Ord. No. 669, 7-3-2007)

Sec. 44-52. Tax deferral program for elderly homeowners.

(a) The City of Danbury hereby enacts a tax deferral program for elderly homeowners, pursuant to C.G.S. § 12-129n, for eligible residents of the City of Danbury on the terms and conditions provided herein. This section is enacted for the purpose of assisting elderly homeowners with a portion of the cost of property taxation commencing with the Assessment List of 2002.

(b) Any person who owns real property in the City of Danbury or is liable for the payment of taxes thereon, pursuant to C.G.S. § 12-48, and who occupies the property as a principal residence shall be entitled to defer twenty-five (25) percent of the real property tax on said residence remaining due after the application all City and state real property tax credits, provided the following conditions are complied with:

(1) Age of homeowner for eligibility.

a. Such person is sixty-five (65) years of age or over at the close of the previous calendar year, or his spouse is sixty-five (65) years of age or over at the close of the previous calendar year and resides with such person, or such person is sixty (60) years of age or over and the surviving spouse of a taxpayer qualified for tax relief under this section at the time of his death; or

b. Such person is under age sixty-five (65) and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security, or has not been engaged in employment covered by Social Security and accordingly has not qualified for benefits thereunder, but has become qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act and any government related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under Social Security.

(2) Such person must have a principal residence located in Danbury and must have paid taxes in Danbury for one (1) year immediately preceding his receipt of tax benefits hereunder.

(3) The property for which the tax deferral is claimed must be the primary legal

residence of such person and occupied more than one hundred eighty-three (183) days of each calendar year.

(4) Applications must be filed annually with the Assessor's office between February 1 and May 15 in the year following the assessment list date with respect to which benefits are claimed hereunder. All applications shall be filed in triplicate, one (1) copy going to the taxpayer, one (1) to the Tax Collector and one (1) to the Assessor. The applicant must reapply every year in order to continue eligibility for relief hereunder.

(5) Such person shall not have received qualifying income during the calendar year preceding the fiscal year for which tax relief is claimed in excess of fifty-two thousand five hundred dollars ($52,500.00) if single, or fifty-nine thousand two hundred dollars ($59,200.00) if married. For purposes of this section, the term "qualifying income" includes total adjusted gross income, tax-exempt interest, realized capital gains, and Social Security payments, as determined under the Internal Revenue Code of 1986, or any subsequent corresponding Internal Revenue Code of the United States, as from time to time amended.

(6) No property tax relief authorized hereunder shall be given under this section to any persons who owe delinquent taxes to the City of Danbury. The applicant shall submit a certificate from the Tax Collector to the effect that no such delinquent taxes are owed.

(7) No property tax relief authorized hereunder, together with any relief received by any such resident under provisions of section 44-51 or under C.G.S. §§ 12-129b through 12-129c and 12-170aa shall exceed, in the aggregate, seventy-five (75) percent of the tax which would, except for said provisions, be laid against the taxpayer.

(8) The net assessment on real property subject to tax deferral hereunder, after all applicable tax exemptions have been applied, shall not exceed three hundred thousand dollars ($300,000.00). The aggregate total tax deferred over the life of this program with respect to any parcel of property shall not exceed forty (40) percent of the total assessed value of said property.

(c) Each tax deferral granted in accordance with the provisions of this section shall terminate upon the death of the taxpayer or upon the transfer, assignment, grant or conveyance of the property subject to tax deferral hereunder. Upon such termination the taxpayer or the taxpayer's estate shall reimburse the City for the full amount of the taxes deferred hereunder together with interest at the rate of one (1) percent per annum.

(d) The City shall establish a lien on each property that is subject to tax deferral hereunder in the amount of the relief granted, together with interest at the rate of one (1) percent per annum. Said lien shall have a priority in the settlement of the taxpayer's estate.

(e) The tax deferral provided for herein shall apply only to the residence itself and to the lot on which the residence is located but shall not apply to more than the minimum lot size permitted by the zoning ordinances of the City of Danbury.

(f) The Assessor shall determine whether each applying taxpayer is entitled to a tax deferral under this section and shall compute the amount of the tax deferral to which each qualified taxpayer is entitled and cause a certificate of tax deferral to be issued in such form as to permit the Tax Collector to reduce the amount of tax levied against the taxpayer. The tax deferral shall be applied proportionately to the tax payments due during the course of each tax year.

(g) Only one (1) tax deferral shall be allowed for each parcel of real property eligible for tax deferral under this section. If title to such property is recorded in the name of an eligible taxpayer or his spouse and any other person, the amount of the deferral shall be prorated to allow a tax deferral equivalent to the fractional share in the property of such taxpayer or spouse. If

such property is a multiple-family dwelling, such deferral shall be prorated to reflect the fractional portion of such property occupied by the taxpayer.

(h) The tax deferral allowed hereunder shall not apply to any water use charge, sewer use charge or special utility tax assessments that may be levied against real property in the City of Danbury.

(i) If a taxpayer has qualified and received tax relief under the provisions of this section and subsequently becomes disqualified for any reason, he shall notify the Tax Assessor on or before the next assessment date and his exemption shall cease for such assessment year and such disqualification shall continue until he becomes eligible again and has filed a new application.

(j) The total of all tax deferrals granted under this section shall not exceed for each assessment year an amount equal to five (5) percent of the total real estate property tax assessed in the City of Danbury during the preceding assessment year; tax deferrals given to eligible applicants hereunder shall be prorated in such a manner so that the total amount of City tax relief hereunder shall remain within the limits fixed herein.

(k) If any person with respect to whom a claim for tax relief in accordance with this section has been approved for any assessment year transfers, assigns, grants or otherwise conveys in such assessment year the interest in real property to which such claim for tax relief is related, regardless of whether such transfer, assignment, grant or conveyance is voluntary or involuntary, the amount of such tax deferral shall be a pro rata portion of the amount otherwise applicable in such assessment year to be determined by a fraction the numerator of which shall be the number of full months from the October 1st in such assessment year to the date of such conveyance and the denominator of which shall be twelve (12). If such conveyance occurs in the month of October, the grantor shall be disqualified for tax relief in such assessment year. The grantee shall be required within a period not exceeding ten (10) days immediately following the date of such conveyance to notify the Assessor thereof, whereupon the Assessor shall determine the amount of tax deferral to which the grantor is entitled for such assessment year with respect to the interest in real property conveyed and notify the Tax Collector of the reduced amount of tax deferral applicable to such interest. Upon receipt of such notice from the Assessor, the Tax Collector shall, if such notice is received after the tax due date in the Municipality, within ten (10) days thereafter mail or hand a bill to the grantee stating the additional amount of tax due as determined by the Assessor. Such tax shall be due and payable and collectible as other property taxes and subject to the same liens and processes of collection, provided such tax shall be due and payable in an initial or single installment not sooner than thirty (30) days after the date such bill is mailed or handed to the grantee and in equal amounts in any remaining, regular installments as the same are due and payable.
(Code 1961, § 18-12.1; Ord. No. 599, 6-3-2003; Ord. No. 684, 7-1-2008)

Sec. 44-53. Tax freeze for elderly homeowners.

(a) The City of Danbury hereby enacts a tax freeze for elderly homeowners, pursuant to C.G.S. § 12-129n, for eligible residents of the City of Danbury on the terms and conditions provided in this section. This section is enacted for the purpose of assisting elderly homeowners with a portion of the cost of property taxation commencing with the Assessment List of October 1, 2012.

(b) Any person who owns real property in the City of Danbury or is liable for the payment of taxes thereon, pursuant to C.G.S. § 12-48, and who occupies the property as a principal residence may elect to apply for a freeze under which such applicant shall pay the gross tax levied on applicable property calculated for the first year the application is granted (the "freeze amount") and shall be entitled to continue to pay no more than the freeze amount for each subsequent year in which the applicant, or his surviving spouse, continues to meet such qualifications and those as herein set forth.

(1) Age of homeowner for eligibility.

a. Such person is sixty-five (65) years of age or over at the close of the

previous calendar year, or his or her spouse is sixty-five (65) years of age or over at the close of the previous calendar year and resides with such person, or such person is sixty-five (65) years of age or over and is the surviving spouse of a taxpayer qualified for tax freeze under this section at the time of his or her death; or

b. Such person is under age sixty-five (65) and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under social security, or has not been engaged in employment covered by social security and accordingly has not qualified for benefits thereunder, but has become qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act and any government-related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under social security.

(2) Such person must have a principal residence located in Danbury and must have paid taxes in Danbury for one (1) year immediately preceding his receipt of tax benefits under this section.

(3) The property for which the freeze is claimed must be the primary legal residence of such person and occupied more than one hundred eighty-three (183) days of each calendar year.

(4) Applications must be filed with the assessor's office between February 1 and May 15 in the year following the list year with respect to which benefits are claimed hereunder, in triplicate, one (1) copy going to the taxpayer, one (1) to the tax collector and one (1) to the assessor. The applicant must reapply every two (2) years in order to continue eligibility for relief hereunder.

(5) No tax freeze shall be provided under this section to any persons who owe delinquent taxes to the City of Danbury. The applicant shall submit a certificate from the tax collector to the effect that no such delinquent taxes are owed.

(6) No property tax relief authorized under this section, together with any relief received by any such resident under provisions of C.G.S. §§ 12-129b through 12-129c and 12-170aa, shall exceed, in the aggregate, seventy-five (75) percent of the tax which would, except for said C.G.S. §§ 12-129b to 12-129c and 12-170aa and this section, be laid against the taxpayer.

(7) The freeze program will be based on income guidelines and standards as set forth in subsection (j) of this section.

(c) The tax freeze for real property as provided in this section shall apply to only the residence itself and the lot on which the residence is located, but shall not apply to more than the minimum lot size permitted by the zoning ordinances of the City of Danbury.

(d) The assessor shall determine whether each applying taxpayer is entitled to tax freeze under this section and shall compute the amount of said freeze to which each qualified taxpayer is entitled and cause a certificate of tax freeze to be issued in such form as to permit the tax collector to reduce the amount of tax levied against the taxpayer. The tax freeze shall be applied proportionately to the tax payments.

(e) The tax freeze shall be allowed for each parcel of land eligible for the freeze under this section. In any case where title to such real property is recorded in the name of the taxpayer or his or her spouse, who are eligible and any other person, the amount shall be prorated to allow a freeze equivalent to the fractional share in the property of such taxpayer or spouse, and if such property is a multiple-family dwelling, such credit shall be prorated to reflect the fractional

portion of such property occupied by the taxpayer, as provided by state statutes, as they may be amended. Persons not otherwise eligible shall not receive any tax credit. No tax credit shall be allowed hereunder if such dwelling is used for more than four (4) families.

(f) The tax freeze allowed under this section shall not apply to any water rent, water use charge, water tax, sewer tax or sewer use charge which may be levied against real property in the City of Danbury.

(g) If a taxpayer has qualified and received tax relief under the provisions of this section and subsequently becomes disqualified for any reason, he shall notify the tax assessor on or before February 1 of the year in which he becomes disqualified and his exemption shall cease for such fiscal year and such disqualification shall continue until he becomes eligible again and has filed a new application.

(h) In the event that the applicant shall make improvement to his property resulting in an increase in his assessment, an amount calculated by multiplying the increase in taxpayer's assessment attributable to the improvement by the mill rate in effect in the year such reassessment takes place shall be added to the freeze amount then applicable to obtain a revised freeze amount which will be the freeze amount for subsequent assessment years.

(i) If any person with respect to whom a claim for a tax freeze in accordance with this section has been approved for any assessment year transfers, assigns, grants or otherwise conveys in such assessment year the interest in real property to which such claim for tax freeze is related, regardless of whether such transfer, assignment, grant or conveyance is voluntary or involuntary, the amount of such tax freeze shall be a pro rata portion of the amount otherwise applicable in such assessment year to be determined by a fraction the numerator of which shall be the number of full months from October 1st in such assessment year to the date of such conveyance and the denominator of which shall be twelve (12). If such conveyance occurs in the month of October, the grantor shall be disqualified for tax credit in such assessment year. The grantee shall be required within a period not exceeding ten (10) days immediately following the date of such conveyance to notify the assessor thereof, whereupon the assessor shall determine the amount of tax credit to which the grantor is entitled for such assessment year with respect to the interest in real property conveyed and notify the tax collector of the reduced amount of tax credit applicable to such interest. Upon receipt of such notice from the assessor, the tax collector shall, if such notice is received after the tax due date in the municipality, within ten (10) days thereafter mail or hand a bill to the grantee stating the additional amount of tax due as determined by the assessor. Such tax shall be due and payable and collectible as other property taxes and subject to the same liens and processes of collection, provided such tax shall be due and payable in an initial or single installment not sooner than thirty (30) days after the date such bill is mailed or handed to the grantee and in equal amounts in any remaining, regular installments as the same are due and payable.

(j) Income. The purpose of this section is to provide tax relief based upon the total income available to the applicant in the home without regard to the exclusion of certain income or to certain deductions which might otherwise be allowable by the Internal Revenue Service Code of 1986, as may be amended from time to time. Such person shall have individually, if unmarried, or jointly, if married, qualifying income in an amount not to exceed limits described below for the tax year ending immediately preceding the application for tax relief benefits. Accordingly, qualifying income is defined as set forth below.

(1) Income is the total income in the home shown on line 22 of the current IRS form 1040 (or line 15 of the current IRS form 1040A) plus nontaxable income received from social security plus federally tax exempt interest or other income and includes income paid to or given to the applicant or his or her eligible spouse by persons living in the home.

(2) In determining the total income in the home there shall be no allowance for:

a. Business losses in excess of business gains (current IRS form 1040 Schedule C or Schedule C-EZ);

b. Losses in excess of gains on current IRS form 1040 Schedule E (page 1, line 17) (rental real estate, royalties, partnerships, S-corps, trusts, etc.); and/or

c. Negative income on current IRS form line 21.

(3) The reference to current IRS forms shall include comparable data as contained in any revised IRS forms.

(4) Where an applicant does not file an IRS form, the information used to calculate total income in the home, shall be the information which would have been included on an IRS form, had one been filed, i.e., SSA-1099; 1099-Div.; 1099-Int.; 1099-R; etc.

(5) Each applicant shall sign an affidavit (Town application) and IRS Form 4506, allowing the Town to verify the prior two (2) years' tax returns, certifying that the information provided with respect to such applicant's total income in the home is true and accurate to the best of the knowledge of the applicant.

(6) In the event of a question with respect to income or a claimed exemption of income, or deduction from income, not specifically referred to in this section, the Assessor shall make a determination based upon the purposes of this section. Any dispute on this section, or any other section, may be appealed to the Board of Assessment Appeals.

(7) In any case where title to the real property is recorded in the name of the taxpayer or his spouse and/or any other person, the tax relief granted in this section shall be prorated to reflect the fractional share of such taxpayer or spouse; and, furthermore, if such property is occupied as a multiple-family dwelling, such relief shall be prorated to reflect the fractional portion of such property occupied by the taxpayer.

(8) Any person entitled to the tax relief pursuant to this section is required to file biennially for the benefit; however, if the taxpayer's income exceeds or changes under this subsection (j) as set forth, said person shall be required to reapply.

(9) Such person shall not have received qualifying income during the calendar year preceding the fiscal year for which tax relief is claimed in excess of fifty-one thousand three hundred dollars ($51,300.00) if single and fifty-eight thousand dollars ($58,000.00) if married. The freeze amount will be calculated based on taxes paid for the October 1, 2011, grand list.

(k) Sunset. This program is intended to sunset with the next revaluation, unless specifically renewed by the adoption of an amendment to this section.
(Ord. No. 703, § 18-12.1.1, 6-21-2010; Ord. No. 3, § 18-12.1.1, 5-7-2013)

Sec. 44-54. Energy tax credit.

In order to reduce the impact of escalating energy costs, beginning with the grand list year of 2006, any person who owns real property in the City of Danbury or is liable for the payment of taxes thereon, pursuant to C.G.S. § 12-48, and who occupies the property as a principal residence shall be entitled to a tax credit of up to two hundred and fifty dollars ($250.00), if single, or to a tax credit of up to three hundred and fifty dollars ($350.00), if married, provided that said taxpayer satisfies the conditions of section 44-51, except that said taxpayer must not have received qualifying income during the calendar year preceding the fiscal year for which a tax benefit is claimed in excess of an amount which shall be twenty-two thousand, seven hundred dollars ($22,700.00) greater than the limits as established and adjusted pursuant to C.G.S. § 12-170aa(b). For purposes hereof, the term "qualifying income" shall have the same definition as provided in section 44-51(b). An application for benefits offered pursuant to state tax relief programs for elderly homeowners may be accepted by the Tax Assessor as an application for benefits hereunder.
(Code 1961, § 18-12.2; Ord. No. 670, 7-3-2007)

Sec. 44-55. Senior volunteer tax relief.

(a) *Purpose.* In order to promote the goals of scientific, educational, literary, historical, governmental, charitable and non-profit entities located in the City of Danbury by drawing on the skills, knowledge and experience of its senior citizens, the City hereby establishes a program of tax relief for qualifying seniors who choose to give of their time, talent and energy by volunteering to provide services to such entities.

(b) *Qualifications and benefits.* Beginning with the grand list year of 2008, qualifying senior citizens who volunteer to provide a minimum of one hundred (100) hours of services to scientific, educational, literary, historical, governmental, charitable and non-profit entities located in the City of Danbury, which entities own property exempt from taxation pursuant to the provisions of C.G.S. § 12-81, shall be eligible for a tax credit in accordance with the further provisions hereof. In order to qualify for the benefits of this senior volunteer tax relief program, taxpayers must own real property in the City of Danbury or be liable for the payment of taxes thereon, pursuant to C.G.S. § 12-48, and must occupy the property as a principal residence. In addition, taxpayers must not have received qualifying income during the calendar year preceding the fiscal year for which a tax benefit is claimed in excess of an amount which shall be twenty-two thousand, seven hundred dollars ($22,700.00) greater than the limits as established and adjusted pursuant to C.G.S. § 12-170aa(b). For purposes hereof, "qualifying income" shall have the same definition as provided in section 44-51(b). Qualifying taxpayers who participate in this program shall be entitled to a tax credit of up to six hundred dollars ($600.00), provided that said taxpayer satisfies the conditions of subsection (c) of this section as well as the conditions of section 44-51. An application for benefits offered pursuant to state tax relief programs for elderly homeowners may be accepted by the Danbury Tax Assessor as an application for benefits hereunder.

(c) *Program implementation.* The Director of the Department of Elderly Services or the Director's designee shall be responsible for coordination of services under the senior volunteer tax relief program. The Director shall prepare application forms and create lists of scientific, educational, literary, historical, governmental, charitable and non-profit entities located in the City of Danbury for which qualifying taxpayers may choose to volunteer. With the assistance of the Danbury Tax Assessor, the Director shall prepare application forms to be completed by taxpayers qualifying for benefits hereunder who wish to participate in the senior volunteer tax relief program. The Director shall match volunteers with entities for which the volunteers wish to provide services.

(1) Services provided by qualified senior volunteers shall be documented by the entities for which they work and a record of the hours worked by each shall be submitted to the Director no less frequently than once per month. Subject to the limits established herein or in section 44-51, all hours worked shall be credited toward the tax liability of the senior volunteer at the rate of one hundred fifty (150) percent of the then applicable hourly minimum wage of the State of Connecticut.

(2) Following the close of each calendar year the Director shall provide information to the Tax Assessor regarding the hours of work provided by qualifying volunteers under the senior volunteer tax relief program. Based on the information provided, the Danbury Tax Assessor shall apply the applicable credit to each taxpayer's account.

(d) *Termination.* This program may be terminated at any time with or without cause in the event it is in the best interest of the City to do so.

(Code 1961, § 18-12.3; Ord. No. 685, 8-5-2008)

Sec. 44-56. Deferral of assessment increases attributable to the rehabilitation of historically significant properties.

(a) *Preamble and general findings and authority.* The preservation of historically significant properties within the City of Danbury is hereby

found and declared to be in the best interests of the City of Danbury. Whereas, the Connecticut General Assembly has authorized municipalities to defer assessment increases attributable to the rehabilitation of structures in a rehabilitation area; and whereas, the City Council has declared the City of Danbury to be a rehabilitation area in accordance with the provisions of C.G.S. § 12-65d; and whereas, the deferral of assessment increases attributable to the rehabilitation of historically significant properties will result in the preservation, restoration and revitalization of these properties for the benefit of the City of Danbury, therefore, the deferral of assessment increases attributable to the rehabilitation of historically significant properties is hereby authorized in accordance with the provisions of this section.

(b) *Eligibility.* In order to be eligible for the benefits provided by this section, an owner of real property must:

(1) Establish that the real property is listed on the National Register of Historic Places, or falls within the boundaries of the National Register Historic District, or has been designated as historic by the Danbury Preservation Trust or the Historic Preservation Commission;

(2) Establish that the property meets or exceeds the criteria contained in a resolution adopted by the City Council in accordance with the provisions of C.G.S. § 12-65d; and

(3) Enter into a written agreement with the City whereby the owner of the property involved agrees to rehabilitate the property in accordance with the provisions of this section, provisions of the state building and health codes, provisions of the local housing code, and provisions contained in the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as amended from time to time.

(c) *Application procedure.*

(1) Any owner of property which meets the eligibility requirements as stated in this section and the criteria established by resolution of the City Council who seeks to take advantage of the benefits available under this section shall submit his application to the Planning Department of the City on forms to be supplied by such Department. Such application shall include plans and outline specifications sufficient to describe the proposed rehabilitation relative to the guidelines outlined in this section.

(2) The Planning Department shall review the application and make a recommendation to the City Council based on the following considerations:

a. Whether or not the property to be rehabilitated is in need of rehabilitation;

b. Whether or not the plans for rehabilitation, as submitted, meet the eligibility criteria;

c. Whether or not the plans for rehabilitation have been approved by a design review board established for the express purpose of reviewing plans submitted in accordance with this section. Members of the design review board shall be appointed by the Mayor and confirmed by the City Council.

(3) If the Planning Department determines that the application meets the requirements in subsection (c)(2)a through c of this section, the Department shall notify the City Council of the City that such applicant qualifies for the benefits available hereunder. If the applicant fails to comply with any of the requirements set forth in this section, the Department shall forward the application to the City Council together with its decision and a finding specifically stating the reasons which support said decision.

(4) Upon receipt of an application from the Planning Department, the City Council may approve the application, reject the

application or return the application to the Planning Department for further information.

(5) In the event of approval, the City Council shall adopt a resolution authorizing the Mayor to enter into a rehabilitation agreement with the owner of the property to be rehabilitated.

(6) Any person aggrieved by action of the City Council may appeal said action in accordance with the provisions of C.G.S. § 12-65f.

(d) *Rehabilitation agreement.*

(1) The rehabilitation agreement to be signed by the property owner and the Mayor on behalf of the City shall refer to and incorporate plans and specifications depicting the rehabilitation work to be performed, shall fix the assessment of the property during the rehabilitation period as of the date of the agreement, and shall specify the rehabilitation period which shall begin with the issuance of a building permit and end with the issuance of a certificate of occupancy, which in no event shall exceed a period of three (3) years.

(2) The rehabilitation agreement shall provide that, upon completion of the rehabilitation in accordance with the terms of the agreement and upon certification by the Planning Director as hereinafter set forth, the increase in the assessment of the property due to such rehabilitation shall be deferred in accordance with the following schedule:

a. During the first tax year following the completion of said rehabilitation, the entire increase shall be deferred.

b. During each tax year thereafter twenty (20) percent of the increase shall be added to the assessment until one hundred (100) percent of the increase shall have been assessed.

(3) The rehabilitation agreement shall further provide that, in the event that a general revaluation of property is made by the City of Danbury in the year in which the rehabilitation is completed which results in any increase in the assessment of the rehabilitation property, only that portion of the increase attributable to such rehabilitation as determined by the Tax Assessor shall be deferred; and in the event that such a general revaluation of property is made in any year after the year in which the rehabilitation is completed, the deferred assessment shall be increased or decreased in proportion to the increase or decrease in the total assessment on such property as a result of such general revaluation.

(4) The rehabilitation agreement shall provide that such rehabilitation shall be completed by a date fixed in such rehabilitation agreement; and, in the event that on the date so fixed for completion the Planning Director has denied certification that the rehabilitation has been performed in accordance with the criteria as set forth in this section and in accordance with the terms of the rehabilitation agreement, the agreement shall terminate and further the owner of the property shall be liable for any increase in taxes since the date of the agreement for which he would have been liable in the absence of such agreement. The agreement shall further provide that a property owner may apply to the Planning Department for an extension of time in which to complete the rehabilitation which, for good cause shown, the Planning Department may approve but in no event shall such extension of time exceed a period of one (1) year.

(5) The rehabilitation agreement shall further provide that the agreement is contingent upon the following conditions:

a. That in addition to the certification requirements of subsection (d)(2) of this section, the property shall be subject to inspection and certifica-

tion by the Building Inspector and Health Director as being in conformance with such provisions of the state building and health codes and local housing code as may apply.

b. That the deferral of assessment shall continue only as long as the property remains in the state of rehabilitation as set forth in the agreement.

c. That the deferral of assessment shall continue only as long as the property continues to be used for the uses specified in the agreement.

d. That the deferral of assessment shall cease upon the sale or transfer of the property unless the new owner of said property shall enter into a new contract with the City of Danbury incorporating the terms of the agreement with the former owner.

e. That if within ten (10) years following the issuance of a certificate of occupancy in connection with rehabilitation of a structure performed pursuant to the provisions of this section, such structure is demolished or remodeled in a way which destroys its architectural or historical value, the then owner shall pay to the City of Danbury an amount equal to the total amount of taxes which had been deferred under the provisions of this section. The recapture of deferred taxes required by this subsection shall not apply in the event that the structure is acquired through eminent domain proceedings.

(e) *Miscellaneous provisions.*

(1) A copy of any agreement entered into under the provisions of this section shall be forwarded to the Tax Assessor, who shall adjust his records accordingly.

(2) The Planning Director shall forward a copy of his certification that the rehabilitation has been performed in accordance with the rehabilitation agreement to the Assessor. In the event that the Planning Director denies such certification, he shall send a copy of his denial to the Assessor, who shall readjust his tax records in accordance with the provisions of this section.

(3) Any agreement entered into under the provisions of this section shall be filed with the Town Clerk for recording in the land records of the City of Danbury.

(4) The Planning Department is authorized to establish procedures and technical specifications for the administration of this section.

(5) Properties that have commenced construction prior to adoption of this section, but have not yet received a certificate of occupancy, may be eligible for the benefits set forth in this section.

(Code 1961, § 18-14)

Sec. 44-57. Additional exemption for veterans and spouses of low and moderate income.

(a) Recognizing the extraordinary contributions and sacrifices of veterans in the national security and defense, the City Council hereby approves and adopts the provisions of C.G.S. § 12-81f.

(b) Any veteran entitled to an exemption from property tax in accordance with C.G.S. § 12-81(19) shall be entitled to an additional exemption applicable to the assessed value of property up to the amount of ten thousand dollars ($10,000.00), provided such veteran's qualifying income does not exceed the applicable maximum amount as provided under C.G.S. § 12-811 by more than twenty-five thousand dollars ($25,000.00).

(c) Any veteran's surviving spouse entitled to an exemption from property tax in accordance with C.G.S. § 12-81(22) shall be entitled to an additional exemption applicable to the assessed value of property up to the amount of ten thousand dollars ($10,000.00), provided such surviving spouse's qualifying income does not

exceed the applicable maximum amount applicable to an unmarried person as provided under C.G.S. § 12-81l by more than twenty-five thousand dollars ($25,000.00).

(d) 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; provided when an applicant has filed for such an exemption and received approval for the first time, such applicant shall be required to file for such exemption biennially thereafter, subject to the provisions of subsection (e) of this section. 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.

(e) Any person who has submitted an application and been approved in any year for the additional exemption under subsection (b) or (c) of this section shall, in the year immediately following removal, be presumed to be qualified for such exemption. During the year immediately following such approval, the Assessor shall notify, in writing, each person presumed to be qualified pursuant to this subsection. If any such person has qualifying income in excess of the maximum allowed under subsection (b) or (c) of this section, such person shall notify the Assessor on or before the next filing date for such exemption and shall be denied such exemption for the assessment year immediately following and for any subsequent year until such person has reapplied and again qualified for such exemption. Any person who fails to notify the Assessor of such disqualification shall make payment to the municipality in the amount of property tax loss related to the exemption improperly taken.

(f) The City shall encumber four hundred thousand dollars ($400,000.00) annually, representing the aggregate amount to be made available in order to fund tax exemptions in accordance with the provisions of this section. The provisions of subsections (b) and (c) of this section notwithstanding, and subject to the foregoing four hundred thousand dollars ($400,000.00) aggregate limitation, the level of tax exemptions available hereunder shall be calculated by the Tax Assessor such that qualifying veterans and the qualifying surviving spouses of such veterans receive the maximum exemption allowed by law. In order to determine said maximum exemption, the Tax Assessor shall compare exemption calculations derived under those provisions of subsections (b) or (c) of this section with those derived under the provisions of C.G.S. § 12-81f allowing for exemptions of up to ten (10) percent of assessed property value.

(Code 1961, § 18-15; Ord. No. 313, 3-5-1985; Ord. No. 323, 2-4-1986; Ord. No. 370, 11-1-1988; Ord. No. 426, 9-4-1991; Ord. No. 585, 1-21-2003; Ord. No. 606, 1-26-2004; Ord. No. 645, 12-6-2005)

Sec. 44-58. Additional exemption from property tax for one hundred (100) percent disabled veterans.

(a) In accordance with the provisions of C.G.S. § 12-81g(b) the City of Danbury hereby provides for an additional exemption from property tax for one hundred per cent (100%) disabled veterans.

(b) In lieu of the additional exemption prescribed under C.G.S. § 12-81g(a), any person entitled to an exemption from property tax in accordance with C.G.S. § 12-81(20), reflecting any increase made pursuant to the provisions of C.G.S. § 12-62g, who has a disability rating of one hundred percent (100%), as determined by the United States Department of Veterans Affairs, shall be entitled to an additional exemption from such tax in an amount equal to three times the amount of the exemption provided for such person pursuant to C.G.S. § 12-81(20), provided such person's total adjusted gross income as determined for purposes of the federal income tax, plus any other income not included in such adjusted income, excluding veterans' disability payments, individually if unmarried, or jointly with spouse if married, during the calendar year ending immediately preceding the filing of a claim for any such exemption, is not more than twenty-one thousand dollars ($21,000.00) if such person

is married or not more than eighteen thousand dollars ($18,000.00) if such person is not married or such amounts as may be set forth in such income limitations as specified in C.G.S. § 12-81g.

(c) Said additional exemption shall be effective for the assessment year commencing on October 1, 2014, and for each assessment year thereafter.
(Ord. No. 16, 12-2-2014)

Sec. 44-59. Additional tax exemption for the blind.

(a) Any person entitled to an exemption from property tax applicable to the assessed value of property up to the amount of three thousand dollars ($3,000.00), as provided under C.G.S. § 12-81(17), shall be entitled to an additional exemption from such tax in an amount up to two thousand dollars ($2,000.00) of such assessed value, provided such person's qualifying income does not exceed the applicable maximum amount as provided under C.G.S. § 12-81l.

(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.
(Code 1961, § 18-16; Ord. No. 321, 1-7-1986; Ord. No. 369, 11-1-1988)

Sec. 44-60. Tax exemption for veterans for motor vehicles.

(a) In recognition of the extraordinary contributions and sacrifices of veterans in the national security and defense, the City Council does hereby provide that any veteran entitled to an exemption from property tax in accordance with C.G.S. § 12-81(20) or (21) shall be entitled to an exemption from property tax to be determined as a uniform percentage of one hundred (100) percent of the assessed value of any one (1) motor vehicle owned by any such veteran; provided, that such motor vehicle is specially equipped for the purposes of adapting its use to the disability of such veteran.

(b) Any veteran submitting a claim for such 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.
(Code 1961, § 18-17; Ord. No. 323, 2-4-1986)

Sec. 44-61. Exemption of property leased to charitable, religious or nonprofit organizations.

(a) Pursuant to the provisions of C.G.S. § 12-81(58), the City of Danbury does hereby exempt any real or personal property leased to a charitable, religious or nonprofit organization, exempt from taxation for federal income tax purposes, provided such property is used exclusively for the purposes of such charitable, religious or nonprofit organization.

(b) Any such organization may, at any time prior to the payment of the tax or within one (1) year subsequent to the payment thereof, request a certificate of correction from the Tax Assessor removing leased property from the tax list of such organization pursuant to C.G.S. § 12-57. Thereafter, in the event of prior payment of the tax, any such organization may make application, in writing, to the Tax Collector for a refund of said tax pursuant to C.G.S. § 12-129.
(Code 1961, § 18-18; Ord. No. 332, 4-1-1986)

Sec. 44-62. Tax exemptions for certain organizations.

The City of Danbury hereby adopts the provisions of C.G.S. § 12-81b relating to the effective date of tax exemptions for certain organizations. Accordingly, the property tax exemption authorized by C.G.S. § 12-81(7) and (16) shall be effective as of the date of acquisition of the property to which the exemption applies. The tax-exempt organization shall be reimbursed for

any tax paid by it for a period subsequent to the date of such acquisition and shall also be reimbursed for any tax paid by the prior owner for a period subsequent to the date of such acquisition for which such tax-exempt organization reimbursed the prior owner upon the transfer of title to such property.
(Code 1961, § 18-20; Ord. No. 357, 10-6-1987)

Sec. 44-63. Deferral of assessment increases attributable to construction or improvements.

(a) *Preamble, general findings and authority.* Whereas, the Connecticut General Assembly has authorized municipalities to fix assessments for construction or improvements to real property or air space in accordance with the provisions of C.G.S. § 12-65b; and whereas the deferral of assessment increases attributable to new construction or improvements will encourage economic development within the City of Danbury and the continued economic vitality of the City; now, therefore, in accordance with C.G.S. § 12-65b, the City does hereby provide for the deferral of assessment increases attributable to construction or improvements to real property or air space within the City of Danbury as specified herein.

(b) *Application and eligibility.* An application to the City for a deferral of assessment increases for real property, air space and all improvements thereon or therein and to be constructed thereon or therein may be made by any party owning or proposing to acquire an interest in real property, or any party owning or proposing to acquire an interest in air space, or any party who is the lessee of, or who proposes to be the lessee of, air space in such a manner that the air space leased or proposed to be leased shall be assessed to the lessee pursuant to C.G.S. § 12-64. In order to be eligible for the benefits provided by this section, a completed application form available from the Department of Planning and Zoning must be submitted to the department and, upon receipt of a report from the department, the City Council must find that:

(1) *Use.* The applicant proposes to use the construction of improvements to real property (or property subject to air rights) for the following principal uses where allowed in zoning districts of the City of Danbury zoning regulations:

a. For permanent residential use for property designated blighted pursuant to section 6-111 et seq., or for office use, manufacturing use, or warehouse, storage or distribution use; or

b. If the real property is located within the C-CBD zoning district, for permanent residential use, office use, manufacturing use, or warehouse, storage or distribution use; or

c. If the real property is located within the downtown revitalization zone, as designated in the zoning regulations, for office use, retail use, permanent residential use, information technology, recreation facilities, or transportation facilities in zoning districts where allowed in the DRZ.

(2) *Taxes.* The property or property subject to air rights is not delinquent in the payment of taxes owed to the City or taxes owed to the downtown special services district at the time of application.

(3) *Written agreement.* The applicant agrees to enter into a written agreement with the City fixing the assessment of the real property, air space and all improvements thereon or therein and to be constructed thereon or therein upon such terms and conditions as are provided for herein and therein.

(4) *Site plan.* The application shall include a site plan, proposed exterior facade elevations, interior layout, and other specifications drawn to scale indicating all existing and proposed construction and other improvements sufficient for the tax assessor to determine the assessment increase of the property after completion of all proposed construction or improvements for which this deferral is being requested. City Council may require that proposed

new construction or renovation of non-historic buildings located within the main street historic district comply with one or more of the contextual design guidelines for historic districts as specified in the City of Danbury Plan of Conservation and Development, as amended.

(c) *Application procedure.*

(1) All applications shall be submitted to the Danbury Planning Department on forms supplied by such department. Each such application shall include the applicant's estimate of the cost of the construction or improvements subject to deferred assessment under this section.

(2) The Planning Department shall review each application submitted to it and shall forward each such application to the City Council within thirty (30) days of receipt, together with the department's report concerning whether or not the application meets the eligibility criteria contained in this section. Such report shall include specific reasons in support of the findings expressed therein.

(3) Upon receipt of an application and report from the Planning Department, the City Council shall either approve the application, reject the application, or return the application to the department for further information. If an application is rejected, the City Council shall state its reasons for rejection upon the record. The applicant may file a revised application with the Planning Department which addresses the reasons for rejection by the City Council.

(4) In the event of approval, the City Council shall adopt a resolution authorizing the Mayor to enter into an agreement with the owner or lessee of the property, as specified herein.

(d) *Assessment deferral agreement.*

(1) The assessment deferral agreement to be signed by the applicant and the Mayor on behalf of the City shall refer to and incorporate the application as approved by the City Council, shall reflect the assessment on the property immediately prior to the commencement of construction, and shall specify the period of deferral which shall begin with the issuance of a certificate of occupancy for the improvements to be constructed.

(2) The assessment deferral agreement shall provide that, upon completion of construction or improvements made in accordance with the terms of the agreement, and upon certification by the Planning Department, as set forth in this section, and upon issuance of the certificate of occupancy, the increase in the assessment on the property due to such construction or improvements shall be deferred in accordance with one of the following schedules, as determined by the City Council:

a. For proposed construction or improvements which value three million dollars ($3,000,000.00) or more, the entire increase in the assessment may be deferred each year for a period not to exceed seven (7) years;

b. For proposed construction or improvements which value five hundred thousand dollars ($500,000.00) or more, the entire increase in the assessment may be deferred each year for a period not to exceed two (2) years;

c. For proposed construction or improvement with value not less than ten thousand dollars ($10,000.00), fifty (50) percent of the increased assessment may be deferred each year for a period no to exceed three (3) years.

(3) Deferred assessments shall not apply to taxes levied under section 40-46 et seq. applicable to downtown special services district taxes.

(4) The assessment deferral agreement shall provide that such construction or improvements shall be completed by a date fixed

in such assessment deferral agreement. In the event that on the date so fixed for completion the Planning Department has denied certification that the construction or improvements have been performed in accordance with the eligibility criteria as set forth in this section and in accordance with the terms of the assessment deferral agreement, or at any time if the Planning Department determines that the owner or lessee or the property is in default under the terms of said agreement, and has failed to cure said default after notice and an opportunity to do so, the agreement shall terminate. In the event of such termination, the owner or lessee of the property, as herein provided, shall be liable for any increase in taxes for which he would have been liable in the absence of such agreement. The agreement shall further provide that a property owner or lessee, as herein provided, may apply to the Planning Department for an extension of time in which to complete the construction or improvements which, for good cause shown, the Planning Department may approve, but in no event shall such extension of time exceed a period of one (1) year.

(5) The assessment deferral agreement shall further provide that the agreement is contingent upon the following conditions:

a. That, in addition to the certification requirement of subsection (e)(3) of this section, the property shall be subject to inspection and certification by the Building Inspector and Health Director, as being in conformance with such provisions of the state building and health codes and local housing codes as may apply, and by the Zoning Enforcement Officer to ensure conformance with the zoning regulations, as required;

b. The assessment deferral shall continue only as long as the use of the property remains a use authorized by subsection (b)(1) of this section;

c. That the assessment deferral shall cease if there is any delinquency in the payment of taxes on the property; and

d. That the assessment deferral shall cease upon the sale or transfer of the improvements unless the new owner or lessee, as the case may be, of such property shall enter into a new contract with the City incorporating all the terms of the agreement with the former owner or lessee, as herein provided.

e. That the assessment deferral shall cease upon a change of use or substantive deviation from the assessment deferred project as approved of the construction or improvements unless, prior to said change of use or substantive deviation taking effect, the owner, lessee or successor in interest applies for and obtains approval of the City Council for the continuation of said assessment deferral.

(e) *Miscellaneous provisions.*

(1) The assessor shall have the sole responsibility for determining the cost and value of the construction or improvements subject to a deferral of assessment increases hereunder.

(2) A copy of any assessment deferral agreement entered into pursuant to the provisions of this section shall be forwarded to the assessor, who shall adjust his records accordingly.

(3) The Planning Department shall forward a copy of its certification that the construction or improvements has been completed in accordance with the assessment deferral agreement to the assessor. In the event that the planning department denies such certification, it shall send a copy of

its denial to the assessor, who shall readjust his tax records in accordance with the provisions of this section.

(4) Any agreement entered into under the provisions of this section shall be recorded on the land records of the City.

(5) The Planning Department is authorized to establish written procedures and technical specifications for the administration of this section.

(6) Properties upon which construction or improvements commenced prior to the adoption of this section, but which have not yet received a certificate of occupancy, may be eligible for the benefits set forth in this section, provided that they meet the requirements of and apply in accordance with the provisions of this section.

(Code 1961, § 18-25; Ord. No. 523, 2-4-1997; Ord. No. 530, 10-7-1997; Ord. No. 607, 2-3-2004; Ord. No. 627, 8-3-2004; Ord. No. 631, 12-7-2004; Ord. No. 686, 8-5-2008; Ord. No. 713, 3-6-2012; Ord. No. 21, 5-5-2015)

Sec. 44-64. Deferral of assessment increases attributable to rehabilitation of real property under the Connecticut Urban Rehabilitation Homeownership Program.

(a) *Preamble, general findings and authority.* Whereas, the State of Connecticut and the City of Danbury seek to promote neighborhood stabilization through the rehabilitation of residential properties and wish to encourage employees to live where they work; and whereas, the State of Connecticut has established the Urban Rehabilitation Homeownership Program in order to serve said goals; and whereas, pursuant to the provisions of C.G.S. § 8-265qq, the Connecticut General Assembly has authorized targeted municipalities, including the City of Danbury, to fix assessments attributable to rehabilitation of real property within designated areas of the City in accordance with the Urban Rehabilitation Homeownership Program; and whereas the deferral of assessment increases attributable to said rehabilitation will further these goals and encourage the continued economic vitality of the City; now, therefore, the City of Danbury does hereby provide for the deferral of assessment increases attributable to the rehabilitation of residential real property within designated areas of the City as specified herein.

(b) *Application and eligibility.* An application to the City for a deferral of assessment increases attributable to the rehabilitation of residential real property may be made by any party who intends to acquire or has acquired residential real property pursuant to the provisions of C.G.S. § 8-265qq and the Urban Rehabilitation Homeownership Program. In order to be eligible for the benefits provided by this section, upon receipt of a report from the Planning Department, the City Council must find that:

(1) The applicant is an approved participant in the Connecticut Housing Finance Authority Urban Rehabilitation Homeownership Program who intends to acquire or has acquired residential real property within certain areas of the City of Danbury designated by said authority;

(2) The applicant is willing to enter into a written agreement with the City of Danbury requiring the applicant to rehabilitate such real property with assistance provided by the Connecticut Housing Finance Authority under said program; and,

(3) The applicant is not delinquent in the payment of taxes owed to the City of Danbury or taxes owed to the Danbury Downtown Special Services District at the time of application.

(c) *Application procedure.*

(1) All applications shall be submitted to the Danbury Planning Department on forms supplied by said department. Each such application shall include the applicant's estimate of the cost of the rehabilitation subject to deferred assessment hereunder.

(2) The Planning Department shall review each application submitted to it and shall forward each such application to the City Council within thirty (30) days of receipt

together with the department's report concerning whether or not the application meets the eligibility criteria contained in this section. Such report shall include specific reasons in support of the findings expressed therein.

(3) Upon receipt of an application and report from the Planning Department, the City Council shall approve the application, reject the application, or return the application to the department for further information. If an application is rejected, the City Council shall state its reasons for rejection upon the record. The applicant may file a revised application with the Planning Department, which addresses the reasons for rejection by the City Council.

(4) In the event of approval, the City Council shall adopt a resolution authorizing the Mayor to enter into an agreement with the applicant, as specified herein.

(d) *Assessment deferral agreement.*

(1) The assessment deferral agreement to be signed by the applicant and the Mayor on behalf of the City shall refer to and incorporate the application as approved by the City Council, shall reflect the assessment on the property immediately prior to the commencement of rehabilitation.

(2) The assessment deferral agreement shall provide that upon completion of the rehabilitation work and issuance of the certificate of occupancy the increase in the assessment on the property due to such rehabilitation shall be deferred for a period of five (5) years from the date such rehabilitation is completed.

(3) Deferred assessments shall not apply to taxes levied under section 40-48 applicable to downtown special services district taxes.

(4) The assessment deferral agreement shall provide that such rehabilitation shall be completed by a date fixed in such assessment deferral agreement. In the event that on the date so fixed for completion, the Planning Department has denied certification that the rehabilitation has been performed in accordance with the terms of the assessment deferral agreement, or at any time if the Planning Department determines that the owner of the property is in default under the terms of said agreement, and has failed to cure said default after notice and an opportunity to do so, the agreement shall terminate. In the event of such termination, the owner of the property, as herein provided, shall be liable for any increase in taxes for which he would have been liable in the absence of such agreement. The agreement shall further provide that a property owner may apply to the Planning Department for an extension of time in which to complete the rehabilitation, which, for good cause shown, the Planning Department may approve, but in no event shall such extension of time exceed a period of one (1) year.

(5) The assessment deferral agreement shall further provide that the agreement is contingent upon the following conditions:

a. That, in addition to the certification requirement of subsection (e)(3) of this section, the property shall be subject to inspection and certification by the Building Inspector and Health Director, as being in conformance with such provisions of the state building and health codes and local housing codes as may apply, and by the Zoning Enforcement Officer to ensure conformance with the zoning regulations, as required;

b. That the assessment deferral shall cease if there is any delinquency in the payment of taxes on the property; and

c. That the assessment deferral shall be conditioned upon the continued residence of the applicant in such property during the period of said deferral.

(c) *Miscellaneous provisions.*

(1) The applicant must have acquired the property to be rehabilitated prior to execution of the tax assessment deferral agreement.

(2) The Assessor shall have the sole responsibility for determining the cost and value of the rehabilitated real property subject to a deferral of assessment increases hereunder.

(3) A copy of any assessment deferral agreement entered into pursuant to the provisions of this section shall be forwarded to the Assessor, who shall adjust his records accordingly.

(4) The Planning Department shall forward a copy of its certification that the construction or improvements has been completed in accordance with the assessment deferral agreement to the Assessor. In the event that the Planning Department denies such certification, it shall send a copy of its denial to the Assessor, who shall readjust his tax records in accordance with the provisions of this section.

(5) Any agreement entered into under the provisions of this section shall be recorded on the land records of the City.

(6) The Planning Department is authorized to establish written procedures and technical specifications for the administration of this section.

(7) Properties undergoing rehabilitation that commenced prior to the adoption of this section, but which have not yet received a certificate of occupancy, may be eligible for the benefits set forth in this section, provided that they meet the requirements of and apply in accordance with the provisions of this section.

(8) In the event of a general revaluation by the City in the year in which such rehabilitation is completed resulting in any increase in the assessment of such property, only that portion of the increase resulting from such rehabilitation shall be deferred; and in the event of a general revaluation in any year after the year in which such rehabilitation is completed, such deferred assessment shall be increased or decreased in proportion to the increase or decrease in the total assessment on such property as a result of such general revaluation.

(Code 1961, § 18-25.1; Ord. No. 558, 9-5-2001)

Sec. 44-65. Fixing of assessments attributable to the placement of personal property to be located in a manufacturing facility.

(a) *Preamble, general findings and authority.* Whereas, the Connecticut General Assembly has authorized municipalities to fix assessments attributable to personal property located in a manufacturing facility in accordance with the provisions of C.G.S. § 12-65h; and whereas the deferral of assessment increases attributable to the placement of such personal property will encourage economic development within the City of Danbury and the continued economic vitality of the City; now, therefore, in accordance with the provisions of C.G.S. § 12-65h, the City does hereby provide for the fixing of assessments and the deferral of assessment increases attributable to the placement of such personal property within the City of Danbury as specified herein.

(b) *Application and eligibility.* An application to the City for fixing the assessment attributable to the personal property located in a manufacturing facility, as defined in C.G.S. § 12-81(72), may be made by any party owning or proposing to acquire an interest in real property, or any party owning or proposing to acquire an interest in air space, or any party who is the lessee of, or who proposes to be the lessee of, air space in such a manner that the air space leased or proposed to be leased shall be assessed to the lessee pursuant to C.G.S. § 12-64 upon which is located or proposed to be located such a facility. In order to be eligible for the benefits provided by this section, the City Council must find that:

(1) No tax delinquency, which is not the subject of a valid and timely appeal, exists with respect to either the real property upon which the manufacturing

facility is located or with respect to the personal property located within said facility;

(2) The applicant proposes to enter into a written agreement with the City fixing the assessment attributable to personal property located within a manufacturing facility, as defined in C.G.S. § 12-81(72), upon such terms and conditions as are provided for herein and therein;

(3) The applicant must be eligible for the benefits afforded pursuant to the provisions of this section.

(c) *Application procedure.*

(1) All applications shall be submitted to the Danbury Tax Assessor on forms supplied by the Office of the Danbury Tax Assessor. Each such application shall include the applicant's estimate of the value of personal property subject to the fixing of assessment hereunder.

(2) The Tax Assessor shall review each application and shall forward it to the City Council within thirty (30) days of receipt together with the Assessor's report concerning whether or not the application meets the eligibility criteria contained in this section. Such report shall include specific reasons in support of the findings expressed therein.

(3) Upon receipt of an application and report from the Tax Assessor the City Council shall approve the application, reject the application, or return the application to the Tax Assessor for further information. If an application is rejected, the City Council shall state its reasons for rejection upon the record. The applicant may file a revised application with the Tax Assessor that addresses the reasons for rejection by the City Council.

(4) In the event of approval, the City Council shall adopt a resolution authorizing the Mayor to enter into an agreement with the applicant, as specified herein.

(d) *Assessment fixing agreement.*

(1) The assessment fixing agreement to be signed by the applicant and the Mayor on behalf of the City shall refer to and incorporate the application as approved by the City Council and shall specify the period of fixing the assessment of such personal property in accordance with the provisions of C.G.S. § 12-65h.

(2) The assessment fixing agreement shall establish a deadline for the placement of the minimum value of personal property with respect to which the assessment is to be deferred, require certification by the Tax Assessor, as hereinafter set forth, that the owner or lessee has met said deadline and establish the period during which the assessment shall remain fixed. The increase in the assessment on the personal property shall be deferred in accordance with one (1) of the following schedules, as determined by the City Council:

a. For personal property with a value of not less than three million dollars ($3,000,000.00), the entire increase in the assessment may be deferred each year for a period not to exceed seven (7) years;

b. For personal property with a value of not less than five hundred thousand dollars ($500,000.00), the entire increase in the assessment may be deferred each year for a period not to exceed two (2) years;

c. For personal property with a value of not less than twenty-five thousand dollars ($25,000.00), not more than fifty (50) percent of the increased assessment may be deferred each year for a period not to exceed three (3) years.

(3) In the event that on the date fixed for placement of the minimum value of personal property established by the agreement, the Tax Assessor has denied certification that the personal property has been acquired in accordance with the

eligibility criteria as set forth in this section and in accordance with the terms of the assessment fixing agreement, or at any time if the Tax Assessor determines that the owner or lessee of the property is in default under the terms of said agreement, and has failed to cure said default after notice and a reasonable opportunity to cure, the agreement shall terminate upon written notice, via certified mail, to such owner or lessee. In the event of such termination, other than for failure to place personal property having a value equal to or greater than the minimum established in subsection (d)(2) of this section and in the agreement, the owner or lessee of the property, as herein provided, shall, commencing with the date of notice of termination by the Tax Assessor, be liable for any increase in taxes for which he would have been liable in the absence of such agreement. In the event of such termination for failure to place personal property having a value equal to or greater than the minimum established in subsection (d) of this section and in the agreement, the owner or lessee shall be liable for all taxes on taxable personal property that would have been assessed in the absence of the agreement. The agreement shall further provide that a property owner or lessee, as herein provided, may apply to the Tax Assessor for an extension of time in which to complete the personal property placement or cure the default, which, for good cause shown, the Tax Assessor may approve, but in no event shall such extension of time exceed a period of one (1) year.

(4) The assessment fixing agreement shall further provide that the agreement is contingent upon the following conditions:

a. That the deferral of personal property tax assessment increases shall cease, commencing with the date of notice of termination by the Tax Assessor, if there is any delinquency in the payment of taxes, which is not the subject of a valid and timely appeal, on the real property on which the manufacturing facility is located or on the personal property located within said facility; and

b. That the deferral of personal property tax assessment increases shall cease, commencing with the date of notice of termination by the Tax Assessor, upon the sale or conveyance of the real property on which the manufacturing facility is located or of the personal property located within said facility unless the new owner or lessee, as the case may be, of such real or personal property shall enter into a new contract with the City incorporating all the terms of the agreement with the former owner or lessee, as herein provided.

(e) *Miscellaneous provisions.*

(1) The Tax Assessor shall have the sole responsibility for determining the value of the personal property subject to the deferral of personal property tax assessment increases hereunder.

(2) Any agreement entered into pursuant to the provisions of this section shall be recorded on the land records of the City.

(3) The Tax Assessor is authorized to establish written procedures and technical specifications for the administration of this section.

(Code 1961, § 18-25.2; Ord. No. 605, 1-26-2004)

Sec. 44-66. Denial of property tax exemption on new machinery and equipment.

A claim for property tax exemption under C.G.S. § 12-81(72) may be denied by the Danbury Tax Assessor, with the consent of the Mayor, if the claimant is delinquent in a property tax payment to the City, pursuant to C.G.S. § 12-146, for property owned by such claimant. Before any such claim is denied, the Assessor shall send

written notice to the claimant, stating that he may pay the amount of such delinquent tax or enter into an agreement with the City for the payment thereof, by the date set forth in said notice, provided such date shall not be less than thirty (30) days after the date of such notice. Failure on the part of the claimant to pay the amount of the delinquent tax or enter into an agreement to pay the amount thereof by said date shall result in a disallowance of the exemption being claimed.
(Code 1961, § 18-26; Ord. No. 519, 11-7-1996)

Sec. 44-67. Real property tax abatement in connection with remediation of environmentally impacted sites.

(a) *Preamble, general findings and authority.* Whereas, the Connecticut General Assembly has authorized municipalities to grant property tax abatements to owners who undertake redevelopment and remediation of environmentally impacted properties; and whereas promoting economic growth within the City of Danbury while encouraging the remediation of environmentally impacted sites represents an opportunity to further important goals deemed to be in the best interests of the City; now, therefore, pursuant to the provisions of C.G.S. § 12-81r, the City does hereby provide for the abatement of real property taxes in accordance with the further provisions hereof.

(b) *Application and eligibility.* An application to the City for an abatement of all or a portion of the real property taxes due on eligible real property during a period of redevelopment and environmental remediation of the site, not to exceed a period of seven (7) years, may be made by the party owning any such property. In order for an applicant to be eligible for the benefits provided by this section, upon receipt of a report from the Coordinator of Environmental Services of the City of Danbury, the City Council must find that:

(1) The applicant's property is in need of redevelopment or remediation as a result of environmental contamination or pollution.

(2) The applicant proposes to conduct, or is conducting, environmental site assessment, demolition, remediation or other clean-up activities on the property in question.

(3) The applicant is prepared to commence said activities promptly, if he has not already done so, and continue said activities during the term of the tax abatement, which shall not exceed seven (7) years.

(4) The applicant proposes to enter into a written agreement with the City establishing, among other things, a method for determining the amount of the tax abatement to be granted during the term of the agreement. The amount of said abatement shall be determined on a quarterly basis and, subject to the limitations established in subsection (b)(5) of this section, shall be equal to the expenses incurred by the applicant for environmental site assessment, demolition, remediation, or other clean-up activities during the calendar quarter immediately preceding the due date of each quarterly real property tax payment. Each such application shall also include the applicant's estimate of the cost of the environmental site assessment, demolition, remediation or other clean-up activity upon which the tax abatement is to be based.

(5) The amount of any tax abatement provided for hereunder shall not exceed one thousand two hundred fifty dollars ($1,250.00), per applicant, per calendar quarter, nor shall the amount of any such tax abatement in any given quarter exceed the real property tax due in said year with respect to the property which the applicant proposes to redevelop and remediate.

(c) *Application procedure.*

(1) All applications shall be submitted to the Coordinator of Environmental Services on forms supplied by said coordinator.

(2) The Coordinator of Environmental Services shall review each application so submitted and shall forward each such application to the City Council within thirty (30) days of receipt, together with the coordinator's report concerning whether or not the application meets the eligibility criteria contained in this section. Such report shall include specific reasons in support of the findings expressed therein.

(3) Upon receipt of an application and report from the Coordinator of Environmental Services, the City Council shall either approve the application, reject the application, or return the application to the coordinator for further information. If an application is rejected, the City Council shall state its reasons for rejection upon the record. The applicant may file a revised application with the Coordinator of Environmental Services which addresses the reasons for rejection by the City Council.

(4) In the event of approval, the City Council shall adopt a resolution authorizing the Mayor to enter into an agreement with the owner of the property, as specified herein.

(d) *Tax abatement agreement:*

(1) The tax abatement agreement shall be signed by the owner and the Mayor and shall refer to and incorporate the application as approved by the City Council, shall reflect the environmental condition that requires redevelopment or remediation, and shall specify the period of such redevelopment and remediation which shall commence, if it has not already done so, on the date of the agreement and continue during the term thereof.

(2) The tax abatement agreement shall provide a method for determining the amount of the tax abatement.

(3) The tax abatement agreement shall be contingent upon the continuation of the redevelopment and remediation process with respect to the property for those purposes specified in the agreement creating such abatement and such abatement shall cease and the tax abatement agreement shall terminate upon the sale or transfer of the property for any other purpose unless the City shall have consented thereto.

(4) The tax abatement agreement shall provide for a recapture of any tax previously abated in the event of sale, provided that such recapture shall not exceed the original amount of taxes abated and may not go back further than the date of the agreement.

(5) The tax abatement agreement shall not apply to taxes levied under section 40-48 applicable to downtown special services district taxes.

(6) The tax abatement agreement shall be in effect for a period of seven (7) years or until all environmental site assessment, demolition, remediation or other clean-up activities have been completed, whichever occurs first. The agreement shall also terminate if at any time the Coordinator of Environmental Services, determines that the owner of the property is in default under the terms of said agreement, and has failed to cure said default after notice and an opportunity to do so. In the event of such termination, the owner of the property, as herein provided, shall be liable for any taxes for which he would have been liable in the absence of such agreement. The agreement shall further provide that a property owner may apply to the Coordinator of Environmental Services for an extension of time in which to complete the work which, for good cause shown, the coordinator may approve, but in no event shall such extension of time exceed a period of one (1) year or extend the total time for completion beyond seven (7) years.

(7) The tax abatement agreement shall further provide that the agreement is contingent upon the following conditions:

a. The property shall be subject to inspection and certification by the

Building Inspector and Health Director, as being in conformance with such provisions of the state building and health codes and local housing codes as may apply, and by the Zoning Enforcement Officer to ensure conformance with the zoning regulations, as required;

b. That tax abatement shall cease if at any time during the term of the tax abatement agreement there is any delinquency in the payment of taxes or sewer or water charges or assessments on or related to the use of the property; and

c. That the tax abatement shall cease upon the sale or transfer of the improvements unless the new owner of such property shall enter into a new contract with the City incorporating all the terms of the agreement with the former owner, as herein provided.

(e) *Miscellaneous provisions.*

(1) The Coordinator of Environmental Services shall have the sole responsibility for determining the cost of the activities to be performed pursuant to the tax abatement agreement.

(2) A copy of any tax abatement agreement entered into pursuant to the provisions of this section shall be forwarded to the Tax Collector, who shall adjust the tax records of the City accordingly.

(3) The Coordinator of Environmental Services shall advise the Tax Collector of the amount of the tax abatement to which the applicant is entitled in each calendar quarter during which an abatement agreement is in effect. In the event that the tax abatement agreement is terminated as a result of a default by the owner, the coordinator shall so advise the Tax Collector, who shall readjust the tax records of the City in accordance with the provisions of this section.

(4) Any agreement entered into under the provisions of this section shall be recorded on the land records of the City.

(5) The Coordinator of Environmental Services is authorized to establish written procedures and technical specifications for the administration of this section.

(6) The City Council shall establish a limit on the number of applications to be approved in any fiscal year. Applications shall be processed on a first-come, first-served basis.

(Code 1961, § 18-27; Ord. No. 534, 11-5-1998)

Sec. 44-68. Real property tax abatement on open space land in exchange for the transfer of certain rights to the City.

(a) *Preamble, general findings and authority.* Whereas, the Connecticut General Assembly has authorized municipalities to grant property tax abatements to owners of open space who transfer development rights, conservation easements, rights-of-way or any combination thereof to the City; and whereas promoting conservation and preservation of open space within the City of Danbury represents an opportunity to further important goals deemed to be in the best interests of the City; now, therefore, pursuant to the provisions of C.G.S. § 12-129r, the City does hereby provide for the abatement of real property taxes in accordance with the further provisions hereof.

(b) *Application and eligibility.* An application to the City for an abatement of real property taxes due on open space, for a period of ten (10) years, may be made by the party owning any such property. Tax abatements granted pursuant to the provisions of this section shall be structured such that each annual abatement equals one-tenth (1/10) of the fair market value of the rights, easements or restrictions granted to the City. In order for an applicant to be eligible for the benefits provided by this section the City Council must find that:

(1) The applicant's property is open space land. For purposes of this section, the term "open space land" means any area

of land, including forest land, the preservation or restriction of the use of which would:

a. Maintain and enhance the conservation of natural or scenic resources;

b. Protect natural streams or water supply;

c. Promote conservation of soils, wetlands or beaches;

d. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces;

e. Reserve historic sites; or

f. Promote orderly urban or suburban development.

(2) The applicant proposes to transfer development rights, conservation easements, rights-of-way or any combination thereof with respect to the open space land to the City, for nondevelopment and preservation purposes.

(3) The applicant has provided a certified appraisal of the property proposed for abatement both with and without the rights, easements or restrictions that the applicant proposes to convey to the City.

(c) *Application procedure.*

(1) All applications shall be submitted to the Danbury Planning Director on forms supplied by the Director.

(2) The Planning Director shall review each application with the Tax Assessor, Tax Collector and any other municipal official that the Director deems appropriate and shall forward each such application to the City Council within thirty (30) days of receipt, together with a report indicating whether or not the application meets the eligibility criteria contained in this section. Each such report shall include specific reasons in support of the findings expressed therein.

(3) Upon receipt of an application and report from the Planning Director, the City Council shall approve the application, reject the application, or return the application to the Director for further information. If an application is rejected, the City Council shall state its reasons for rejection upon the record. The applicant may file a revised application with the Director that addresses the reasons for its rejection by the City Council.

(d) *Miscellaneous provisions.*

(1) In the event that an application is approved, the City Council shall adopt a resolution fixing the amount of the annual tax abatement to be granted and the period of time during which the abatement shall be in effect, authorizing the Mayor to accept the transfer of the rights, easements or restrictions that the applicant proposes to convey to the City.

(2) A copy of the resolution adopted pursuant to subsection (d)(1) of this section shall be forwarded to the Tax Collector, who shall adjust the tax records of the City accordingly.

(3) Any abatement granted pursuant to the provisions of this section shall be transferable to any other taxable property owned by the applicant and located within the City of Danbury.

(4) The granting or denial of applications filed pursuant to the provisions of this section, as well as the specific terms thereof, shall be within the sole and absolute discretion of the City Council and shall not be subject to appeal.

(Code 1961, § 18-29; Ord. No. 691, 10-7-2008)

Sec. 44-69. Adoption of assessment rates limiting property tax increases on residential and apartment properties through valuation, clerical correction, or tax credit; watchtower authority; October 1, 2012, revaluation.

(a) *Preamble, general findings and authority.* Whereas, the Connecticut General Assembly has authorized municipalities to conduct revaluation

of real estate including designated procedures and administration by local officials in furtherance thereof. Such municipalities are further authorized, through duly appointed and authorized officials and local boards of assessment appeals to apply further lawful remedies in the implementation of such revaluations and adjustments thereof.

(b) *Findings.* The City of Danbury hereby finds that C.G.S. §§ 12-55, 12-60 and 12-62n, as well as the general provisions of C.G.S. §§ 12-62 and 7-148, provide authorization for the adjustment of real property assessment and/or taxes for affected residential and/or apartment properties where either clerical defects are determined to have occurred and are unremediated or there exist excessive increases in assessment that would result not only in the inequitable distribution of property and tax assessment but a serious risk of home loss, foreclosure or market deterioration.

(c) *Remedies.* Pursuant to the foregoing authority, it is found that the office of the assessor pursuant to its watchtower authority under law and the legal mandate and authority to equalize assessments pursuant to C.G.S. §§ 12-55 et seq., the City Board of Assessment Appeals and/or the Office of the Director of Finance shall be authorized to provide assessment and/or tax relief to properties, including those affected in clusters, determined to have suffered verifiable inequitable valuation at deviation from principles and application of assessment procedures and such authorities may avail themselves of either, all or a combination of the following remedies for the October 1, 2012, revaluation:

(1) In the event a remedy pursuant to C.G.S. § 12-62n is utilized, the minimum adjusted increase in assessment from the prior revaluation shall result in a tax levy of no less than three and one-half percent (3½%) over the property tax for such residential and/or apartments in the base year of the new revaluation, all as defined.

(2) In the event a remedy pursuant to C.G.S. § 12-60, the clerical omission or mistake in assessment may be corrected within three (3) years following the tax due date on which the omission or mistake occurred, as defined. A certificate of correction shall be filed in such cases of adjustment.

(3) In the event a remedy through tax payment relief is utilized the Office of the Director of Finance is authorized to determine, based upon proper review and analysis, that tax relief by credit shall be implemented.

(Ord. No. 8, 2-24-2014)

Chapter 45

RESERVED

Chapter 46

TRAFFIC AND VEHICLES*

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ARTICLE I. IN GENERAL

Sec. 46-1. Powers, duties of traffic authority.

The traffic authority of the City shall have all powers and perform all duties imposed upon traffic authorities by law. Provided, however, that no regulation, rule or order of said authority designating through streets or stop or yield intersections; or establishing one-way streets; or establishing safety zones or bus stops or public service motor vehicle stands; or establishing taxi stands in front of hotels; or prohibiting, limiting or restricting parking; or determining loading and unloading zones; or otherwise regulating or controlling traffic in such a manner that it is reasonable and practicable to install appropriate signs, signals or markers giving notice of such regulations, shall be effective unless there are installed such signs, signals or markers as are reasonably calculated to give notice of said regulations to motorists or pedestrians.
(Code 1961, § 19-3)

State law reference—Powers, duties of traffic authorities, C.G.S. § 14-297 et seq.

Sec. 46-2. Regulation of bicycles, skateboards and non-motorized wheeled devices.

(a) *Declaration of policy.* It is hereby found and declared that the presence of persons riding bicycles, skateboards and other motorized or non-motorized wheeled devices upon public sidewalks and walkways endangers public safety and the general health and welfare of the community.

(b) *General prohibition.* It is hereby declared unlawful to ride or propel any bicycle, skateboard or other motorized or non-motorized wheeled device upon any public sidewalk or walkway in the City of Danbury.

(c) *Parental liability; general liability.*

(1) No parent or legal guardian of a child under the age of sixteen (16) shall authorize or knowingly allow such child to violate the provisions of this section.

(2) Whenever a Police Officer apprehends a child under the age of sixteen (16) violating the provisions of this section, such Police Officer may issue a citation in accordance with section 2-2 to said child by leaving a copy of the written warning with the child's parent or legal guardian.

(3) Whenever a Police Officer apprehends someone sixteen (16) years of age and over violating the provisions of this section, such Police Officer may issue a citation in accordance with section 2-2 to said person.

(d) *Penalties.* Any person, parent or legal guardian who is found to violate any provision of this section shall be fined fifty dollars ($50.00) for the first offense and seventy-five dollars ($75.00) for any additional offense.

(e) *Authorization to erect signs.* The traffic authority of the City of Danbury is hereby authorized to erect signs prohibiting the activity specified pursuant to the provisions hereof.

(f) *Exclusion.*

(1) Any prohibition or restriction set forth herein shall not apply to any vehicle or device operated by a Police Officer or other law enforcement or public safety official;

(2) Devices operated by persons for the sole purpose of transporting infants and children such as strollers and carriages designed for said purposes; and

(3) Devices operated by persons with a disability for the purposes of transportation of said person such as wheelchairs and similar motorized and non-motorized devices designed for that purpose.

(g) *Interpretation.* No provision of this section shall be interpreted or construed to prohibit speech, expression or conduct protected by the laws of the United States or of the State of Connecticut.
(Code 1961, § 12-5; Ord. No. 581, 11-7-2002)

State law references—Bicycles, C.G.S. § 14-286 et seq.; municipal regulation of bicycles, C.G.S. § 14-289.

Sec. 46-3. All-terrain vehicles; operation prohibited on City property.

(a) *Generally.* The purpose of this section is to prohibit the operation of all-terrain vehicles on property owned by the City of Danbury, thereby preventing damage to flora and fauna and to hiking trails, stone walls, and other physical features of the City's parks and public places, promoting the safe use of these areas, and ensuring that these areas are protected for the benefit of all users of the City's parks and public places.

(b) *Definitions.* As used in this section, the following terms shall have the meanings described herein, unless the context clearly indicates that a different meaning is intended:

All-terrain vehicle means a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways, which is not eligible for registration under C.G.S. ch. 246 (C.G.S. § 14-1 et seq.).

Operate means to ride, control the course of or otherwise use an all-terrain vehicle.

(c) *Prohibited acts.* No person shall operate and no owner shall permit the operation of any all-terrain vehicle upon property owned, leased or controlled by the City of Danbury except within areas designated by the City for all-terrain vehicle use. No person operating an all-terrain vehicle on property owned, leased or controlled by the City of Danbury shall refuse to stop his all-terrain vehicle after being requested or signaled to do so by an authorized law enforcement officer or by an authorized agent of the City of Danbury.

(d) *Posting.* Notice of the prohibition established by this section shall be given by posting signs at various locations on City owned property warning all-terrain vehicle users that the use of such vehicles on City property is prohibited. Failure to post such signs or failure to post such signs at specific locations shall not be a defense to any prosecution or claim brought based on a violation of this section.

(e) *Exemptions.* The provisions of subsection (c) of this section shall not apply to authorized law enforcement officers or authorized agents of the City of Danbury who operate all-terrain vehicles while in the performance of their official duties.

(f) *Penalties; liability.* The provisions hereof may be enforced in the same manner as and in conjunction with the provisions of C.G.S. ch. 255 (C.G.S. § 14-379 et seq.). In addition, the operator or owner, or both, of an all-terrain vehicle, shall be responsible and held accountable to the City of Danbury for damage to trees, shrubs, crops, fences or other property caused by operation of such all-terrain vehicle on land of the City of Danbury or where consequential damage has resulted from such operation. In any prosecution or action for damages hereunder, proof of the registration number of the all-terrain vehicle shall be prima facie evidence that the owner was the operator.

(Code 1961, § 12-6; Ord. No. 597, 4-1-2003)

State law references—Snowmobiles and all-terrain vehicles, C.G.S. § 14-379 et seq.; local regulation of snowmobiles and all-terrain vehicles, C.G.S. § 14-390.

Sec. 46-4. Abandoned, inoperative or unregistered motor vehicles.

(a) *Declared public nuisance; authority to abate.* The City Council, pursuant to C.G.S. § 14-150a, declares that abandoned, inoperative or unregistered motor vehicles represent a public nuisance and a hazard to the health and welfare of the citizens of the City of Danbury which may be abated as such in accordance with the provisions of this division.

(b) *Parking, storing or leaving on property without consent of property owner prohibited.*

(1) *Prohibition.* No person shall park, store or leave any motor vehicle of any kind which is abandoned, inoperative or unregistered upon property other than that owned by him without the consent of the owner thereof.

(2) *Enforcement by citation.* Enforcement of this section by the UNIT official, in

addition to other remedies, may be by citation procedure as established by sections 2-2 and 2-3.

(c) *Procedure for removal.*

(1) *Notification sticker, required information; Chief of Police to be informed.* Any officer of the Danbury Police Department, or such member of the Unified Neighborhood Inspection Team (UNIT) duly authorized and designated by the Mayor for the purposes hereof as required by law, shall, upon initial discovery of an abandoned, inoperative or unregistered motor vehicle, affix to that vehicle, in a manner readily visible, a notification sticker containing the following information:

a. The date and time when the sticker was affixed;

b. A statement that the vehicle must be removed within thirty (30) days;

c. A location and telephone number where additional information can be obtained;

d. The identity of the affixing officer.

In addition, the affixing officer shall inform the Chief of Police in writing of the location and description of each such abandoned, inoperative or unregistered motor vehicle.

(2) *Notice to motor vehicle owner and property owner.* Upon receipt of such information, the Chief shall cause notice to be mailed by certified mail, return receipt requested, to the last registered owner of the abandoned, inoperative or unregistered motor vehicle, if known, and to the owner of the property upon which such motor vehicle remains, requesting removal of said vehicle. Such notice shall also provide fair and adequate warning of the authority of the City to dispose of the vehicle involved thirty (30) days following written notice and publication as required herein and further advising the owner of the motor vehicle, if known, of his right to a hearing in accordance herewith.

(3) *Publication of notice.* In addition to the notice provided for in subsection (c)(2) of this section, the Chief shall cause notice to be published twice in a newspaper having general circulation within the City of Danbury of the intention of the City to dispose of such abandoned, inoperative or unregistered motor vehicle thirty (30) days following publication and advising of hearing rights accorded pursuant to subsection (c)(4) of this section.

(4) *Hearing.* Any motor vehicle owner receiving notice pursuant to subsections (c)(2) and (3) of this section may, within seven (7) days of receipt of such notice, file a written request for a hearing before a Hearing Officer to be appointed by the Mayor. All such hearings shall be held as soon as practicable after the filing of the request. Individuals so requesting a hearing shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At any such hearing the City and the owner may introduce such witnesses and evidence as either party deems necessary. The disposal of vehicles authorized by subsection (c)(5) of this section shall be stayed pending the outcome of any hearing held pursuant hereto.

(5) *Power to remove and dispose of abandoned motor vehicles.* Subject to the provisions of subsection (c)(4) of this section, the Chief or his designee is empowered to remove and dispose of abandoned, inoperative or unregistered motor vehicles at any time after the thirtieth (30th) day next succeeding the publication provided for in subsection (c)(3) of this section upon such terms and conditions, including sale, as he deems to be in the best interests of the City of Danbury.

(Code 1961, §§ 19-74—19-76; Ord. No. 299, §§ 1—7, 10-4-1983; Ord. No. 674, 4-1-2008)

State law reference—Abandoned vehicles, C.G.S. § 14-150 et seq.

Sec. 46-5. Motor vehicles on front lawns and front yards.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Lawn and *yard* means the terms "lawn" and "yard" as set forth either by Connecticut General Statutes or the zoning regulations of the City of Danbury as amended.

(b) *Declared public nuisance; authority to abate.* The City Council, pursuant to authority contained in C.G.S. § 7-148, declares that motor vehicles parked, stored or kept upon front lawns and yards within the limits of the City represent a public nuisance and a hazard to the health and welfare of the citizens of the City of Danbury and may be abated in accordance with the provisions of this section and in accordance with other provisions of law.

(c) *Parking or storing a motor vehicle on a front lawn or yard prohibited.* No person shall park, store or keep any motor vehicle upon any front lawn or yard within the limits of the City of Danbury.

(d) *Procedure for enforcement.* Enforcement of this section shall be in accordance with such enforcement procedures and by such officials as are designated by and consistent with section 46-4(b) and (c), which include any officer of the Danbury Police Department and a duly designated official of the Unified Neighborhood Inspection Team ("UNIT"), and may be utilized in addition to the removal and enforcement procedures as may be set forth in the zoning regulations of the City of Danbury.

(Code 1961, §§ 19-77—19-80; Ord. No. 675, 4-1-2008)

Secs. 46-6—46-28. Reserved.

ARTICLE II. VEHICLE OPERATION

Sec. 46-29. Age of operators; state licenses required; age of passenger on bicycle.

No person under the age of fourteen (14) years shall operate any vehicle other than a bicycle, and no person shall operate any vehicle without having complied with all licensing requirements of the state applicable to such vehicle and person. It shall be unlawful to carry any child under the age of five (5) years on a bicycle.

(Code 1925, § 239(15); Code 1961, § 19-19)

State law references—Authority of cities to regulate of bicycles, C.G.S. § 14-289; method of carrying passengers on bicycles, C.G.S. § 14-287; vehicle operators' licenses, C.G.S. § 14-36 et seq.

Sec. 46-30. Meeting, passing.

(a) *Meeting.* A vehicle meeting another vehicle shall pass to the right.

(b) *Passing overtaken vehicle.* A vehicle overtaking another vehicle shall pass on the left side of the overtaken vehicle and not pull over to the right until entirely clear of it.

(c) *Passing buses.* No vehicle shall pass any standing bus upon the same side as passengers are being received or discharged in such manner as to interfere in any way with such passengers.

(Code 1925, § 239(3), (4), (17); Code 1961, § 19-15)

State law references—Driving in right hand lane, C.G.S. §§ 14-230, 14-230a; passing, C.G.S. §§ 14-232, 14-233.

Sec. 46-31. Vehicles to keep right.

All vehicles shall keep to the right and as near the right-hand curb or side of the roadway as possible except when passing other vehicles or when traveling on a street on which more than one (1) lane of traffic is permitted to move in the same direction at the same time.

(Code 1925, § 239(1); Code 1961, § 19-16)

State law reference—Similar provision, C.G.S. § 14-230.

Sec. 46-32. Turns.

(a) *Turning to right.* A vehicle turning to the right into another street shall turn the corner as near the right-hand curb as practicable.

(b) *Turning to left.* A vehicle turning to the left into another street in which traffic is permitted to move in both directions shall pass to the right of and beyond the center of the street intersection before turning.

(Code 1925, § 239(5), (6); Code 1961, § 19-17)

State law reference—Similar provisions. C.G.S. § 14-241(a), (b).

Sec. 46-33. Right-of-way at intersections.

On all the public streets or highways of this City all vehicles approaching an intersection shall grant the right-of-way to vehicles approaching from the right when such vehicles arrive at the intersection at approximately the same time, unless otherwise directed by a Police Officer.
(Code 1925, § 239(14); Code 1961, § 19-18)

State law reference—Similar provisions, C.G.S. § 14-245.

Sec. 46-34. Speed.

No person shall proceed at any time at a greater speed than the law allows or is safe and proper under the conditions then obtaining.
(Code 1925, § 239(16); Code 1961, § 19-20)

State law reference—Speed limits, C.G.S. § 14-218a et seq.

Secs. 46-35—46-56. Reserved.

ARTICLE III. ROTATION-TOWING LICENSURE

DIVISION 1. GENERALLY

Sec. 46-57. Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein.

Incident means a motor vehicle accident, an abandoned or illegally parked vehicle, a disabled police vehicle or any other circumstance, which in the opinion of a member of the Danbury Police Department requires the services of a tower.

Licensee means a person who holds a license issued pursuant to the provisions of section 46-82.

Rotation-tower means a tower, as herein defined, who is available on a twenty-four (24) hour a day basis and called to the scene of an incident by the Police Department of the City of Danbury, in compliance with and in accordance with all regulations and requirements contained herein.

Tower means a person who owns sufficient equipment and appropriate wreckers and is offering the services of a vehicle wrecker or towing service, whereby disabled motor vehicles are towed or otherwise removed from the place where they are disabled by use of a wrecker so designed for that purpose.

Wrecker means a vehicle which is registered, designated, equipped and used for the purposes of towing or transporting wrecked or disabled motor vehicles.
(Code 1961, § 20-12; Ord. No. 650, 2-7-2006)

Sec. 46-58. Penalty.

Any violation of this article shall carry with it a fine not to exceed one hundred dollars ($100.00) for each offense.
(Code 1961, § 20-13; Ord. No. 650, 2-7-2006)

State law reference—Penalties for ordinance violations, C.G.S. § 7-148(c)(10)(A).

Sec. 46-59. Scope.

(a) Nothing contained herein shall be construed as affecting the right of the operator or owner of a disabled motor vehicle to call a wrecker of his own choice and to tow the disabled vehicle to a place he designates.

(b) Nothing contained herein shall be construed as affecting the right of any commercial carrier to use its own specially equipped tow vehicles.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, members of the Danbury Police Department may determine that for reasons of public safety the immediate use of a rotation-tower is required.
(Code 1961, § 20-14; Ord. No. 650, 2-7-2006)

Sec. 46-60. Police procedure.

(a) *Dispatching wrecker.*

(1) The Desk Officer in the Police Department shall be in charge of the administration of this program.

(2) There shall be three (3) rotation-tow lists: A weekly tow list, a heavy duty tow list and a serious accident tow list. Each week the rotation-tower appearing next

in sequence upon the weekly tow list shall be dispatched to all routine incidents. Each month the rotation-tower appearing next in sequence upon the heavy duty tow list shall be dispatched to all incident calls requiring a heavy duty tower. Each month the rotation-tower appearing next in sequence upon the serious accident tow list shall be dispatched to all incident calls involving serious or fatal accidents.

(3) Wreckers shall be dispatched to an incident by the desk officer in sequence on a rotating numerical basis.

(4) No wrecker or employee or owner of a garage or repair shop having a rotation-tow license shall go to the scene of an incident unless dispatched to the scene by an authorized member of the Police Department.

(5) It shall be unlawful for any wrecker not licensed pursuant to the provisions of this article to go to the scene of an incident with the intent to solicit repair or tow jobs.

(b) *Assignment of tow cars.*

(1) When in the opinion of the officer detailed to investigate an incident, the services of a wrecker are needed, the Desk Officer shall be notified who in turn will call the next rotation-tower in sequence on the appropriate list.

(2) The Desk Officer shall indicate to the rotation-tower the type of incident, the type of wrecker needed, the location of the incident and any other pertinent information that may be needed.

(3) If in the opinion of the investigating officer more than one (1) wrecker is needed at the scene, the rotation-tower that supplied the first wrecker shall, whenever possible supply the additional wreckers. Otherwise, additional rotation-towers shall be selected from the appropriate list.

(4) Failure to respond at the scene of an incident within thirty (30) minutes after being notified by the Police Department will be deemed an unreasonable delay and another rotation-tower will be dispatched.

(c) *Garage procedures.*

(1) No car that has been towed in shall be dissembled until after twenty-four (24) hours have elapsed from the time of the arrival of said car at the garage, and only after written authorization by the owner of said vehicle.

(2) No car that has been towed in shall be repaired until twenty-four (24) hours have elapsed from the time of the arrival of the said car at the garage and only after written authorization by the owner of said vehicle.

(3) If the garage or repair shop requested by owner or operator of a vehicle is not open for service, the vehicle will be taken to the garage of the rotation-tower and the vehicle will be turned over to the operator of the garage of the owner's choice upon payment of the towing charge.

(Code 1961, § 20-21; Ord. No. 650, 2-7-2006)

Sec. 46-61. Qualification of wrecker drivers.

(a) Rotation-tow vehicle drivers shall successfully complete the national driver certification program of the Towing and Recovery Association of American or a comparable certification program approved by the Chief of Police. Thereafter, all new rotation-tow vehicle drivers shall be similarly certified within six (6) months after they begin work for a rotation-tow licensee.

(b) In order to be included on the heavy duty tow list a licensee must employ at least one driver possessing heavy duty recovery advanced level training and certification and one (1) driver with no fewer than five (5) years of experience in heavy duty recovery operations.

(c) Written proof of the certifications described in this section shall be provided to the Chief of Police upon request.

(Code 1961, § 20-22; Ord. No. 650, 2-7-2006)

Secs. 46-62—46-80. Reserved.

DIVISION 2. LICENSE

Sec. 46-81. License required of a tower.

Any tower holding a valid license as a "wrecker", "repairer," "new car dealer" or "used car dealer", issued by the State of Connecticut may engage in the business of a tower and, subject to the further provisions hereof, may obtain a license as a rotation-tower. Nothing contained herein shall prevent a tower from responding to individual calls for service from his own customers or their agents or from the general public. (Code 1961, § 20-15; Ord. No. 650, 2-7-2006)

Sec. 46-82. License required of a rotation-tower; application; requirements; insurance; car storage; equipment.

(a) *Application.* Application for a license under this article shall be made upon blank forms prepared and made available by the Chief of Police and shall state:

(1) The name, home address, and business address of the applicant, together with evidence that the applicant possesses one of the licenses described in section 46-81 and a corresponding state license number.

(2) The location, number and description of the wreckers to be used by the applicant, and an express representation that the service will be available twenty-four (24) hours a day seven (7) days a week.

(3) That the applicant has available space for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed by him from the place where they were disabled.

(4) The location of each proposed vehicle storage facility owned or under the control of the applicant.

(5) A description of the color scheme and insignia appearing on the wreckers to be used by the applicant, together with a color photograph of a representative wrecker of each class.

(6) A commercial or cellular telephone number, allowing contact by the Danbury Police Department on a twenty-four (24) hour, seven (7) day per week basis.

(7) Such other information as the Chief of Police shall find reasonably necessary to effectuate the purposes of this article and to arrive at a fair determination of whether the terms of this article have been complied with in full.

(b) *License.* The general requirements for a rotation-tower license shall be as follows:

(1) The applicant must have a valid State of Connecticut license in one (1) of the categories identified in section 46-81.

(2) The applicant's place of business must be within the City of Danbury.

(3) The applicant must be of good moral character.

(c) *Insurance policies.* Upon approval of his application a licensee shall obtain the following insurance policies with companies authorized to do business in the State of Connecticut with a best rating of B+ or better:

(1) A garage keepers legal liability policy in the amount of not less than two million dollars ($2,000,000.00) per occurrence, and two million dollars ($2,000,000.00) in the aggregate, which policy shall include all-risk protection.

(2) A general liability insurance policy covering personal injury and property damage in the amount of not less than two million dollars ($2,000,000.00) per occurrence, and two million dollars ($2,000,000.00) in the aggregate.

(3) An automobile liability insurance policy covering personal injury and property damage in the amount of not less than two million dollars ($2,000,000.00) per occurrence, and two million dollars ($2,000,000.00) in the aggregate.

(d) *City as additional named insured.* The City shall be named on said policies as an additional named insured and a certificate of insurance shall be placed on file with the City

prior to the issuance of a license pursuant to the provisions of this section. The City shall be notified of any policy cancellation not less than thirty (30) days prior thereto. Each licensee shall assume liability for personal injury or property damage resulting from its intentional or negligent acts resulting from the operation of a wrecker under the provisions of this article and shall indemnify and hold the City harmless from any and all claims, demands, suits or damages arising from said licensee's activities pursuant to this article. Each insurance policy shall be in the name of the licensee and shall specifically include coverage for vehicle towing and storage. All such insurance policies shall be in effect for periods of not less than one (1) year.

(e) *Motor vehicle storage.*

(1) Motor vehicle storage facilities shall be located on property owned or leased by the licensee. All vehicles towed at the request of the City shall be stored at the licensee's storage facility, unless otherwise directed by a member of the Danbury Police Department.

(2) Licensees must provide inside storage space for a minimum of five (5) vehicles and still be able to maintain the primary function of their business.

(3) Outside storage space must be enclosed by a wire or other suitable fence with a minimum height of six (6) feet and an area for storage of a minimum of twenty (20) vehicles. Any such fence shall enclose the entire vehicle storage area.

(4) Prior to the issuance of a license hereunder the applicant shall provide evidence that all motor vehicle storage areas and related fencing have been inspected by the Building Official and Zoning Enforcement Officer and that they have found the same to be in compliance with the provisions of this section and of all other applicable laws.

(f) *Equipment.* In addition to the requirements of state law, each wrecker shall be equipped with brooms, shovels, absorbent compound, chains or recovery straps and a pinch bar, pry bar or crowbar and other safety equipment as may be required by the Chief of Police.

(g) *Wreckers.*

(1) Except as otherwise provided herein, a rotation-tower shall have a minimum of one (1) wrecker and one (1) flatbed wrecker. Any tower holding a license as a rotation-tower on January 1, 2006, and having only one (1) wrecker or one (1) flatbed wrecker shall continue to be eligible for licensure hereunder, provided that said tower complies with all other provisions of this article and provided further that said tower continuously maintains said license.

(2) Each wrecker operating under the authority of a licensed rotation-tower shall be kept and maintained in a safe and clean operating condition.

(Code 1961, § 20-16; Ord. No. 650, 2-7-2006)

Sec. 46-83. Fee of rotation-tower; expiration date.

A license shall be issued to a successful applicant hereunder provided the rotation-tower pays the City the license fee of one hundred dollars ($100.00) per wrecker each year or portion thereof, and unless sooner revoked, the license shall expire on April 1 of each year.
(Code 1961, § 20-17; Ord. No. 650, 2-7-2006)

Sec. 46-84. Duties of rotation-tower licensee.

A license shall be issued to a rotation-tower subject to the following conditions:

(1) *Exhibition of sticker.* The Chief of Police shall issue to a licensed rotation-tower a sticker for each wrecker owned or leased by the licensee indicating that he is duly licensed in accordance with the provisions of this article and the sticker shall at all times be prominently displayed on each wrecker.

(2) *Compliance with rate schedule; invoices.* The rotation-tower shall charge for his service only such rates as are approved by the State of Connecticut and an

approved rate schedule shall be available for inspection in all wreckers and shall be prominently displayed in the rotation-tower's place of business. The rotation-tower shall maintain copies of invoices related to each incident to which said rotation-tower responds on file for a period of not less than six (6) years.

(3) *Hours of availability.* The rotation-tower must be available twenty-four (24) hours a day seven (7) days a week.

(4) *Response time.* The rotation-tower shall respond to Police Department dispatch requests within thirty (30) minutes of notification. In the event that a rotation-tower is unable to respond within said time, the rotation-tower shall promptly notify the Danbury Police Department.

(5) *Non-assignment.* Rotation-towers shall not assign their responsibilities under this article to other persons.

(6) *Clean-up.* Whenever any rotation-tower removes a motor vehicle from the scene of an incident, it shall be the duty of the rotation-tower to remove and dispose of all glass, metal and other debris that has been cast upon the public highways as a result of such incident. The rotation-tower shall follow the directions of the Police or Fire Officer at the scene and shall not depart from the scene until all debris has been removed and he has been released by said officer. If the rotation-tower fails to properly clear the area of debris the Police Department may require him to return to the scene to complete the cleaning and may skip the rotation-tower the next time that said tower appears on a rotation list.

(7) *Vehicle removal; transportation.*

a. The rotation-tower shall be responsible for the safe removal of the motor vehicle and its contents from the scene of an incident and for the transportation of occupants, except when said occupants either cannot legally be so transported or have made other transportation arrangements.

b. The rotation-tower shall notify the Danbury Police Department whenever a vehicle is removed from the scene of any incident without a Police Officer at the scene and provide the department with information regarding the location and time of the incident, a description of the vehicle and the location of the facility where it is to be stored.

(8) *Emergency access to stored vehicles.* In addition to the requirements of state law regarding emergency access to stored vehicles, rotation-towers shall also permit the owner or person entitled to custody of such vehicle, or his authorized designee, to have access to the vehicle in order to retrieve perishable items.

(9) *Police discretion.* When a Police Officer at the scene of an incident observes that a wrecker is incapable of safely removing a vehicle from the scene, or that the actions of the operator are creating an unsafe condition, the officer may order the operator to leave the scene. The Police Department may then choose to dispatch another operator or another rotation-tower.

(Code 1961, § 20-18; Ord. No. 650, 2-7-2006)

Sec. 46-85. Revocation or suspension of license.

(a) The Chief of Police may suspend or revoke a license issued hereunder upon any of the following grounds:

(1) The license was procured by fraudulent conduct or false statement of a material fact, or that a fact concerning the applicant was not disclosed at the time of his making application and such fact would have constituted just cause for refusal to issue said license.

(2) The licensee illegally employed a shortwave radio to obtain information as to the location of the scene of an incident.

(3) The licensee paid in the form of a gratuity any third person not involved in the incident for information as to the location of the incident.

(4) The licensee has violated the fee schedule by an overcharge.

(5) The licensee has violated any of the provisions of this article or of any local, state or federal law, rule or regulation, which violation demonstrates conduct inconsistent with the financial or ethical responsibilities associated with the public trust required of the licensee.

(6) The licensee discontinued operations for more than sixty (60) days.

(7) The licensee has failed to respond promptly to or be available at times required by the Police Department on four (4) or more occasions within a six-month period.

(b) All decisions of the Chief of Police shall be final and shall not be subject to appeal.
(Code 1961, § 20-19; Ord. No. 650, 2-7-2006)

Sec. 46-86. Reinstatement of license.

Any licensee may apply in writing to the Chief of Police within thirty (30) days for reinstatement of a license revoked for any violation.
(Code 1961, § 20-20; Ord. No. 650, 2-7-2006)

Secs. 46-87—46-115. Reserved.

ARTICLE IV. PARKING, STOPPING AND STANDING*

DIVISION 1. GENERALLY

Sec. 46-116. Penalty.

(a) Any person violating the provisions of this article as set forth in this subsection shall be fined in accordance with the following schedule:

Parking violation	*Fine*	*Code Section*
Obstructing sidewalks	$100.00*	46-123
25 ft. of corner	100.00*	46-118
On crosswalk	100.00*	46-188
Front of driveway	100.00*	46-118
Obstructing Traffic/ streets/intersections	100.00*	46-118
Fire hydrant	100.00*	46-119
Fire zone	100.00*	46-125
Fire lane	100.00*	46-125
Loading zone	100.00*	46-188
Snow emergency	100.00*	46-1274
Commercial vehicles in residential zones	100.00*	46-121
Handicapped person	100.00*	46-122
Violation of signs	100.00*	
Other	100.00*	
* or such higher amount as may be established by virtue of state law or amended provision of state law.		

(b) Except as otherwise specifically set forth in subsection (a) of this section, the violation of any rule, regulation or order promulgated by the Traffic Authority of the City of Danbury shall be punishable by a fine established in accordance with state law and as established by the traffic authority.

(c) Fines payable in accordance with subsection (a) of this section shall be remitted to the City within seven (7) days of the issuance of a summons or citation. If any fine is not paid within thirty (30) days, a penalty in an amount equal to the original fine shall immediately become due and payable in addition to the original fine.
(Code 1925, § 239(19); Code 1961, § 19-4; Ord. No. 571, 8-6-2002; Ord. No. 626, 8-3-2004; Ord. No. 679, 7-1-2008; Ord. No. 688, 8-5-2008; Ord. No. 692, 11-6-2008)

State law reference—Penalty for violating regulation of traffic authority, C.G.S. § 14-314.

Sec. 46-117. Procedure for enforcement of municipal parking ordinances.

In accordance with C.G.S. § 7-152b, the following procedure is established for the enforcement of municipal parking ordinances:

(1) Within two (2) years from the expiration of the final period for the uncontested

*State law references—Authority to prohibit, restrict or limit parking, C.G.S. § 14-307; parking prohibitions, C.G.S. § 14-251 et seq.

payment of fines, penalties, costs or fees for any alleged violation under any ordinance adopted pursuant to C.G.S. § 7-148 or C.G.S. §§ 14-305 through 14-308, the Chief of Police shall cause notice to be sent to the motor vehicle operator, if known, or the registered owner of the motor vehicle, by first class mail at his address according to the registration records of the department of motor vehicles. Such notice shall inform the operator or owner:

a. Of the allegations against him and the amount of the fines, penalties, costs or fees due;

b. That he may contest his liability before a parking violations Hearing Officer by delivering in person or by mail written notice within ten (10) days of the date thereof;

c. That if he does not demand such a hearing, an assessment and judgment shall enter against him; and

d. That such judgment may issue without further notice. Whenever a violation of such an ordinance occurs, proof of the registration number of the motor vehicle involved shall be prima facie evidence in all proceedings provided for in this section that the owner of such vehicle was the operator thereof; provided, the limitations on the liability of a lessee under C.G.S. § 14-107 shall apply.

(2) If the person who is sent notice pursuant to subsection (1) of this section 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 admitted to in person or by mail to an official designated by the City. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person, or of the person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the first notice provided for in subsection (1) of this section shall be deemed to have admitted liability, and the designated City 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 the applicable ordinances and shall follow the procedure set forth in subsection (4) of this section.

(3) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice; provided, the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by a policeman or other issuing officer shall be filed and retained by the City, be deemed to be a business record within the scope of C.G.S. § 52-180, and be evidence of the facts contained therein. The presence of the Police Officer or issuing officer shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. A designated City official, other than the Hearing Officer, may present evidence on behalf of the City. If such person fails to appear, the Hearing Officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances. The Hearing Officer may accept from such person copies of police reports, motor vehicle department documents and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The Hearing Officer shall conduct the hearing in order and form and with such methods of proof as he deems 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. The Hearing Officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violations, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the City.

(4) If such assessment is not paid on the date of its entry, the Hearing Officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of the superior court for the geographical area, together with an entry fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one (1) record of assessment. The clerk shall enter judgment in the amount of such record of assessment and court costs against such person in favor of the City. 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.

(5) A 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 thirty (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, which shall entitle such person to a hearing in accordance with the rules of the judges of the superior court.

(6) The Mayor shall appoint and the City Council shall confirm two (2) or more parking violation Hearing Officers, other than Police Officers or persons who issue parking tickets or work in the Police Department, to conduct the hearings authorized by this section. All such officers shall serve for a term of two (2) years.

(Code 1961, § 19-64; Ord. No. 301, 3-6-1984; Ord. No. 553, 3-6-2001)

Sec. 46-118. Obstructing streets, intersections.

No vehicle shall be permitted to remain upon the traveled portion of any highway except upon the right-hand side of such highway in the direction in which such vehicle is headed; and, if such highway is curbed, such vehicle shall be so placed that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve (12) inches from the curb. No vehicle shall be permitted to remain parked within twenty-five (25) feet of an intersection or a marked crosswalk thereat, or within twenty-five (25) feet of a stop sign caused to be erected by the traffic authority in accordance with the provisions of C.G.S. § 14-301. No vehicle shall be permitted to remain stationary upon the traveled portion of any highway at any curve or turn or at the top of any grade where a clear view of such vehicle may not be had from a distance of at least one hundred and fifty (150) feet in either direction. No vehicle shall be permitted to remain stationary upon the traveled portion of any highway within fifty (50) feet of the point where another vehicle, which had previously stopped, continues to remain stationary on the opposite side of the traveled portion of the same highway. No vehicle shall be permitted to remain stationary within the limits of a public highway in such a manner as to constitute a traffic hazard or obstruct the free movement of traffic thereon, provided a vehicle which has become disabled to such an extent that it is impossible or impracticable to remove it may be permitted to so remain for a reasonable time for the purpose

of making repairs thereto or of obtaining sufficient assistance to remove it. Nothing in this section shall be construed to apply to emergency vehicles and to maintenance vehicles displaying flashing lights or to prohibit a vehicle from stopping, or being held stationary by any officer, in an emergency to avoid accident or to give a right-of-way to any vehicle or pedestrian.
(Code 1925, § 239(9); Code 1961, § 19-32)

State law reference—Similar provisions, C.G.S. § 14-251.

Sec. 46-119. Obstructing fire hydrants.

(a) *Prohibited.* No vehicle shall stop at or obstruct any fire hydrant within a distance of ten (10) feet from either side of said hydrant.

(b) *Authority to issue summons/citations.* Any Police Officer of the City and where necessary for fire safety and in accordance with law, the Fire Chief or his Fire Officer designee and/or the Fire Marshal or his designated deputy(ies) shall be and hereby are authorized and empowered to issue summonses or citations for violations of this section.
(Code 1925, § 239(11); Code 1961, § 19-33; Ord. No. 382, 2-6-1990; Ord. No. 575, 8-6-2002; Ord. No. 679, 7-1-2008)

State law reference—Similar provisions, C.G.S. § 14-251.

Sec. 46-120. Compliance with permit parking regulations.

No person shall park in off-street parking facilities or spaces for which permits are issued by the Danbury Parking Authority unless such person shall have complied with the terms, conditions and regulations established by the Authority for the use of the facilities or spaces.
(Code 1961, § 19-34; Ord. No. 435, 3-3-1992)

Sec. 46-121. Parking of commercial vehicles in residential zones.

(a) It shall be unlawful for any person to park or leave standing, commercial vehicles, whether occupied or not, on any street or portion thereof in a residential zone, between the hours of 9:00 p.m. and 6:00 a.m.

(b) Commercial vehicles shall include those over three-fourths-ton capacity or over ten thousand (10,000) pounds gross combination weight, whichever is less. Excluded are station wagons, compact type bus vehicles and pickup trucks used for private transportation.

(c) Penalty for violation. Any person violating this section shall be fined in accordance with section 46-116(a).
(Code 1961, § 19-34.1; Ord. No. 547, 5-2-2000; Ord. No. 548, 12-5-2000; Ord. No. 689, 8-5-2008)

Sec. 46-122. Parking for handicapped persons.

(a) *Applicability.* This section shall apply to all new and existing nonresidential sites that have a parking area for twenty (20) or more vehicles, including but not limited to, shopping centers, office buildings, commercial buildings, mercantile buildings, warehouses, storage buildings, manufacturing buildings, convalescent homes, schools and public buildings. In addition, the traffic authority of the City of Danbury or his designee may designate handicapped parking spaces on City streets which shall be of such size and location as he may specify.

(b) *Use of specially designated spaces.* After establishment of specially marked parking spaces for persons who are blind and persons with disabilities, no person shall park a motor vehicle in such space unless a person who is blind or who has a disability is either a passenger or operator of the vehicle, and the vehicle displays an identification card or license plate or other designation issued by the Commissioner of Motor Vehicles or other governmental authority pursuant to C.G.S. § 14-253a, which designation shall be visible in accordance with the Connecticut General Statutes, except that any ambulance, as defined in C.G.S. § 19a-175, which is transporting a patient may park in such area for a period not to exceed fifteen (15) minutes while assisting such patient.

(c) *Number of spaces to be provided; location.*

(1) On each site having parking spaces for at least twenty (20) but not more than twenty-five (25) vehicles, at least one (1) space shall be specially designated and

reserved for handicapped parking. Additional spaces for handicapped parking shall be in accordance with the following:

Total Parking on Site	*Required Number of Handicapped Parking Spaces*
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—1,000	10
1,001—2,000	10 plus 0.8% of spaces over 1,000
2,001—3,000	18 plus 0.6% of spaces over 2,000
3,001—4,000	24 plus 0.4% of spaces over 3,000
4,001 or more	28 plus 0.2% of spaces over 4,000

(2) Parking spaces for the handicapped shall be located as close as possible to elevators, ramps, walkways and entrances, and located so that the handicapped person is not compelled to wheel or walk behind parked vehicles to reach entrances, ramps, walkways and elevators.

(3) The exact location of the parking spaces shall be approved by the traffic authority of the City of Danbury or his designee.

(4) Subsection (c)(1) of this section shall not apply in the event the State Building Code imposes more stringent requirements as to the size of the private parking area in which special parking spaces are required or as to the number of special parking spaces required.

(d) *Marking of spaces.* Each such space designated for handicapped parking shall be not less than fifteen (15) feet in width, including three (3) feet of cross hatch, unless the same would create a nonconforming condition, in which event, the existing parking stall width shall be permitted. Each space shall be designated by above grade signs with white lettering against a blue background and shall bear the words "HANDICAPPED PARKING STATE PERMIT REQUIRED." Such signs shall be erected, installed and maintained by and at the expense of the owner, operator, lessee or tenant of said site and shall further indicate that unauthorized use of said space shall subject the violator to a fine. If the signs and markings called for herein are not installed within thirty (30) days after written request by the traffic authority of the City of Danbury, the City may proceed to install the same and impose the cost thereof against the owner of the site.

(e) *Penalty.* Whenever any vehicle shall be found parked in violation of this section any Police Officer of the Danbury Police Department may issue a summons or citation for such violation, which violation shall provide for a fine in accordance with section 46-116(a) payable to the City of Danbury within seven (7) days of the citation date. If any fine is not paid within thirty (30) days, a penalty in an amount equal to the fine shall immediately become due and payable in addition to the original fine.

(f) *Owner's responsibility for violations.* The registered owner of any vehicle parked in violation of this section shall be presumed to be the operator at the time of the violation.

(Code 1961, § 19-35; Ord. No. 267, §§ 1—6, 2-3-1981; Ord. No. 364, 6-7-1988; Ord. No. 690, 8-5-2008)

State law references—Parking for persons with disabilities, C.G.S. § 14-253a; parking privileges of disabled persons, C.G.S. § 14-254.

Sec. 46-123. Obstructing sidewalks.

No person shall park any motor vehicle upon, nor shall any motor vehicle be left parked, standing or stopped on or across any public sidewalk except to cross such sidewalk to enter or leave adjacent areas or to perform necessary sidewalk construction, maintenance or snow removal. For purposes of this section the term "public sidewalk" shall be defined to include that portion of the public highway right-of-way located within the area lying between the edge of the road pavement and a line outside of said pavement, parallel to said pavement edge and located eight (8) feet therefrom. The provisions of this

section shall not apply to an electric personal assistive mobility device, as defined in C.G.S. § 14-289h.
(Code 1961, § 19-36; Ord. No. 367, 8-2-1988; Ord. No. 572, 8-6-2002)

State law reference—Vehicles on sidewalks, C.G.S. § 14-250a.

Sec. 46-124. Snow emergency.

(a) No vehicle shall be permitted to park or remain stationary on any City street or highway so as to obstruct, hinder or otherwise delay snow-and-ice-control operations. All such vehicles must be removed no later than two (2) hours after the start of a snow emergency, as defined herein, and may be returned after all snow-and-ice-control operations have ceased.

(b) The Police Department is authorized and empowered to take possession of and to remove any parked vehicle or vehicles which obstruct traffic or prevent snow or ice removal on such streets and highways.

(c) The procedure for removing and towing such vehicles shall be the same as that prescribed in this article relating to the removal of illegally parked vehicles. The cost, recording, recovery of such vehicles, violations and penalties are also as prescribed in this article.

(d) A snow emergency, pursuant to this section, is deemed to be in effect once declared by the Mayor, with and after consultation with the Director of Public Works or his designee, and upon the dispatching of snow and ice removal equipment.

(e) Upon such declaration by the Mayor, snow-and-ice-removal protocol, as may be established, shall be deemed to be in effect until the cessation of snow-and-ice-removal operations or as otherwise may be declared.
(Code 1961, § 19-60; Ord. No. 207, § 5, 7-1-1975; Ord. No. 242, 4-3-1979; Ord. No. 693, 12-2-2008)

Sec. 46-125. Fire lanes and fire zones.

(a) Whenever the Fire Marshal of the City of Danbury establishes a fire zone or fire lane pursuant to the General Statutes of the State of Connecticut and/or the Fire Safety Code of the State of Connecticut, he shall cause to be erected or installed, adequate signs, markings and other devices to delineate such fire zones or fire lanes. Such signs and markings shall be installed, if the premises are privately owned, at the expense of the owner and shall be erected by the owner within thirty (30) days after receipt of written notice from the Fire Marshal directing the installation of such signs or markings. Such signs and markings shall conform to the federal requirements for uniform traffic-control devices.

(b) No person shall park, or permit to stand, a motor vehicle in the fire zone or fire lane so established except when actually picking up or discharging passengers. The registered owner of a motor vehicle shall be presumed to be the operator of such vehicle.

(c) Any Police Officer of the City and where necessary for fire safety and in accordance with law, the Fire Chief or his fire officer designee(s), and/or the Fire Marshal or his designated deputy(ies) shall be and hereby are authorized and empowered to issue summonses or citations for violations of this section.

(d) The procedure of removing and towing such vehicles shall be the same as that prescribed in this article relating to the removal of illegally parked vehicles.
(Code 1961, § 19-62; Ord. No. 207, § 7, 7-1-1975; Ord. No. 276, 11-5-1981; Ord. No. 554, 3-6-2001; Ord. No. 574, 8-6-2002; Ord. No. 679, 7-1-2009)

Secs. 46-126—46-148. Reserved.

DIVISION 2. PARKING METERS

Sec. 46-149. Definitions.

For the purpose of this division the following words shall be defined as set forth in this section:

Operator means the person operating or in control of a vehicle on a public highway or street.

Parking means the standing of a vehicle, whether occupied or not, upon a highway or street, otherwise than temporarily for the purpose of and while actually engaged in receiving or

discharging passengers or loading or unloading merchandise or when stopped for any traffic regulations, traffic signs or signals.

Vehicle means any device used for conveyance, drawing or other transportation of persons or property, whether on wheels or runners or otherwise, when on a public highway or street.
(Code 1961, § 19-38; Ord. of 7-9-1940, § 1; Ord. of 11-27-1951, § 1)

Sec. 46-150. Purposes, construction of division.

This division is adopted in the interest of public safety, convenience and welfare, and shall be liberally construed to effect the purpose hereof. Every person shall comply with, observe and obey, when applicable, all the provisions and requirements contained herein. The coins deposited in parking meters are required to provide for the proper regulation and control of traffic upon the public streets in the City, to provide for the cost of supervision; to provide for the regulating and control of the parking of vehicles in parking meter zones; and to cover the cost of purchase, supervision, protection, inspection, installation, operation, maintenance, control, and use of parking meters in established parking meter zones, and in such other manner as C.G.S. § 7-207a provides and permits.
(Code 1961, § 19-37; Ord. of 7-9-1940, §§ 12, 13; Ord. No. 244, 7-3-1979)

Sec. 46-151. Designation of meter zones.

Whenever because of traffic conditions or otherwise the parking of vehicles on any public street or part thereof cannot in the opinion of the traffic authority of the City be adequately and efficiently regulated and controlled, the traffic authority is authorized to order the installation of parking meters and designate parking meter zones, fix the zone parking fee and the legal parking time in such zone, and fix the hours during which the use of parking meters shall be required. The Chief of Police, in accordance therewith, shall cause lines or markers to be placed upon the curb or pavement or both of the street adjacent to each parking meter in such zone, setting out and designating for public parking the parking meter space for which said meter is to be used.
(Code 1961, § 19-39; Ord. of 7-9-1940, § 2; Ord. of 11-27-1951, § 2)

Sec. 46-152. Duties of operators parking in metered spaces; overtime parking declared violation; appointment of parking violation enforcement officers.

(a) When any vehicle shall be parked in any parking meter space adjacent to which a parking meter is located, the operator of such vehicle shall park it within the lines or marks established, excepting such vehicles whose length, width or load overlap the lines or marks, and upon entering the parking meter space, the operator shall immediately deposit or cause to be deposited in such parking meter such proper coin of the United States as is required by the traffic authority for such parking meter and as is designated by proper directions on the meter. Failure to deposit such proper coin when so required shall constitute a violation of this division. Upon the deposit of the proper coin and the placing of the meter in operation, the parking meter space may be lawfully occupied by such vehicle during the period of parking time which has been prescribed for the part of the street set out and designated for public parking in which the parking meter space is located. If such vehicle shall remain parked in any such parking meter space beyond the parking time limit for such parking meter space, and if the parking meter shall by its dial and pointer otherwise indicate such illegal parking, then in that event such vehicle parking time and such parking overtime and beyond the period of legal parking time and such parking shall be deemed a violation of this division.

(b) At the request of the Danbury Parking Authority, the Mayor shall appoint and the City Council shall confirm one (1) or more Civilian Parking Violation Enforcement Officers. These officers shall be employed by and be under the direction and control of the Danbury Parking Authority. These officers shall have authority to

issue notices of violation for any instances of violation of the provisions of this section or of the provisions of section 46-120.
(Code 1961, § 19-40; Ord. of 7-9-1940, § 3; Ord. of 11-27-1951, § 3; Ord. No. 436, 3-3-1992)

Sec. 46-153. Depositing slugs or additional coins, tampering with meters.

(a) It shall be unlawful to deposit or cause to be deposited in any parking meter any slug, device or substitute for a proper coin of the United States.

(b) It shall be unlawful for any person to deposit or cause to be deposited in any parking meter additional proper coins of the United States for the purpose of increasing or extending the legal parking time which has been established by the Traffic Authority for the parking meter space adjacent to which said parking meter is placed.

(c) It shall be unlawful for any person not so authorized to deface, damage, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this division or to aid or abet in doing the same.
(Code 1961, § 19-41; Ord. of 7-9-1940, §§ 4—6)

Sec. 46-154. Exemption for commercial vehicles loading or unloading merchandise or packages.

Vehicles bearing commercial license plates may occupy the parking meter space adjacent to any parking meter for the purpose of loading or unloading merchandise or packages without the deposit of a proper coin in said parking meter, provided that such loading or unloading is done as expeditiously as possible.
(Code 1961, § 19-42; Ord. of 7-9-1940, § 7)

Sec. 46-155. Enforcement—Penalty for violating meter regulations of traffic or parking authority.

Any violation of or failure to comply with the provisions of the rules or regulations as adopted by either the traffic or the parking authority in connection with parking meters and evidenced by suitable signs or marks indicating such rules, shall be subject to the penalties provided for in section 1-8.
(Code 1961, § 19-43; Ord. of 7-9-1940, § 14; Ord. No. 244, 7-3-1979)

Sec. 46-156. Same—Removing vehicle; reclaiming by owner or operator.

Whenever any vehicle shall be found parked in any parking meter space overtime and beyond the period of legal parking time established for such place by the traffic authority, or shall be found parked therein during any period when parking is prohibited or shall be found parking in violation of any of the provisions of any resolution, rule or regulation of the traffic authority, such vehicle may be removed or conveyed by or under the direction of a member of the Department of Police by means of towing the same or otherwise to a public garage in the City and such removal shall be at the risk of the owner. Before the owner or person in charge of such vehicle shall be permitted to remove the same from the custody of the Department of Police, he shall furnish evidence of his identity and ownership or right to possession, shall sign a receipt for said vehicle, and, for a first violation, shall pay to the Clerk of the Police Department at headquarters a fee of three dollars ($3.00), plus storage charges at one dollar ($1.00) per day. For each subsequent violation he shall pay a fee of five dollars ($5.00), plus storage charges.
(Code 1961, § 19-44; Ord. of 7-9-1940, § 8)

Sec. 46-157. Same—By notice requiring appearance at police headquarters, payment of specified sum.

In lieu of towing such vehicles to a public garage, as provided in section 46-156, a Police Officer may serve upon the owner or operator of such vehicle or attach to such vehicle a notice directing the owner or operator thereof to appear at police headquarters in the City before the time specified in such notice. When any person shall receive such notice from the Police Department to appear at police headquarters, such person may pay to the Clerk of the Police Depart-

ment, within forty-eight (48) hours from the time appearing on said notice, the sum of one dollar ($1.00) and upon payment of such amount within said time, a prosecution under this division shall be barred. Upon failure to make such payment within the time aforesaid, a warrant to appear before the superior court shall be issued unless such person shall pay to said clerk the sum of two dollars ($2.00) within three (3) days after the expiration of the aforesaid forty-eight (48) hours.
(Code 1961, § 19-45; Ord. of 7-9-1940, §§ 8, 9; Ord. of 6-8-1951; Ord. No. 351, 8-4-1987)

Sec. 46-158. Same—Presumption that vehicle owner is operator.

In any prosecution or proceeding hereunder, the registration plate displayed on the motor vehicle shall constitute in evidence a prima facie presumption that the owner of such vehicle was the person who parked such vehicle at the place where such violation occurred.
(Code 1961, § 19-46; Ord. of 7-9-1940, § 10)

Sec. 46-159. Collection of parking meter receipts by parking authority.

It shall be the duty of the Parking Authority to make regular collections of the coins deposited in the parking meters and to have such boxes delivered with seals unbroken to the parking authority headquarters.
(Code 1961, § 19-47; Ord. of 7-9-1940, § 11; Ord. No. 244, 7-3-1979)

Secs. 46-160—46-186. Reserved.

DIVISION 3. REMOVAL OR IMMOBILIZATION OF ILLEGALLY PARKED VEHICLES

Sec. 46-187. Effect of article.

Nothing in this division is intended to prohibit the institution of legal proceedings charging the owner or driver of such vehicle with the violation of any other law or ordinance.
(Code 1961, § 19-63; Ord. No. 207, § 8, 7-1-1975)

Sec. 46-188. Designation of towing zones by the traffic authority.

The traffic authority shall designate towing zones within the City in no-parking areas and unloading zones, which shall be clearly designated by appropriate signs. No-parking areas include, but are not limited to, crosswalks, bus stops and areas adjacent to fire hydrants.
(Code 1961, § 19-56; Ord. No. 207, § 1, 7-1-1975; Ord. No. 351, 8-4-1987; Ord. No. 573, 8-6-2002)

Sec. 46-189. Vehicles which may be removed or immobilized.

The following vehicles may be removed or immobilized:

(1) Vehicles parked in violation of law or vehicles parked in any public street, public highway or in any portion of the width between the boundary lines of any way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, or on any property owned by, leased by or in the possession and control of the City in violation of any provision of any municipal ordinance, rule or regulation, or state statute, rule or regulation, may be removed or immobilized pursuant to the provisions of section 46-190. Notwithstanding the foregoing, however, no vehicle which is found parked overtime shall be removed or immobilized for that reason alone.

(2) Any vehicle which has five (5) or more outstanding and unpaid parking violations or three (3) or more outstanding and unpaid violations of section 2-3 issued against it and which, after mailing to the registered owner a final notice demanding payment, is found parked in any parking area open to the public, on any public street, public highway or in any portion of the width between the boundary line of any way publicly maintained when any portion thereof is open to the use of the public for purposes of vehicular travel, or on any property owned by or in

the possession and control of the City may be removed or immobilized pursuant to the provisions of section 46-190.

(Code 1961, § 19-65; Ord. No. 351, 8-4-1987; Ord. No. 364, 6-7-1988)

Sec. 46-190. Removal and immobilization.

(a) Any vehicle which may be removed or immobilized may be removed or caused to be removed by a Special Police Officer designated by the Parking Authority Executive Director by towing or otherwise. In addition to, or in lieu of removal, any such vehicle may be immobilized in such manner as to prevent its operation, except that no such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless it is removed while such device or mechanism is in place. The Chief of the Danbury Police Department shall designate those Police Officers who shall be authorized to remove or immobilize vehicles under the provisions of section 46-189.

(b) In any case of a vehicle immobilized by a Special Police Officer designated by the parking authority there shall be placed on such vehicle in a conspicuous manner a notice to the owner of the vehicle stating that it has been immobilized, that any attempt to remove the vehicle may result in damage to the vehicle, that if the vehicle is moved and damaged the damage will be the responsibility of the owner and stating the place where necessary fees and charges may be paid to obtain release of the vehicle from immobilization.

(c) In the case of the removal or immobilization of a vehicle, within twenty-four (24) hours after such removal or immobilization, the parking authority shall notify the owner of such vehicle of the fact of its removal or immobilization, the place where it may be recovered, and the conditions under which it will be released. Notice mailed to the most recent address on file with the Commissioner of Motor Vehicles shall be sufficient notice.

(d) Whenever a vehicle is immobilized or removed or caused to be immobilized or removed by the parking authority, the parking authority office will be notified of such immobilization and/or removal so that upon inquiry by the owner of the vehicle the least amount of delay will be encountered in the recovery of the vehicle by the owner.

(Code 1961, § 19-66; Ord. No. 251, 8-4-1957)

Sec. 46-191. Required actions of owner to regain possession.

(a) No such vehicle shall be released unless the owner or his agent has established his identity and right to possession and has signed a proper receipt therefor. Before the owner or person in charge of any vehicle taken into custody or immobilized shall be allowed to repossess or to secure the release of said vehicle, he or his agent shall pay or provide to the parking authority or Police Department of the City of Danbury, as the case may be, the following:

(1) The cost of removal or immobilization;

(2) The cost of towing and storage, if any, for each day or portion of a day, that such vehicle is so stored;

(3) All sums legally due for any City parking violations issued and outstanding against such vehicle; or

(4) In lieu of the sum in subsection (a)(3) of this section, a cash bond or a bond with a surety company authorized to do business in this state in an amount sufficient to cover the foregoing charges.

(b) Any person who furnishes a bond pursuant to subsection (a)(4) of this section shall be deemed to have denied liability for some or all of the alleged parking violations and shall be deemed to have demanded a hearing pursuant to section 46-117. A hearing shall be scheduled and notice given to the person in accordance with section 46-117(3). If, after hearing, the Hearing Officer determines that the person in question is not liable for any of the alleged violations, the bond shall be released forthwith. If the Hearing Officer determines that the person in question is liable for any of the alleged violations, he shall enter and assess the fines, penalties, costs and fees against such person and the bond posted by that

person shall be applied to the payment of same. Any portion of the bond not so applied shall be released forthwith.

(c) The towing and storage charges provided for herein shall be a lien upon such removed or immobilized vehicle and the payment thereof shall not release or relieve the owner or his agent from prosecution for any violation of law which may have been involved from the circumstances which resulted in the removal or impounding of such vehicle.

(d) When any removed or impounded vehicle is returned to its owner or any person on behalf of the owner, such person or owner shall sign a receipt for the vehicle.
(Code 1961, § 19-67; Ord. No. 351, 8-4-1987)

Sec. 46-192. Unauthorized removal of immobilized or removed vehicle.

Any person who, after having his vehicle removed or immobilized, shall remove such vehicle without complying with this Code of Ordinances shall, in addition to the charges provided for in the foregoing sections, be liable for any damage done to the immobilization device or mechanism and shall be subject to the penalties provided for in section 1-8.
(Code 1961, § 19-68; Ord. No. 351, 5-4-1987)

Chapter 47

RESERVED

Chapter 48

UTILITIES

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ARTICLE II. WATER SYSTEM*

DIVISION 1. GENERALLY

Sec. 48-19. General duties of Superintendent of Public Utilities.

(a) *Supervision of facilities, construction.* It shall be the duty of the Superintendent of Public Utilities to have the general charge, oversight and management of the waterworks, to superintend the execution of all new work ordered by the City Council and to keep and maintain in proper repair the reservoirs, dams, canals, main and distributing pipes, and all works pertaining to his department, and generally see that the waterworks are kept in such condition as shall meet the approval of the City Council.

(b) *Prevent waste.* The Superintendent shall guard, as far as possible, against the waste of water.

(c) *Hydrant inspection.* The Superintendent shall cause all hydrants to be inspected at reasonable intervals.

(d) *List of consumers.* The Superintendent shall maintain a careful canvass and correct list of all persons liable to pay water rent.

(e) *Recommended construction.* The Superintendent shall report to the City Council from time to time, whatever new work he may deem to be for the best interests of the City, with an estimate of the probable expense thereof.

(f) *Books, records, accounts.* The Superintendent shall have the charge and custody of all books, papers, maps and documents relating to the waterworks, and shall keep them always open for the inspection of the Mayor, members of the City Council, auditors and any citizen or taxpayer of the City. The accounts shall be audited annually.

(g) *Other duties required of City Council.* The Superintendent shall perform whatever additional duties may be required of him, from time to time, by the City Council.
(Code 1961, § 21-1; Ord. No. 83, 10-4-1966)

Sec. 48-20. Use of service pipe and water; permit required, fee, etc.

No person shall make any connection to the Danbury Public Water System nor make any additional use nor connect any additional service pipe, plumbing or fixture nor reduce use nor eliminate any service pipe, plumbing or fixture without making an application to and receiving a permit from the Department of Public Works. No such permit shall be issued until the applicant has paid a nonrefundable permit fee of two hundred dollars ($200.00) to cover administrative costs associated therewith. All such permits shall be valid for a period of one (1) year from the date of issuance. Every permit issued hereunder shall be subject to the rules and regulations of the Danbury Department of Public Works. Every person who shall use public water system water without filing an application and obtaining a permit in accordance with the provisions of this section shall be liable for such use at a rate equal to three (3) times the regular rate.
(Code 1961, § 21-3; Ord. No. 402, 9-5-1990; Ord. No. 593, 1-21-2003)

Sec. 48-21. Approval of connections.

Every water service pipe and meter connection shall be attached in a manner satisfactory to the Superintendent of Public Utilities.
(Code 1961, § 21-4; Ord. No. 224, § 1, 9-6-1977)

Sec. 48-22. Installation of service pipes; water meter, curb stop and box required.

(a) The cost of installing and maintaining all service connections to the City water mains shall be at the expense of the property owner.

*State law reference—Municipal water systems, C.G.S. § 7-234 et seq.

(b) No service pipe shall be laid without a water meter, curb stop and box.

(c) All work, including materials and meter, is subject to the approval of the Superintendent of Public Utilities.

(d) The Superintendent of Public Utilities shall have the right to install or repair service lines or water meters when he deems it to the best interests of the City of Danbury, and the expense thereof shall be collected from the property owner by the City of Danbury.
(Code 1961, § 21-5; Ord. No. 150, 9-23-1970; Ord. No. 224, § 2, 9-6-1977)

Sec. 48-23. Consumer to maintain, protect fixtures, guard against waste.

All persons supplied with water must keep the service lines, pipes, stop-cocks, and all fixtures and apparatus connected therewith (whether located in the City right-of-way or private property) in good repair and protected from frost, and so arranged and provided with stop- and waste-cocks as to allow the pipes to be kept free of waste during all periods of dangerous exposure to the action of frost, whether by night or day, and must keep the same shut off and free from water whenever the safety of such pipes requires it. No continuous flow to guard against frost or for any other purpose will be allowed, except in special cases and with special agreement as to conditions and rates. Whenever the Superintendent of Public Utilities shall discover that the service lines, service pipes, stop-cocks, and all fixtures and apparatus connected therewith, (whether located in the City right-of-way or private property) are out of repair, he shall at once notify the owner of said premises or sidewalk to make the necessary repairs. If the owner fails to comply with such order within a reasonable time, said Superintendent shall make the repairs, and the expense thereof may be collected from such owner in an action brought in the name of the City.
(Code 1961, § 21-6; Ord. No. 150, 9-23-1970)

Sec. 48-24. Use of water for building purposes.

When water is used for purposes of building or repairing, it will in all cases be chargeable to the owners of the building. Every builder must render at the office of the Superintendent of Public Utilities, on or before December 1st in each year, a true and full account of all water used by him or his employee for building purposes during the preceding year, with the time, place and quantity for each separate building, and it shall be the duty of each builder to pay for the water used by him and his employees, and if so rendered and paid to the satisfaction of said Superintendent, such payment shall be a full discharge of all claims against the owner of such building.
(Code 1961, § 21-7)

Sec. 48-25. Permit to sprinkle lawns, wash buildings, etc.

(a) The Superintendent of Public Utilities shall have the authority to require a permit for the use of City water to sprinkle gardens or lawns or to wash sidewalks or the exteriors of buildings, except that no such permit shall be required to wash the windows or blinds of private residences. A separate permit may be required for each sprinkler or hose so used, and no such hose shall exceed one (1) inch in diameter nor shall the use of City water for any purpose for which a permit is required under this section exceed four (4) hours in every twenty-four (24) hours.

(b) Every person who shall use City water without such permit shall be liable to pay therefor at such extra rates as the Superintendent of Public Utilities shall determine, not exceeding three (3) times the regulate rate.
(Code 1961, § 21-8)

Sec. 48-26. Authority of City Council over water; duty of consumer to cooperate; power of Superintendent to enter premises.

The Superintendent and his agents shall have the right at all reasonable times to enter any dwelling house or other premises to which the water is supplied to make such inspection of the

pipes and fixtures and inquiries about the use of water as they may consider proper and necessary.
(Code 1961, § 21-9)

Sec. 48-27. Right of City to shut off water supply.

The City shall have the right, upon the order of the Superintendent of Public Utilities, to shut off the water from any and all consumers, and if necessary to entirely discontinue its use, for the purpose of preventing the excessive use or waste of the water, and of husbanding the resources of the reservoirs, or in case of disobedience of any order respecting the use of the water, given said Superintendent and generally, in all cases where the said Superintendent shall deem such shutting off or discontinuance to be for the best interest of the City.
(Code 1961, § 21-10)

Sec. 48-28. Permitting use of water by unauthorized persons.

If any owner or lessee under him shall allow any water to be taken from his premises for the use of any person or family not belonging on said premises without first obtaining the consent of the Superintendent of Public Utilities, such owner shall be liable to pay such sum for the water so used, not exceeding three (3) times the regular charges, as said Superintendent shall assess therefor.
(Code 1961, § 21-11)

Sec. 48-29. Private hydrants, fountains.

Private hydrants and fountains shall not be built except with the consent of the Superintendent of Public Utilities, their location and manner of construction shall be under the control of said Superintendent. Whenever the waste from them becomes a nuisance to the adjacent property, the supply will be cut off until such times as the evil shall be corrected.
(Code 1961, § 21-12)

Sec. 48-30. Duty of plumbers to report connections.

It shall be the duty of each and every plumber in the City to make return in writing at the office of the Superintendent of Public Utilities, during the first week of each month, of all connections or extensions of service pipe made by him and not previously returned, giving the location of the premises by street and number, if possible, the name of the owner or occupant, the character of the work, and the number of hydrants, baths, water closets, fountains, hose and fixtures connected with such works. For each failure to comply with this section, each plumber be subject to the penalties provided for in section 1-8. It shall be the duty of the Superintendent of Public Utilities to report for prosecution all willful violations of this section.
(Code 1961, § 21-13; Ord. No. 634, 5-3-2005)

Sec. 48-31. Duty of property owners to report connections.

It shall be the duty of each and every property owner within the City to make return in writing at the office of the Superintendent of Public Utilities within thirty (30) days after the completion of the work, of all connections with or extensions of service pipe made by them and not previously returned, giving the location of the premises by street and number, the name of the owner or owners, the character of the work, and the number of hydrants, baths, closets, fountains, hoses and fixtures connected with such waterworks. The failure to report a connection to or extension of a water service pipe shall subject the property owner to the penalties provided for in section 1-8.
(Code 1961, § 21-14)

Sec. 48-32. Opening, obstructing, damaging public hydrants.

(a) Except for firemen acting under the orders of the proper officer for the uses of the Fire Department, no person shall open any public hydrant or stop-cock without the consent of the Superintendent of Public Utilities, or shall place any building material, rubbish or other articles in such a manner as to hinder or obstruct the access to any public hydrant or stop-cock and no person shall knowingly injure or destroy any fire or water hydrant owned by the City.

(b) Any person who shall violate any of the provisions of this section shall be subject to the penalties provided for in section 1-8.
(Code 1961, § 21-15)

Sec. 48-33. Trespassing on, injuring reservoirs, damaging waterworks property.

Every person who shall disturb, meddle with or fish in the waters of the reservoir, or skate or walk upon the ice of said reservoirs except with the expressed permission of the Superintendent of Public Utilities, or shall trespass upon any part of the grounds connected therewith, except upon the walk, or shall willfully injure any pipe or other property used in connection with the waterworks shall, in addition to any penalty established pursuant to state law, be subject to the penalties provided for in section 1-8.
(Code 1961, § 21-16; Ord. No. 635, 5-3-2005)

Sec. 48-34. Emergency water conservation regulations.

(a) *Definitions.* For the purposes of this section the following terms, phrases, words, and their derivations shall have the meaning given herein.

Water means water from the City water supply system.

(b) *Water conservation regulations.*

(1) No person shall use any hose, sprinkler or other device whatsoever, except a water can or receptacle, which utilizes the water supply of the Department of Public Works of the City for the purpose of watering lawns, trees, shrubs, plants or gardens in the City.

(2) No person shall use the water supply of the Department of Public Works of the City for ornamental or display fountains of any kind.

(3) No City fire hydrants are to be used except by the Fire Department, by authorized persons of the Department of Public Works or other persons with permission granted by the Superintendent of Public Utilities.

(4) No person shall use any hose, sprinkler or other device whatsoever which utilizes the water supply of the Department of Public Works of the City for the purpose of washing any motor vehicle in the City, unless said person has a system of recirculating water used for such purposes.

(5) No person shall use any air conditioning system which utilizes the water supply of the Department of Public Works of the City, unless such air conditioning has a system of recirculating water.

(6) No person shall use the water supply of the Department of Public Works of the City for spraying or wetting down any roofs of any buildings in the City.

(7) No person shall use the water supply of the Department of Public Works of the City by flushing or wetting down any streets, sidewalks, driveways, or parking areas in the City.

(8) The escape of water through defective plumbing is hereby prohibited and the same shall mean the knowing permission for defective plumbing to remain out of repair.

(9) In the event of a declared state of water emergency, the Mayor may impose mandatory water conservation measures upon all commercial and industrial consumers. Such measures shall not require a reduction of more than fifteen (15) percent in the average monthly use by such consumers without the prior approval of the City Council. Average monthly use shall be calculated by dividing the user's total consumption for the immediately preceding twelve-month period by the numeral 12.

(c) *Penalty.* Any person who violates any of the provisions of this section shall be subject to the penalties provided for in section 1-8.
(Code 1961, § 21-18; Ord. No. 72, 6-22-1966; Ord. No. 74, 8-2-1966; Ord. No. 306, 6-5-1984)

Sec. 48-35. Authority of Mayor to declare state of water emergency; waiver of some or all restrictions.

The Mayor of the City of Danbury is hereby authorized to declare a state of water emergency in and for the City of Danbury at any time upon his determination that continuing drought conditions threaten the water supply of the City. In the event of such a declaration, the water conservation regulations contained in section 48-34(b) shall be placed in full force and effect. Depending on the severity of the water emergency, the Mayor may find it appropriate to waive and he may so waive some or all of the restrictions contained in section 48-34(b). When the water supply of the City of Danbury is no longer threatened by continuing drought conditions, the Mayor is authorized to terminate the state of water emergency. In determining whether or not a water emergency exists, the Mayor shall consult with the Superintendent of Public Utilities regarding the amount of water in the public reservoirs and shall consider the effect upon the public water supply of implementing the regulations contained in section 48-34(b).
(Code 1961, § 21-19; Ord. No. 117, 9-5-1967; Ord. No. 306, 6-5-1984)

Sec. 48-36. Proximity of subsurface sewage disposal system to waters leading into, connecting with public water supply; limitation on conduct of soil test pit or percolation tests.

No part of any subsurface sewage disposal system shall be constructed within one hundred (100) feet of any tributary stream, brook or river which leads into or connects with the public water supply of the City of Danbury.
(Code 1961, § 21-20; Ord. No. 153, 1-5-1971)

Sec. 48-37. Extension of services.

(a) All applications for permission to extend sewer or water services shall be presented to the City Council on forms supplied by the City Legislative Assistant. Said applications shall specify the proposed use of the property to be served by said line or lines with sufficient particularity to allow the City Council to determine the impact that such a proposed extension would have on the municipal utility system involved. For purposes hereof, specific land use proposals shall indicate, in the case of residential development, the current zoning classification of the property involved, the number and kind of dwelling units under consideration and the maximum final density of the project. In cases of nonresidential development, specific land use proposals shall indicate the zoning classification of the property involved, the type of use and the number of square feet of floor area under consideration.

(b) If, following action by the City Council authorizing the extension of utilities to the property to be served, alterations or modifications are made to the proposal which could have an additional impact on the municipal utility system involved, no connection permit shall be issued by the Public Works Department until the proposed modification or alteration has been reviewed and approved by the City Council.
(Code 1961, § 21-21; Ord. No. 320, 9-4-1985)

Sec. 48-38. Termination of service.

(a) The owner of any building who seeks to terminate water service shall be required to physically disconnect the line serving said building from the water main. Physical disconnections shall be performed at the water main in a manner acceptable to the Superintendent of Public Utilities. The costs of said disconnection shall be borne exclusively by such owner. Except in cases of emergency, no service line disconnection work within City streets may be performed between December 1st of any year and March 1st of the following year. Termination of water service between December 1st of any year and the following March 1st may only be accomplished in accordance with the provisions of subsection (b) of this section.

(b) Termination of water service between December 1st of any year and the following March 1st may be accomplished with the approval of the Superintendent of Public Utilities by disconnecting the service line to the building at the curb valve. As a condition of said approval,

the owner shall provide security, in a form and in an amount satisfactory to said Superintendent. Said bond shall be in an amount equal to two and one-half (2½) times the estimated value of the work that will be necessary to disconnect the service line from the main at the location of the main and to restore any areas disturbed by said work. The owner shall agree to perform said work on or before the following May 1, and in the event that the owner fails or refuses to perform said work within the aforesaid time frame, the Superintendent of Public Utilities shall cause the work to be performed and may resort to the security in order to pay the costs thereof. In the event that said costs are less than the amount of the security provided, any funds remaining shall be returned to the owner; in the event that the costs of disconnection are more than the amount of the security provided, the City may seek reimbursement for said excess costs from the owner.
(Code 1961, § 21-22; Ord. No. 383, 2-6-1990)

Secs. 48-39—48-64. Reserved.

DIVISION 2. RATES AND CHARGES

Sec. 48-65. Authority over billing, billing dates; proration of charges.

The Superintendent of Public Utilities is authorized and empowered from time to time to alter billing dates for water service charges and to prorate water service charges for fractions or portions of present quarterly payment periods herein provided for in such manner as he shall determine advisable, and to determine the time when and the manner in which billings may be made for water service charges in each separate water district.
(Code 1961, § 21-37; Ord. No. 232, 8-1-1978)

Sec. 48-66. Collection of water rents; abatement.

(a) *Delinquency, penalty.* The owner of property against which any user charge is levied shall be liable for the payment thereof. If any charge is not paid in full on or before the same date of the next succeeding month corresponding to that of the month on which it became due and payable, the whole or such part of such charge as is unpaid shall thereupon be delinquent and shall be subject to interest from the due date of such delinquent charge. The delinquent portion of the charge shall be subject to interest at the rate of eighteen (18) percent per annum from the time it became due and payable until the same is paid.

(b) *Authority of Tax Collector.* In the collection of water rents the Tax Collector shall be under the control and direction of the Superintendent of Public Utilities and shall obey and carry out all instructions given by him, necessary for the complete and thorough collection of said rents.

(c) *Abatement for disuse.* An abatement, on account of disuse, or unoccupied premises, may be allowed by the Superintendent of Public Utilities, provided the person desiring said abatement shall, at the beginning of the time for which any such abatement shall be claimed, give notice to said Superintendent, who shall cause the water to be shut off and the stops sealed. Water closets and bathtubs claimed as not in use shall be disconnected and sealed under the direction of the Superintendent. Seals shall not be broken, nor pipes reconnected, except by permission and under the direction of the Superintendent. He shall, before making the collector's book, cause all pipes so sealed or disconnected to be inspected, and if the seal be found broken, full rent shall be charged. In no case shall an abatement be allowed unless this section is fully and strictly complied with, nor shall an abatement be allowed for any time prior to notices required herein.

(d) *Report of rebates.* It shall be the duty of the Superintendent of Public Utilities to report to the City Council from time to time all rebates allowed on water rents, stating names of persons to whom allowed and the reasons for such rebates.
(Code 1961, § 21-38; Ord. No. 232, 8-1-1978; Ord. No. 440, 5-5-1992)

Sec. 48-67. Discontinuance of service.

If two (2) or more separate parties or families are supplied with water from the same service pipe and either of said parties or families shall

fail to pay the water rent when due, or to comply with the published rules and regulations, the Superintendent of Public Utilities may withhold all supply from said service pipe without rendering himself or the City liable in damages to any of the parties or families who had been supplied by said pipe.
(Code 1961, § 21-39; Ord. No. 232, 8-1-1978)

Sec. 48-68. Penalty for leaking fixtures.

The rates contained in this division shall apply only where the fixtures, piping, faucets, valves and other conduits of water supply shall be maintained in a nonleaking condition, and if upon an inspection of any property, the said pipes, valves, etc., are found to be in a leaking condition, the rates for the use of water shall be double the amount stipulated for a period of three (3) months.
(Code 1961, § 21-40; Ord. No. 232, 8-1-1978)

Sec. 48-69. Authority to determine charges when not otherwise specified.

In all cases when water is required for purposes not specified in this division, the Superintendent of Public Utilities shall fix the rates.
(Code 1961, § 21-41; Ord. No. 232, 8-1-1978)

Sec. 48-70. Quarterly nonmetered rates.

(a) The following are established as the quarterly nonmetered rates for the use of water, which rates shall be in effect for all bills rendered on or after July 1, 2018: three hundred seven dollars and ninety-two cents ($307.92)/unit.

(b) For the purposes hereof, a water unit shall represent the water use for a single-family dwelling. An additional water unit shall be assessed for each additional dwelling within any residential structure. A fractional water unit shall be assessed for a portion of a dwelling which, in the opinion of the Superintendent of Public Utilities, bears, with respect to water usage, the same relationship to a whole water unit as that portion of the dwelling in question bears to a single-family dwelling. All nonresidential flat rate City water customers shall be assessed for water units or fractions thereof based on the relationship between the customer's nonresidential use and the use generated by a single-family dwelling, in the opinion of the Superintendent of Public Utilities.
(Code 1961, § 21-42; Ord. No. 232, 8-1-1978; Ord. No. 285, 7-21-1982; Ord. No. 339, 7-1-1986; Ord. No. 375, 5-2-1989; Ord. No. 390, 5-15-1990; Ord. No. 535, 5-4-1999; Ord. No. 564, 5-7-2002; Ord. No. 609, 5-4-2004; Ord. No. 636, 5-3-2005; Ord. No. 702, § 21-42, 5-4-2010; Ord. No. 715, 5-1-2012; Ord. No. 12, § 21-42, 5-6-2014; Ord. No. 25(5), § 21-42, 5-3-2016; Ord. No. 37, § 21-42, 5-1-2018)

Sec. 48-71. Meters—Responsibility of consumer to protect.

(a) *Responsibility of consumer.* A consumer using a meter must keep the same protected from frost, and shall be liable to the City for all damage to said meter which results from the consumer's negligence.

(b) *Tampering.* In all cases where it has been determined by the Public Works Department that a meter has been tampered with, the Superintendent Public Utilities shall have the authority to estimate the quantity of water consumed for which the consumer has not been billed as the result of such tampering and to charge the consumer for this estimated quantity at metered rates. All costs to repair a meter which has been tampered with shall be paid to the City of Danbury by the property owner.
(Code 1961, § 21-43; Ord. No. 232, 8-1-1978; Ord. No. 285, 7-21-1982)

Sec. 48-72. Same—Ownership, installation, repair, testing, billing.

(a) The water use of each consumer shall be metered. All piping for meters shall be plumbed by the customer at his own expense. For purposes of this section, the term "water meter" shall include any associated meter reading device.

(b) The City shall furnish, install, maintain, test and repair all water meters one (1) inch or less in size and used by the City for the purpose of billing public water system customers. The City shall bear all costs so incurred.

(c) The City shall furnish, install, maintain, test and repair all water meters exceeding one (1) inch in size and used by the City for the purpose of billing public water system customers for new water service initiated after July 1, 2005. The customer shall bear the expense of the new meter acquisition and installation and the City shall bear the expense of future maintenance, repair and, if necessary, replacement of the meter.

(d) In the event of a change of property use by a customer that results in the need for a replacement meter exceeding one (1) inch in size, the customer shall bear the expense of new meter acquisition and installation and the City shall bear the expense of future maintenance, repair and, if necessary, replacement of the meter.

(e) Notwithstanding the above, all customers owning water meters for water service initiated before July 1, 2005, that are used by the City for the purpose of billing for use of the public water system and that exceed one (1) inch, which are deemed necessary to be replaced by the Superintendent of Public Utilities or his designee, in his sole discretion, for any reason, including but not limited to old age, obsolescence and/or inaccuracy, shall be furnished, owned, installed, and maintained by the City. As part of the meter installation, the City shall also install radio read devices and shutoff valves, if necessary

(f) All meters shall be subject to testing by the City at intervals as determined by the Superintendent of Public Utilities, as noted in the most current edition of the American Water Works Association publication entitled "Water Meters—Selection, Installation, Testing and Maintenance," and at such other times as deemed necessary by said Superintendent or his designee, in his sole discretion. Whenever the City conducts a test of a water meter exceeding one (1) inch in size pursuant to the provisions of this subsection, the cost of the test shall be billed to the customer.

(g) For purposes of this section, meter acquisition and installation costs shall be set by the Superintendent of Public Utilities and shall be generally equivalent to the cost of the meter, radio read device and any other parts required for installation, as paid by the City.
(Code 1961, § 21-44; Ord. No. 232, 8-1-1978; Ord. No. 285, 7-21-1982; Ord. No. 637, 5-3-2005; Ord. No. 717, 11-19-2012)

Sec. 48-73. Same—Owner to provide access.

The owner or agent of any property where a meter is located shall provide ready and convenient access to the meter at the request of the Department of Public Works or its authorized agent.
(Code 1961, § 21-45; Ord. No. 232, 8-1-1978; Ord. No. 285, 7-21-1982)

Sec. 48-74. Meter rates generally.

(a) The following water meter rates shall be charged for those areas served and specified by the Superintendent of Public Utilities. Such rates are for quarterly billings rendered on or after July 1, 2018, and are based on the consumption of thousands of gallons (MG) as follows:

(1) ⅝-inch size meter:

Usage (MG)	
0—1	$13.16
2	14.55
3	15.93
4	17.33
5	18.72
6	20.13
7	21.53
8	22.92
9	24.31
10	25.71
11	27.10
12	28.48
13	29.89
14	31.29
15	32.67

(2) ¾-inch size meter:

Usage (MG)	
0—1	$20.45
2	21.83
3	23.24
4	24.63
5	26.03
6	27.41
7	28.82
8	30.11
9	31.48
10	32.99
11	34.38
12	35.79
13	37.17
14	38.58
15	39.96

(3) 1-inch size meter:

Usage (MG)	
0-1	$42.48
2	43.69
3	45.08
4	46.47
5	47.54
6	49.26
7	50.65
8	51.94
9	53.32
10	54.83
11	56.24
12	57.62
13	59.02
14	60.41
15	61.81

(b) The following water meter rates shall be charged for those areas served and as specified by the Superintendent Public Utilities. Such rates are for quarterly billings rendered on or after July 1, 2018, and are limited to the first fifteen thousand (15,000) gallons of consumption and are based on the consumption per thousand gallons (MG) as follows:

Size of Meter (inches)	
1½	$193.66
2	284.02
3	629.44
4	1,258.72
6	2,517.45
8	5,034.92
10	10,069.82

(c) For water consumed in excess of fifteen thousand (15,000) gallons and less than thirty thousand gallons (30,000) for any size meter the charge shall be three dollars and ninety-four cents ($3.94) per one thousand (1,000) gallons. Such rates are for quarterly billings rendered on or after July 1, 2018.

(d) (1) For water consumed in excess of thirty thousand (30,000) gallons and less than seventy-five thousand (75,000) gallons for any size meter the charge shall be four dollars and fifty-five cents ($4.55) per one thousand (1,000) gallons. Such rates are for quarterly billings rendered on or after July 1, 2018.

(2) For water consumed in excess of thirty thousand (30,000) gallons for residential uses for any size meter the charge shall be three dollars and ninety-four cents ($3.94) per one thousand (1,000) gallons. Such rates are for quarterly billings rendered on or after July 1, 2018.

(e) For water consumed in excess of seventy-five thousand (75,000) gallons for any size meter the charge shall be five dollars and twelve cents ($5.12) per one thousand (1,000) gallons. Such rates are for quarterly billings rendered on or after July 1, 2018.

(Code 1961, § 21-46; Ord. No. 232, 8-1-1978; Ord. No. 285, 7-21-1982; Ord. No. 339, 7-1-1986; Ord. No. 375, 5-2-1989; Ord. No. 390, 5-15-1990; Ord. No. 442, 5-5-1992; Ord. No. 491, 5-10-1993; Ord. No. 484, 5-3-1994; Ord. No. 499, 5-2-1995; Ord.

No. 535, 5-4-1999; Ord. No. 565, 5-7-2002; Ord. No. 611, 5-4-2004; Ord. No. 638, 5-3-2005; Ord. No. 646, 1-91-2006; Ord. No. 651, 5-2-2006; Ord. No. 702, § 21-46, 5-4-2010; Ord. No. 715, 5-1-2012; Ord. No. 12, § 21-46, 5-6-2014; Ord. No. 25(1), § 21-46, 5-3-2016; Ord. No. 37, § 21-46, 5-1-2018)

Sec. 48-75. Additional rates and charges for special uses.

In addition to the rates set forth in sections 48-70 and 48-74, the following rates and charges are hereby established for all bills rendered on or after July 1, 2018:

(1) Hydrant use by contractors: six hundred eight dollars and twenty-four cents ($608.24) base rental fee, plus an additional three dollars and four cents ($3.04) per one hundred (100) gallons.

(2) The following quarterly rates shall be charged for water service to premises for fire protection purposes:

Size of Connection (inches)	*Charge for Three Months*
4 and under	$170.29
6	319.30
8	468.29
10	638.57
12	851.44

(Code 1961, § 21-47; Ord. No. 232, 8-1-1978; Ord. No. 285, 7-21-1982; Ord. No. 339, 7-1-1986; Ord. No. 375, 5-2-1989; Ord. No. 390, 5-15-1990; Ord. No. 566, 5-7-2002; Ord. No. 610, 5-4-2004; Ord. No. 639, 5-3-2005; Ord. No. 652, 5-2-2006; Ord. No. 702, § 21-47, 5-4-2010; Ord. No. 715, 5-1-2012; Ord. No. 12, § 21-47, 5-6-2014; Ord. No. 25(2), § 21-47, 5-6-2016; Ord. No. 37, § 21-47, 5-1-2018)

Sec. 48-76. Connection charges.

(a) *Connection fee.* If no prior water connection fee established in accordance with this section or water assessment established in accordance with section 48-100 et seq. has been paid on the premises to be connected to the Danbury Public Water System, then no connection permit shall be issued and no actual connection made until a connection fee is paid to the City according to the following:

(1) Connection fee for buildings devoted to residential use.

a. Except as otherwise provided herein, the connection fee for buildings devoted to residential uses shall be one thousand seven hundred thirty dollars ($1,730.00) per dwelling unit.

b. The connection fee for buildings located within the C-CBD zoning district and the Downtown Revitalization Overlay Zone, as specified in the Zoning Regulations, and devoted to residential uses shall be five hundred seventy-five dollars ($575.00) per dwelling unit, but in no event shall said connection fee exceed two thousand eight hundred eighty-five dollars ($2,885.00) per building.

(2) Connection fee for buildings devoted to nonresidential or mixed use.

a. Except as otherwise provided herein, the connection fee for buildings devoted to either nonresidential or mixed uses shall be as follows:

Building Size (Floor Area sq. ft.)	*Connection Fee*
Up to 5,000 s.f.	$ 2,885.00
From 5,001 s.f. to 10,000 s.f.	11,520.00
From 10,001 s.f. to 25,000 s.f.	23,040.00
From 25,001 s.f. to 50,000 s.f.	34,560.00
Over 50,000 s.f. plus $110.00 for each 1,000 s.f. or part thereof over 50,000 s.f.	57,600.00

b. The connection fee for buildings located within the C-CBD zoning

district and the Downtown Revitalization Overlay Zone and devoted to either nonresidential or mixed uses shall be as follows:

Building Size (Floor Area sq. ft.)	*Connection Fee*
Up to 5,000 s.f.	$ 2,885.00
From 5,001 s.f. to 10,000 s.f.	5,760.00
From 10,001 s.f. to 25,000 s.f.	11,520.00
From 25,001 s.f. to 75,000 s.f.	17,285.00
Over 75,000 s.f.	23,040.00

(3) With respect to all new water services requiring a meter exceeding one (1) inch in size and with respect to all changes of property use by a customer that results in the need for a meter exceeding one (1) inch in size, the cost of meter acquisition and installation shall be paid by the customer. Said costs shall be in addition to the connection fees described herein. For purposes of this section, meter acquisition and installation costs shall be set by the Superintendent of Public Utilities and shall be generally equivalent to the cost of equipment, materials and services paid by the City. (b) *Change of use.* Whether or not a prior connection fee or water assessment has been paid on the premises, whenever a change in use results in the addition of residential units or the expansion of the floor area of a nonresidential or mixed use, A connection fee associated with said change in use shall be due and payable and shall be calculated by subtracting the connection fee associated with the old use from the connection fee associated with the new use.

(c) *Permit.* No permit shall be issued until the applicant has paid a nonrefundable permit fee of two hundred forty-five dollars ($245.00) to cover administrative costs associated therewith except the permit fee for all properties located in the Downtown Revitalization Overlay Zone shall be one hundred five dollars ($105.00).

(d) *Exception.* The foregoing connection fees shall not apply to fire service connections.

(e) *Refunds.* Such connection fee may be refunded if no actual connect is made prior to the expiration of the connection permit; provided, that a written request for the refund is made within five (5) years of the date on which the permit is issued.

(f) *Penalty for violation.* Any person violating any of the provisions of this section shall be subject to a fine of not more than one hundred dollars ($100.00).

(Code 1961, § 21-48; Ord. No. 232, 8-1-1978; Ord. No. 285, 7-1-1982; Ord. No. 336, 5-6-1986; Ord. No. 402, 9-5-1990; Ord. No. 412, 3-5-1991; Ord. No. 489, 10-17-1994; Ord. No. 514, 5-7-1996; Ord. No. 567, 5-7-2002; Ord. No. 579, 8-6-2002; Ord. No. 640, 5-3-2005; Ord. No. 648, 1-19-2006; Ord. No. 702, § 21-48, 5-4-2010; Ord. No. 710, 12-6-2011; Ord. No. 715, 5-1-2012; Ord. No. 12, § 21-48, 5-6-2014; Ord. No. 25(3), § 21-48, 5-3-2016; Ord. No. 29(1), § 21-48, 6-7-2016)

Sec. 48-77. Tank truck loads.

When the Superintendent of Public Utilities determines that water is available for tank truck load sale, water shall be billed at the following rates for all such water purchased on or after July 1, 2018.

Per truck load (gallons)	
Up to 500	$66.79
From 501 to 1,000	128.44
From 1,001 to 3,000	375.04
From 3,001 to 5,000	621.64
More than 5,000	1,243.28

(Code 1961, § 21-49; Ord. No. 232, 8-1-1978; Ord. No. 285, 7-21-1982; Ord. No. 339, 7-1-1986; Ord. No. 375, 5-2-1989; Ord. No. 390, 5-15-1990; Ord. No. 641, 5-3-2005; Ord. No. 702, § 21-49, 5-4-2010; Ord. No. 715, 5-1-2012; Ord. No. 12, § 21-49, 5-6-2014; Ord. No. 25(4), § 21-49, 5-3-2016; Ord. No. 37, § 21-49, 5-1-2018)

Sec. 48-78. Economic development incentive.

(a) *Program established.* In order to enhance economic development within the City, the City Council does hereby establish a program, as described herein, which is intended to provide a one-time waiver of water use charges to certain property owners and water users who elect to construct new facilities, renovate existing facilities or make use of vacant facilities, thereby contributing to the economic vitality of the City.

(b) *Waiver of water use charges.* Notwithstanding any other provisions of the Code of Ordinances to the contrary, the City does hereby provide a waiver of all water use charges established pursuant to the provisions of sections 48-70, 48-74 and 48-75 for a period of up to one (1) year to those applicants qualified pursuant to subsection (c) of this section. Said waiver shall apply to the first four (4) quarterly billings generated immediately following the approval of any application filed hereunder.

(c) *Eligibility.* In order to be eligible for the waiver established by this section, the applicant must be the owner or lessee of, or must be proposing to acquire an ownership or leasehold interest in, real property:

(1) Upon which are to be constructed new facilities or improvements to existing facilities, which improvements have a value of not less than one hundred thousand dollars ($100,000.00), and which facilities are to be used for any of the purposes described in subsection (e) of this section; or

(2) Upon which vacant facilities are located, which facilities are to be used for any of the purposes described in subsection (e) of this section. In order to qualify under this subsection, the applicant shall not have been served by the Danbury Public Water System within a period of one (1) year prior to the date of application hereunder, or if so, shall not within said period have terminated said service to another facility having equal or greater square footage.

(d) *Applications.* All applications for waiver authorized hereunder shall be presented to the Director of the Danbury Department of Public Works on forms provided by the Department for that purpose. Applications shall include a description of the property to be served, a description of the improvements to be undertaken, if any, and if so, the estimated cost thereof, together with any other information deemed necessary by the Director.

(e) *Application to certain facilities.* The waiver established in subsection (b) of this section shall not apply with respect to use charges generated by facilities described in subsection (c) of this section unless said facilities are for nonresidential use. For purposes of this section, the term "nonresidential use" may include mixed use structures which include one (1) or more residential dwellings. If at any time during which water use charges have been waived the facilities are converted to residential use, the waiver provided under this section shall automatically terminate.

(f) *Assignability of waiver.* The waiver provided for hereunder may be assigned by the applicant, provided that the assignee could have qualified for benefits hereunder on the date of assignment if he had filed an application pursuant to the provisions of this section.

(g) *When applicant deemed served by public water system.* For purposes of subsection (c)(2) of this section, an applicant shall be deemed to have been served by the Danbury Public Water System within a period of one (1) year prior to the date of application hereunder if:

(1) The applicant is a person who, during said period, was an owner of or partner in any unincorporated business served by the Danbury Public Water System or who, during said period, owned fifty (50) percent or more of the stock of any corporation served by the Danbury Public Water System;

(2) The applicant is a partnership or unincorporated business in which any owner or partner was, during said period, the owner of or partner in any unincorporated business served the Dan-

bury Public Water System or in which any partner or owner owned, during said period, fifty (50) percent or more of the stock of any corporation served by the Danbury Public Water System; or

(3) The applicant is a corporation in which the owner of fifty (50) percent or more of the stock was, during said period, the owner of fifty (50) percent or more of the stock of any corporation served by the Danbury Public Water System or was, during said period, the owner of or partner in any unincorporated business served by the Danbury Public Water System.

(h) *Interest.* For purposes of the computation of the ownership of stock in any corporation or the interest in any partnership or unincorporated business under the provisions of this subsection, the interest of any person shall include:

(1) Any beneficial interest held for the benefit of such person or for the benefit of any person of the type set forth herein, whether in trust or otherwise;

(2) Any interest owned by the spouse of such person if the person and the spouse shall file a joint tax return for purposes of federal or state tax; or

(3) Any interest owned by any person who the person shall claim as a dependent upon his federal or state tax return.

(i) *City determines terminated water service.* The City shall determine whether or not an applicant shall be deemed to have terminated water service to another facility having equal or greater square footage within a period of one (1) year prior to the date of application hereunder because of the relationship between the applicant and any other partnership, corporation or other entity so terminating service. Said determination shall be made in the same manner as is provided in this subsection for determining whether the applicant shall be deemed to have been served within a period of one year because of any such relationship.

(j) *Information under oath for enforcement.* The City may require of any applicant such information, under oath, as it deems necessary for purposes of enforcement of this subsection. To the extent permitted by law, such information shall not be disclosed except to the extent necessary for the determination, by the appropriate municipal authorities, of an applicant's compliance with the provisions hereof.
(Code 1961, § 21-50; Ord. No. 502, 5-2-1995)

Secs. 48-79—48-99. Reserved.

DIVISION 3. ASSESSMENT OF BENEFITS

Sec. 48-100. Generally.

The City Council shall levy and assess benefits for all costs of extensions of new water services to any segment of the City or to a neighborhood, a street, property or any other portion or segment of the City for construction of distribution lines, pumping stations and/or laterals in the manner and form as hereinafter provided and in accordance with C.G.S. §§ 7-137c and 7-137d. The levy of assessments of benefits shall be made in accordance with this article and with the foregoing statute sections.
(Code 1961, § 21-56; Ord. No. 238 § 1, 10-3-1978; Ord. No. 398, 7-3-1990)

Sec. 48-101. Applicability to present and future construction.

(a) *Waterworks projects under contract or construction.* The provisions of this division shall not apply to waterworks projects under control or construction prior to the effective date of the ordinance from which this division is derived unless the City Council has by specific resolution to the contrary determined they must be covered hereby in compliance with the Charter of the City.

(b) *Buildings subsequently expanded or constructed.* In the event a building is constructed or expanded after the initial assessment hereunder, the City Council may assess benefits against same as if said buildings or structures had existed at the time of the initial assessment.
(Code 1961, § 21-57; Ord. No. 238, § 1(g), (j), 10-3-1978)

Sec. 48-102. Properties exempted; exceptions to exemption.

(a) Benefits shall not be assessed against property not zoned for business, commercial or industrial purposes nor shall benefits be assessed against land classified as farm land, forest land or open space land as of the last-completed grand list of the City pursuant to C.G.S. §§ 12-107a through 12-107e unless said land has been constructed upon or has been approved for construction, expansion or development.

(b) The provisions of subsection (a) of this section notwithstanding, property zoned for residential use may be assessed in accordance with the further provisions hereof if same has been subdivided, has been built upon or where a building permit has been issued thereon.
(Code 1961, § 21-58; Ord. No. 238, § 1(a), (b), 10-3-1978)

Sec. 48-103. Determination of cost of extension to waterworks system, authority to divide benefitted territory into districts.

The City Council shall ascertain the cost of extending the existing waterworks system and in so doing shall take into account all costs of the extension, including, but not limited to, the cost of construction, land acquisition, all costs connected with borrowing whether by temporary or permanent financing, all engineering or legal fees especially chargeable to the project, and any other costs or expenses needed to extend the waterworks system or a portion thereof, and may divide the total territory to be benefited into districts or segments pursuant to this article and the Charter of the City of Danbury.
(Code 1961, § 21-59; Ord. No. 238, § 1(d), 10-3-1978)

Sec. 48-104. Criteria for determination of assessment.

The City Council shall assess the benefits of each extension based upon the following criteria:

(1) Area of the property benefited.

(2) Frontage of the property, benefited.

(3) As to residential property, the present permitted zoning classification of the property benefited, including the existing number of units thereon or the number of units allowable under zoning regulations, whichever is greater. As to property zoned commercial or industrial, a unit shall constitute for purposes of this division an area of five thousand (5,000) square feet; any commercial or industrial property of less than five thousand (5,000) square feet which contains or can be permitted to contain a lawful use, shall be deemed to contain five thousand (5,000) square feet for the purpose of this division, and any commercial or industrial property containing more than five thousand (5,000) square feet, to the extent that such excess over five thousand (5,000) square feet does not constitute a full unit as set forth herein, shall be assessed based upon the percentage that such excess bears to a full five thousand-square-foot unit.

(4) The grand list valuation of the property benefited, including both land and buildings.

(Code 1961, § 21-60; Ord. No. 238, § 1(e), 10-3-1978)

Sec. 48-105. Formula for calculation of assessment.

The assessment of benefits (according to the criteria) set forth in section 48-104 shall be made in accordance with the following formula so that each of the four (4) elements is given a weight of twenty-five (25) percent in each owner's assessment of benefits vis-a-vis other properties subject to assessment under this article. Each owner's assessment shall represent a portion of the total cost of the water extension in question.

(1) Area of lot or parcel to be assessed divided by total area of lots, parcels or property subject to assessment hereunder and served by water from the project equals ..... ___ ____;

(2) Frontage of lot or parcel to be assessed divided by total frontage of parcels or lots or property subject to assessment and served by water from the project equals .... _____;

(3) Number of existing building units on lot or parcel to be assessed divided by total number of building units in area served by water from the project equals ..... _____;

(4) Property value (latest grand list) for tax purposes of lot or parcel assessed divided by total property valuation (latest grand list) for tax purposes of all lots, parcels, buildings and improvements subject to assessment hereunder in area served by water from the project equals _____;

(5) Total of (1) through (4) inclusive above equals ..... _____;

(6) The total sum derived from (5) above shall be divided by four (4) (or multiplied by 0.25) to arrive at a multiplier to determine each owner's assessment when said multiplier is multiplied against the total cost of the water extension in question.

(Code 1961, § 21-61; Ord. No. 238, § 1(o), 10-3-1978)

Sec. 48-106. Use of maps of City Assessor for measurements.

For the purposes of any measurements required under this division, the maps of the Assessor of the City shall be deemed applicable and accurate unless shown to be otherwise by a Class A2 survey certified by a registered land surveyor.
(Code 1961, § 21-62; Ord. No. 238, § 1(f), 10-3-1978)

Sec. 48-107. Calculation of frontage.

(a) For purposes of this division, any lot with frontage on a street shall be deemed to have a minimum frontage of fifty (50) feet even though the actual frontage shall be less than fifty (50) feet. For purposes of this division, any landlocked lot benefiting from a waterworks project shall be deemed to have a minimum frontage of fifty (50) feet even though the lot has no actual street frontage.

(b) A corner lot which is at the intersection of and abuts two (2) or more streets, when the angle of intersection is not more than one hundred thirty-five (135) degrees, or where the intersection is rounded by a curve having a radius of less than one hundred (100) feet, shall be assessed by the sum of the sides (a side hereby being a minimum of fifty (50) feet for these calculations) divided by the number of sides.
(Code 1961, § 21-63; Ord. No. 238, § 1(h), (i), 10-3-1978; Ord. No. 589, 1-21-2003)

Sec. 48-108. Authority of council to provide for installment method of payment.

The City Council may, by resolution, provide for the installment method of payment of any assessment levied hereunder in a manner analogous to that provided for sewer assessments pursuant to the provisions of C.G.S. § 7-253.
(Code 1961, § 21-64; Ord. No. 238, § 1(m), 10-3-1978)

Sec. 48-109. Enactment procedures.

(a) The City Council shall fix in the assessment of benefits resolution the due date of assessments made hereunder as well as the manner in which same shall be paid, whether in full or by installment in a manner analogous to that provided for sewer assessments pursuant to C.G.S. §§ 7-252 and 7-253.

(b) No assessment shall be made until after a public hearing before the City Council at which the owner of the property to be assessed shall have an opportunity to be heard concerning the proposed assessment. Notice of the time, place and purpose of such hearing shall be published at least ten (10) days before the date thereof in a newspaper having a circulation in the municipality, and a copy of such notice shall be mailed to the owner of any property to be affected thereby

at such owner's address as shown in the last-completed grand list of the municipality or at any later address of which the City Council may have knowledge. A copy of the proposed assessment shall be on file in the office of the Town Clerk and available for inspection by the public for at least ten (10) days before the date of such hearing. When the City Council has determined the amount of the assessment to be levied, it shall file a copy thereof in the office of the Town Clerk and, not later than five (5) days after such filing, shall cause the same to be published in a newspaper having a circulation in the municipality and it shall mail a copy of such assessment to the owner of any property to be affected thereby at such owner's address as shown in the last-completed grand list of the municipality or at any later address of which the City Council may have knowledge. Within sixty (60) days of an assessment pursuant to this section, the owner of any property so assessed may appeal to the superior court for the judicial district within which such land is situated from the valuation of his assessment by service of process made in accordance with the provisions of C.G.S. § 52-67. Such appeal shall be a privileged case and shall not stay any proceedings under this section. The court shall have the power to grant such relief as to justice and equity appertains, upon such terms and in such manner and form as appears equitable.
(Code 1961, § 21-65; Ord. No. 238, § 1(l), 10-3-1978; Ord. No. 398, 7-3-1990)

Sec. 48-110. Deferred assessments.

(a) In the case of assessment for property zoned for residential use where said parcel contains a residential use and excess land as herein defined, the assessment shall be deferred to the extent that said excess property exceeds by more than one hundred (100) percent the size of the smallest lot permitted in the lowest density residential zone of the City until such excess land shall be built upon, be subdivided or until a building permit for construction on said excess land shall be issued, whichever shall first occur.

(b) No lien for payment shall be filed on property for which a deferral of assessment is required hereunder, but the City Council shall cause the Tax Collector on its behalf to place a caveat on the land records as to all land for which an assessment of benefits has been deferred hereunder.
(Code 1961, § 21-66; Ord. No. 238, § 1(c), (k), 10-3-1978)

Sec. 48-111. Delinquent assessments.

Delinquent assessments shall be secured in the method hereinafter provided:

(1) Any assessment of benefits or any installment thereof, not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the interest rate and in the manner provided by the General Statutes for delinquent property taxes. Each addition of interest shall be collectible as a part of such assessment.

(2) Whenever any installment of an assessment becomes delinquent, the interest on such delinquent installment shall be as provided in subsection (1) of this section or five dollars ($5.00), whichever is greater. Any unpaid assessment and any interest due thereon shall constitute a lien upon real estate against which the assessment was levied from the date of such levy. Each such lien may be continued, recorded and released in the manner provided by the General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as property tax liens. The Tax Collector of the municipality may collect such assessments in accordance with any mandatory provision of the General Statutes for the collection of property taxes, and the municipality may recover any such assessment in a civil action against any person liable therefor.

(Code 1961, § 21-67; Ord. No. 238, § 1(n), 10-3-1978)

Secs. 48-112—48-135. Reserved.

DIVISION 4. WATER MAIN EXTENSIONS

Sec. 48-136. Definitions.

In the construction of this division the following definitions shall apply unless the context clearly indicates otherwise:

Applicant means the party entering into an extension contract with the City.

Applicant's cost means those costs identified in section 48-139(d) hereof.

City's share means any portion of an extension representing an expansion of the proposed mains and facilities required by the City for the benefit of the overall municipal system but which is not necessary to provide domestic or fire protection service to the applicant or to any other potential user.

Department means the Danbury Department of Public Works.

Extension means the facilities and the lineal footage of mains required in order to provide fire and domestic water service to applicants and to potential users according to the terms and conditions set forth herein.

Extension contract means a contract between the City and the applicant providing for the installation of an extension and pursuant to which the cost of the extension is apportioned in accordance with the provisions of section 48-139.

Facilities includes, but shall not be limited to, the following structures: pump stations, storage tanks, valve vaults, valves, hydrants, gate boxes, blow-off boxes, pressure-reducing stations and metering chambers owned or to be owned by the City and used for the purpose of furnishing water service to users.

Mains means water pipes owned by or to be owned by the City for the purpose of conveying water to the users' service connections.

Proportionate share agreement means an agreement between the City and a proportionate share applicant providing for payment of the proportionate share applicant's share of the cost of the extension in accordance with the provisions of this division.

Proportionate share applicant means the party entering into a proportionate share agreement with the City for water service to his property.

User means any party connected directly to an extension with respect to which an extension contract was executed.
(Code 1961, § 21-69; Ord. No. 457, 2-2-1993)

Sec. 48-137. Purpose.

Existing provisions of the Danbury Code of Ordinances regulate and permit the extension of utilities by private parties, at their expense, upon application to and approval by the City Council. In addition, provisions of state law and this Code of Ordinances also permit the extension of utilities by the City, funded through the establishment of a system of assessments imposed upon those property owners whose properties benefit from the extension. The provisions of the ordinance from which this division is derived have been adopted in recognition of the fact that a voluntary alternative to the foregoing methods should be established which permits partial reimbursement to those who wish to privately fund the municipal construction of utility extensions.
(Code 1961, § 21-68; Ord. No. 457, 2-2-1993)

Sec. 48-138. Applications.

(a) Applications for an extension shall be accepted only when filed by the owner of record of the property which the extension will serve or by the authorized agent of such owner.

(b) Applications shall be made at the offices of the Department on forms provided by the Department and shall not be accepted until all the information described therein has been provided.

(c) Upon receipt of a completed application, the Department shall review the proposal and shall forward the application, together with its comments, to the City Council for its consideration in accordance with the provisions of section 48-37. In addition to commenting upon the merits of the proposal, the Department shall also advise the City Council regarding the availability of any municipal funds that may be necessary to complete the proposed project. The

City Council may reject any application if, in its sole judgment, it determines that insufficient funds are available to finance the City's share of the project. In the event that the City Council determines that insufficient funds are available to finance the City's share of the project, the applicant may, at his option, elect to bear the additional cost associated with completion of the City's share. In that event, such additional amount shall be contributed to the City without any right to reimbursement by the City or by proportionate share applicants pursuant to the provisions of section 48-140(d).

(d) If requested by the City, the applicant shall furnish an existing and proposed plan and profile of the street or other areas in which the main is to be installed. Only maps, plans, profiles or other drawings which have been prepared and stamped by an engineer or surveyor licensed by the State of Connecticut shall be acceptable. (Code 1961, § 21-70; Ord. No. 457, 2-2-1993)

Sec. 48-139. General rules.

(a) *Title to extensions.* Title to all extensions shall at all times be and remain vested in the City.

(b) *Control of extensions.* Main extensions shall at all times remain under the sole control and jurisdiction of the City. The City shall have the right to permit the connection of additional customers to the main without the consent of the applicant, to make further extensions beyond or running laterally from such extension or to connect such extension to any other portion of the distribution system of the City without incurring any obligations to the applicant or to users receiving service from such extension, except as hereinafter provided.

(c) *Responsibility of applicant in relocation of mains or changes in grade.* When main extensions are made in unfinished streets, the applicant shall be fully responsible for damages to or relocation of the main and any appurtenant facilities, if such damage or relocation results from or is necessitated by acts of the applicant or his agents. If, after the mains are laid, the grade is changed to reduce the required minimum cover above the mains or any appurtenant facilities, then the applicant shall pay the cost of lowering the mains or facilities to the grade required to correct this deficiency. This responsibility shall remain in force until such time as the street is officially accepted by the City.

(d) *Determination of main size and applicant's cost.* The City shall determine the size of the main required as well as the need for any additional facilities necessary to complete the extension. For the purposes of all extension contracts and for the purpose of calculating a proportionate share applicant's share of the project cost pursuant to the provisions of section 48-140(h), the applicant's cost shall include the costs described herein. The applicant's cost shall include the actual cost of construction of the facilities and mains, associated engineering costs, the cost of obtaining all necessary governmental approvals and permits and of all necessary property acquisitions. The applicant's cost shall not include any portion of the foregoing that represents an expansion of the proposed mains and facilities required by the City for the benefit of the overall system but which is not necessary to provide domestic and fire protection service to the applicant or any other potential user. The difference between the applicant's cost and the total project cost shall be the cost of the City's share which shall be borne by the City unless the applicant has elected to bear the additional cost associated with the completion of the City's share of the project pursuant to the provisions of section 48-138(c).

(e) *Extensions made in accepted streets only or easements.* Extensions shall only be made on streets that are accepted by the City or within easements granted to the City.

(f) *Conditions for installation of mains in unaccepted streets and easements.* Until a street has been accepted by the City, no new mains may be installed therein unless street lines and grades have been established, the street has been graded in a manner acceptable to the City and any necessary easements have been conveyed to the City, at no expense to the City. All such easements shall permit the City to install, maintain, extend and replace mains and appurtenances

and make connections thereto. If requested by the City, the applicant shall erect and maintain stakes to indicate correct street lines and grades to facilitate proper installation of the mains.

(g) *General requirements.* The determination of the required length and size of an extension shall in all cases be made by the City; however, except as required to address the conditions affecting a specific extension, the following general requirements shall apply:

(1) The terminal point of any extension laid in a City-accepted street shall be located on an imaginary line drawn perpendicularly to the extension and extending from the most distant property line of the last potential user to be served by the extension;

(2) If the extension is laid within an easement or an area intended for future use as a street to be constructed within a development or subdivision, it shall include all mains required to serve houses or buildings within such development or subdivision as well as any mains required to connect dead ends wherever possible;

(3) The size of any main to be installed shall be based on the existing and future needs of the City water system. The costs thereof shall be allocated as provided in subsection (d) of this section;

(4) Any facilities other than mains which are part of the extension shall also be designed, constructed and the cost thereof allocated in accordance with the requirements of this division;

(5) Whenever an extension laid within a street passes through an intersection, a stub or stubs shall be constructed within such other street or right-of-way for a distance not to exceed one hundred fifty (150) feet in each direction. If water mains already exist within such street or right-of-way within one hundred fifty (150) feet of the extension, they shall be connected to the extension.

(h) *Deferral of installations.* Whenever the provisions of this division require extensions to serve developments or portions thereof which are shown on a plan approved by the Planning Commission or the Planning Department but which will not be constructed until a subsequent fiscal year, the City may choose to defer installation of the extension until additional service to such development or portions thereof is required. If the installation is deferred, the City shall nevertheless collect the applicant's share of the estimated cost of the deferred portion of the extension from the applicant in accordance with the terms of the extension contract, together, where applicable, with any additional amounts to be contributed to the City pursuant to the provisions of subsection (c) of this section. Such cost shall be based on the estimated cost of installing the extension.

(i) *Estimated cost for installations.* The estimated cost of main installations shall be established annually by the City and kept on file by the department. The estimated cost of the installation of facilities shall be determined by the City on a case-by-case basis. The foregoing estimated costs shall be used in extension contracts, when applicable, for purposes of calculating the applicant's deferred costs pursuant to subsection (h) of this section, as well as the cost of the City's share as a percentage of the actual cost of the extension pursuant to the provisions of subsection (d) of this section.

(j) *Compliance required before scheduling extensions.* Extensions shall not be scheduled for construction until the applicant has fully complied with all the obligations established by the extension contract as well as with all the conditions established by this division.

(k) *Assignment of extensions.* Extensions will normally be assigned for construction in the order in which all the requirements established in this division have been met; however, the City may vary such assignment in order to integrate the timing of the construction with other projects, giving due consideration to weather conditions, the availability of materials and the immediacy of the need for such extension.

(l) *Execution of contracts after subdivision or site plan approval.* If the extension is intended to serve a subdivision or a development with respect to which site plan approval is required, the extension contract shall not be executed until the applicant has received subdivision or site plan approval, whichever is applicable and has provided evidence thereof to the department. The applicant shall proceed with construction of the subdivision or development in such a manner as to allow the City to complete construction of the extension without interruption.

(m) *Installation of pumping equipment and accessories; execution of special service agreements.* If property to be served by an extension is at such an elevation that, in the opinion of the City, adequate pressure for the proposed use cannot be furnished at all times, then the affected users shall be required to execute low pressure agreements prior to connection to the extension, which low pressure agreements shall be recorded in the Danbury Land Records. Similarly, if the pressure is expected to exceed one hundred twenty-five (125) psig, the users shall be obligated to execute high pressure agreements prior to connection to the extension, which high pressure agreements shall be recorded in the Danbury Land Records. Such agreements shall serve as notice to potential purchasers of the property involved of the existence of an unusual pressure condition as well as of any responsibility which the owner bears with respect to maintenance of special equipment made necessary by the presence of such condition.

(n) *Users subject to rates, rules, regulations, etc.* All users connected to extensions installed in accordance with the terms of an extension contract shall be subject to the applicable rates, rules, regulations, terms and conditions of service as established by the City.
(Code 1961, § 21-71; Ord. No. 457, 2-2-1993)

Sec. 48-140. Extension contracts and proportionate share agreements.

(a) Upon execution of the extension contract, the applicant shall deposit funds with the City in an amount equal to the estimated cost of completing all necessary final detailed construction design work in connection with the proposed extension. Thereafter, upon demand, the applicant shall deposit with the City any additional amount which may result from an increase in the cost of such design work. The City reserves the right to delay the completion of such design work until it has received such additional amount. Upon completion of the design work, including a detailed construction cost estimate, the City shall determine the actual cost thereof and shall calculate the difference, if any, between the deposit and such actual cost. If such actual cost is more than the deposit, then an additional charge shall be made to the applicant for the difference. Such additional charge shall be payable within fifteen (15) days of billing. Any payment not made within such fifteen-day period shall be subject to interest at the rate of eighteen (18) percent per annum. The City shall not proceed with the project until all of the foregoing charges, if any, have been paid. Upon completion of all final design work, a copy thereof shall be submitted to the applicant for review. The applicant shall then have the right to terminate the contract without further obligation, except as provided herein with regard to design costs. If the applicant elects to so terminate the contract, any funds held by the City in excess of the actual cost of such design work shall be returned to the applicant.

(b) If the applicant elects to proceed with the project, the applicant shall so advise the City in writing and shall deposit funds with the City in an amount equal to the estimated cost of securing all necessary governmental approvals and permits as well as the cost of completing all necessary appraisals of property to be acquired in connection therewith, if any. Upon completion of such appraisals, copies thereof shall be submitted to the applicant for review. After payment of all outstanding expenses incurred in connection with seeking necessary governmental approvals and permits, the applicant shall then have the right to terminate the contract without further obligation. If the applicant elects to so terminate the contract, any funds held by the City in excess of the actual cost of seeking necessary governmental approvals and permits shall be

returned to the applicant. If the applicant elects to proceed with the project, the applicant shall so advise the City in writing and shall deposit the estimated cost of such acquisitions, as established by the appraisals, with the City. The City shall take whatever action is required in order to obtain all necessary governmental approvals and permits as well as whatever action is required in order to acquire the property interests necessary to complete the project. When the actual cost of obtaining all necessary governmental approvals and permits and of completing the property acquisitions is known, an additional charge, including reasonable attorney's fees, shall be made to the applicant for the difference between such actual cost and the amount previously deposited with the City. Such additional charge shall be payable within fifteen (15) days of billing. Any payment not made within such fifteen-day period shall be subject to interest at the rate of eighteen (18) percent per annum. The City shall not proceed with the project until all of the foregoing charges, if any, have been paid. After payment of any charges due pursuant to the provisions of this subsection, the applicant shall have the right to terminate the extension contract without additional obligation or to elect to proceed with the project. If the applicant elects to so terminate the contract, any funds held by the City in excess of the actual cost of obtaining all necessary governmental approvals and permits and completing the property acquisitions shall be returned to the applicant.

(c) If the applicant elects to proceed with the project, the applicant shall so advise the City in writing. Upon receipt of notice from the applicant that the applicant wishes to proceed with the project, the City shall solicit bids for construction of the extension or, where deemed appropriate by the City, for one (1) or more phases thereof from interested parties in accordance with the purchasing requirements of the Danbury Code of Ordinances. Upon the receipt of bids in connection with the construction of the extension or, where applicable, phases thereof, the City shall award the construction contract to the lowest responsible bidder, which award shall be subject to the approval of the applicant. The applicant shall be permitted to review the proposed award for a period of ten (10) days and elect to either terminate the extension contract without further obligation, except as provided herein, or proceed with the project. If the applicant does not notify the City of its election to proceed with the project within such period, the extension contract shall be deemed to have been terminated and the project cancelled. If the applicant elects to proceed with the project, the applicant shall deposit funds with the City in an amount which, when added to any funds already held on deposit, shall be equal to the amount of the construction contract as awarded, together with the applicant's share of the estimated cost of any portion of the extension deferred in accordance with section 48-139(h) and together, where applicable, with any additional amounts to be contributed to the City pursuant to the provisions of section 48-138(c), plus five (5) percent of the total of the foregoing to cover contingencies which may arise during construction, all as determined by the City. Upon demand, any additional amount which may result from an increase in the construction cost of the extension and which is deemed by the City to be a part of the applicant's cost or which is deemed to be part of the additional amount to be contributed to the City pursuant to the provisions of section 48-138(c) shall be paid to it by the applicant. The City reserves the right to delay the installation of any extension, or the installation of any service taps in an extension, until it has received such additional amount. Upon completion of the construction, the City shall determine the actual cost to the applicant of the extension or, where applicable, of any completed phase thereof and shall calculate the difference, if any, between the deposit or, where applicable, that portion of the deposit attributable to the completed phase and such actual cost. If such actual cost is less than the deposit or, where applicable, that portion of the deposit attributable to the completed phase, the City shall refund the difference to the applicant. If the deposit or, where applicable, that portion of the deposit attributable to the completed phase is less than such actual cost, then an additional charge shall be made to the applicant for the difference, such additional charge shall be payable within fifteen (15) days of billing. Any payments not made within such fifteen-day period

shall be subject to interest at the rate of eighteen (18) percent per annum. The City reserves the right to delay the installation of any service taps to the extension until it has received payment of the additional charge. With respect to extensions to be completed in phases, construction of phases subsequent to the initial phase shall also be completed in accordance with the provisions of this subsection.

(d) In the event that an extension under an extension contract is installed in a street on which property other than that of the applicant is located, the City shall require, subject to the provisions of subsections (e) and (h) of this section, that before making any connection for water service, each owner of such other property shall enter into a proportionate share agreement with the City. In addition to any other connection fees that may be required pursuant to the provisions of this article, each proportionate share applicant shall pay an amount which, in the judgment of the City, represents their proportionate share of the applicant's cost of the extension plus five (5) percent. Such amounts, less the original five (5) percent, shall be refunded to the applicant within sixty (60) days of its receipt by the City. The proportionate share applicant for water service shall be subject to all of the terms, conditions and provisions of this division as well as of the proportionate share agreement.

(e) All liability for payment of proportionate shares by proportionate share applicants and all liability for payment of refunds to applicants pursuant to the provisions of this section shall terminate ten (10) years from the date of execution of the extension contract. Any part of the applicant's cost paid to the City and not recovered from proportionate share applicants within such ten-year period shall be retained by the City.

(f) The City shall not be liable for interest on the amount paid to it by the applicant or on any part thereof.

(g) The assignment by the applicant or by a proportionate share applicant of an extension contract or a proportionate share agreement or any interest therein, or of any money due or to become due by reason of the terms thereof, without the written consent of the department, which consent shall not be unreasonably withheld, endorsed thereon or on an executed counterpart thereof is hereby prohibited and shall be void and of no force or effect.

(h) Each proportionate share shall be calculated in accordance with the following formula: The sum of A plus B, which sum shall be divided by two (2) and multiplied by the applicant's cost of the extension.

(1) For purposes of the foregoing formula, A equals the area of the proportionate share applicant's lot or parcel to be served, divided by the total area of all lots, parcels or properties directly served or to be directly served by the extension.

(2) For purposes of such formula, B equals the frontage of the proportionate share applicant's lot or parcel to be served divided by the total frontage of parcels, lots or properties directly served or to be directly served by the extension.

(3) For purposes of this subsection, any lot with frontage on a street shall be deemed to have a minimum frontage of fifty (50) feet even though the actual frontage shall be less than fifty (50) feet.

Further, a corner lot which is at the intersection of and abuts two (2) or more streets, when the angle of intersection is not more than one hundred thirty-five (135) degrees, or when the intersection is rounded by a curve having a radius of less than one hundred (100) feet, shall be subject to a frontage calculation derived from the sum of the sides (a side hereby being a minimum of fifty (50) feet for these calculations) divided by the number of sides.

(i) All proportionate shares shall be calculated by the City following completion of the extension. No proportionate shares may exceed the special benefit accruing to the property affected thereby.

(j) No proportionate shares shall be finally established until after a public hearing before the City Council at which all potential proportion-

ate share applicants shall have an opportunity to be heard concerning the proposed proportionate shares. Notice of the time, place and purpose of such hearing shall be published at least ten (10) days before the date thereof in a newspaper having a circulation in the City and a copy of such notice shall be mailed to each potential proportionate share applicant at such potential proportionate share applicant's address as shown in the last-completed grand list of the City or at any later address of which the City Council may have knowledge. A copy of the proposed proportionate shares shall be on file in the office of the Town Clerk of the City and available for inspection by the public for at least ten (10) days before the date of such hearing. When the City Council has determined the amount of each proportionate share, it shall file a copy thereof in the office of the Town Clerk and, not later than five (5) days after such filing, shall cause the same to be published in a newspaper having a circulation in the City and it shall mail a copy of each such proportionate share to the potential proportionate share applicant at such potential proportionate share applicant's address as shown in the last-completed grand list of the City or at any later address of which the City Council may have knowledge. Such publication shall state that proportionate shares shall be due and payable when the potential proportionate share applicant has executed a proportionate share agreement with the City and prior to making a connection to the extension, provided that connection is made within ten (10) years of the date of execution of the applicable extension contract. Such publication shall also state the date on which such proportionate share was filed and that any appeals from such shares must be taken within twenty-one (21) days after such filing. Any person aggrieved by any proportionate share may appeal to the Superior Court for the Judicial District of Danbury, which appeal shall be brought in the same manner as provided in the case of assessments pursuant to C.G.S. § 7-250. Following the expiration of the foregoing twenty-one-day period or the termination of any appeal filed within that time, copies of the notice of proportionate shares shall be recorded in the Danbury Land Records.

(Code 1961, § 21-72; Ord. No. 457, 2-2-1993)

Secs. 48-141—48-163. Reserved.

ARTICLE III. SEWERS*

DIVISION 1. GENERALLY

Sec. 48-164. Definitions.

Where and as the context will admit, the following terms, as used in this article, shall have the meanings hereafter indicated.

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Combined sewer means a sewer provided and intended to convey, in the same pipe, both sanitary and stormwater.

Cooling water includes the clean wastewater from air-conditioning, industrial cooling, condensing and similar apparatus and from hydraulically-powered equipment. In general, the term "cooling water" includes only water which is sufficiently clean and unpolluted to admit of being discharged, without treatment or purification, into any natural watercourse without offense.

Garbage means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

Industrial wastes includes the liquid or water-carried wastes of any industrial process not clearly included within the definitions of sanitary sewage, stormwater, cooling water or subsoil drainage herein. In general, wastewaters carrying any quantity of oils, greases, fats, abrasives, chemicals, residues of manufacturing processes, wastes from dye-baths, felting or fur processing, from slaughterhouses or meat processing plants, and similar substances, whether dissolved, in suspension or mechanically carried by water, shall be considered as industrial wastes.

*State law reference—General authority relative to sewers, C.G.S. §§ 7-148(c)(6)(B)(i), 7-148(c)(6)(B)(iv), 7-245 et seq.

Owner includes the owner in fee in any real estate and also all tenants, lessees or others in control or possession and use of property in question.

Properly shredded garbage means the garbage as mentioned in the definition of the term "garbage," which has been shredded or ground to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half (½) inch in any dimension.

Sanitary sewer means a sewer intended to convey only sanitary sewage, or if so stipulated with respect to the particular sewer, sanitary sewage plus industrial or other wastes. In general, sanitary sewers shall not be intended to convey stormwater nor more than very small quantities of cooling water.

Seepage or subsoil drainage includes water from soil percolating into subsoil drains and through foundation wall, basement floors, or underground pipes or from similar sources.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments. Sewage may be further classified as follows:

(1) The term "sanitary sewage" means the common wastewater and water-carried wastes from human dwellings and from toilet and lavatory fixtures, kitchens, laundries, and similar facilities of business and industrial buildings. In general, the term "sanitary sewage" does not include stormwater from roofs, yards, streets or open places, water from land surfaces or brooks, clean overflows from springs, wells, large volumes of subsoil drainage, large volumes of clean water from air-conditioning or other cooling or condensing facilities, clean wastewater from hydraulically operated contrivances and those wastes included within the definition of the term "industrial wastes."

(2) The term "sewage" also means sludge or any effluent produced from subsurface sewage disposal systems.

Sewer means the main pipe or conduit, manholes and other structures and equipment thereto appurtenant, provided to carry sewage, industrial wastes, stormwater, cooling water or similar wastes, subject, in each particular, to the purposes and limitations imposed upon the particular sewer.

Sewage works means all municipal facilities, including, but not limited to, the Danbury Sewage Treatment Facility, owned or operated by the City of Danbury for the purpose of collecting, pumping, treating and disposing of sewage.

Storm drain means a sewer or drain, with appurtenances, provided and intended for the conveyance of stormwater with and without other clean wastewaters as may have been stipulated for any particular drain or sewer.

Stormwater includes the runoff or discharge of rain and melted snow or other clean water from roofs, surfaces of public or private lands or elsewhere. It shall not include the flow of any natural watercourse even though such flow is augmented by the term "stormwater" as defined in this section. In general, the term "stormwater" includes only water which is sufficiently clean and unpolluted to admit of being discharged, without treatment or purification, into any natural watercourse without offense.

Superintendent means the appointed head of the Public Utility Division of the Department of Public Works acting under the authority of the City Council or his authorized deputy, agent, or representative.

Water Pollution Control Authority means the City Council (see C.G.S. ch. 103 (C.G.S. § 7-245 et seq.)).

(Code 1961, § 16-1; Ord. No. 81, § 16-5(A), 10-4-1966; Ord. No. 273, 10-6-1981; Ord. No. 709, 12-6-2011)

Sec. 48-165. Statement of purpose.

In order to ensure the proper removal and disposal of sewage and wastewaters in the public sewer system of the City; to ensure the proper operation and maintenance and the protection and preservation of the sewage works of the City; and to provide for the keeping of adequate

records and for the reasonable and proper supervision of use and operation of such sewage works, this article is enacted regulating the use of and the substance which may be discharged, directly or indirectly, into the public sewers and sewage works of the City and regulating and providing for the construction and maintenance of inspection, protective and treatment devices and facilities.
(Code 1961, § 16-2; Ord. No. 81, § 16-5(A), 10-4-1966)

Sec. 48-166. Construction, maintenance of public sewers by Superintendent of Public Utilities.

It shall be the duty of the Superintendent of Public Utilities to supervise and direct the construction, maintenance, repair and cleaning of public sewers of the City and their appurtenances. The construction of all sewers shall include the laying of connection pipes to the curb line in front of each residence, store, factory or lot, from all hubs located in said sewers, and all connections shall thereafter be made to such connection pipes, at the curb line.
(Ord. No. 81, § 16-1, 10-4-1966)

Sec. 48-167. Connections to sewers required.

(a) All persons who own or occupy any land fronting on a street through which a sewer is or shall be built shall connect all their sinks, drains, water closets and privies on said land with such sewer, and no septic system shall be built or maintained on said land, nor shall the health and human services department issue any permit for any septic system on land so situated.

(b) All owners of property on the line of the City sewers shall connect their respective premises with said sewers within sixty (60) days after receiving notice from the Superintendent of Public Utilities. All persons who shall neglect to make connections within said time shall be liable to the penalties provided in section 1-8.
(Code 1961, § 16-6; Ord. No. 81, § 16-4, 10-4-1966; Ord. No. 643, 5-3-2005)

Sec. 48-168. Connection permits required; connection fee; refunds; penalty.

(a) *Permit.* No person shall make any connection with any public sewer or increase the volume discharged or decrease the volume discharged to any public sewer without a permit from the City Engineer and the Superintendent of Public Utilities. No such permit shall be issued until the applicant has paid a nonrefundable permit fee of two hundred forty-five dollars ($245.00) to cover administrative costs associated therewith, except the permit fee for all properties located in the Downtown Revitalization Overlay Zone shall be one hundred five dollars ($105.00). All such permits shall be valid for a period of one (1) year from the date of issuance. Every permit issued hereunder shall be subject to the rules and regulations of the Danbury Department of Public Works.

(b) *Connection fee.* If no prior connection fee established in accordance with this section or sewer assessment established in accordance with the provisions of section 48-273 has been paid on the premises to be connected to said sewer, then no permit shall be issued until a connection fee is paid to the City of Danbury according to the following:

(1) a. Except as otherwise provided herein, the connection fee for buildings devoted to residential uses shall be one thousand nine hundred twenty dollars ($1,920.00) per dwelling unit.

b. The connection fee for buildings located within the C-CBD zoning district and the Downtown Revitalization Overlay Zone and devoted to residential uses shall be six hundred fifty-five dollars ($655.00) per dwelling unit, but in no event shall said connection fee exceed three thousand two hundred sixty-five dollars ($3,265.00) per building.

(2) a. Except as otherwise provided herein, the connection fee for buildings devoted to either nonresidential or mixed uses shall be as follows:

Building Size (Floor Area sq. ft.)	*Connection Fee*
Up to 5,000 s.f.	$ 3,265.00
From 5,001 s.f. to 10,000 s.f.	$13,045.00
From 10,001 s.f. to 25,000 s.f.	$26,095.00
From 25,001 s.f. to 50,000 s.f.	$39,140.00
Over 50,000 s.f.	$65,235.00 plus $130.00 for each 1,000 s.f. or part thereof over 50,000 s.f.

b. The connection fee for buildings located within the C-CBD zoning district and the Downtown Revitalization Overlay Zone and devoted to either nonresidential or mixed uses shall be as follow:

Building Size (Floor Area sq. ft.)	*Connection Fee*
Up to 5,000 s.f.	$ 3,265.00
From 5,001 s.f. to 10,000 s.f.	$ 6,520.00
From 10,001 s.f. to 25,000 s.f.	$13,045.00
From 25,001 s.f. to 75,000 s.f.	$19,565.00
Over 75,000 s.f.	$26,095.00

(c) *Change of use.* Whether or not a prior connection fee or sewer assessment has been paid on the premises, whenever a change in use results in the addition of residential units or the expansion of the floor area of a nonresidential or mixed use, a connection fee associated with said change in use shall be due and payable and shall be calculated by subtracting the connection fee associated with the old use from the connection fee associated with the new use.

(d) *Refund.* Said connection fee may be refunded if no actual connection is made prior to the expiration of the connection permit; provided that a written request for said refund is made within five (5) years of the date on which the permit is issued.

(e) *Penalty for violation.* Any person violating any of the provisions of this section shall be subject to a fine of not more than one hundred dollars ($100.00).

(Code 1961, § 16-4; Ord. No. 81, § 16-2, 10-4-1966; Ord. No. 111, 7-21-1967; Ord. No. 208, 10-7-1975; Ord. No. 335, 5-6-1986; Ord. No. 341, 11-6-1986; Ord. No. 350, 7-22-1987; Ord. No. 402, 9-5-1990; Ord. No. 455, 2-2-1993; Ord. No. 490, 10-17-1994; Ord. No. 507, 8-1-1995; Ord. No. 515, 5-7-1996; Ord. No. 568, 5-7-2002; Ord. No. 580, 8-6-2002; Ord. No. 594, 1-21-2003; Ord. No. 642, 5-3-2005; Ord. No. 647, 1-19-2006; Ord. No. 701, § 16-4, 5-4-2010; Ord. No. 710, 12-6-2011; Ord. No. 714, 5-1-2012; ; Ord. No. 11, § 16-4, 5-6-2014; Ord. No. 24(2), § 16-4, 5-3-2016; Ord. No. 29(2), § 16-4, 6-7-2016)

Sec. 48-169. Depth of connections; responsibility for drains.

All sewer connections shall be laid not less than twenty-four (24) inches above cellar bottoms, and the laying and maintaining of all cellar drains shall be at the owner's risk of flooding from the main sewers.

(Code 1961, § 16-5; Ord. No. 81, § 16-3, 10-4-1966)

Sec. 48-170. Extension of services.

(a) All applications for permission to extend sewer or water services shall be presented to the City Council on forms supplied by the City Legislative Assistant. Said applications shall specify the proposed use of the property to be served by said line or lines with sufficient particularity to allow the City Council to determine the impact that such a proposed extension would have on the municipal utility system involved. For purposes hereof, specific land use proposals shall indicate, in the case of residential development, the current zoning classification of the property involved, the number and kind of dwelling units under consideration and the maximum final density of the project. In cases of nonresidential development, specific land use proposals shall indicate the zoning classification of the property involved, the type of use and the number of square feet of floor area under consideration.

(b) If, following action by the City Council authorizing the extension of utilities to the property to be served, alterations or modifications are made to the proposal which could have an additional impact on the municipal utility system involved, no connection permit shall be issued by the Public Works Department until the proposed modification or alteration has been reviewed and approved by the City Council.
(Code 1961, § 16-6.1; Ord. No. 320, 9-4-1985)

Sec. 48-171. Septage treatment rules, regulations and fees.

(a) *Applicability.* This section shall govern the removal, transportation and disposal of all materials removed from any septic tank, cesspool, privy and/or subsurface sewage disposal system, hereafter known as "septage." This section provides minimum standards for the removal and disposal of septage in accordance with sections 19-13-B104b and 19-13-B104c of the Regulations of Connecticut State Agencies.

(b) *Permit procedures.*

(1) In accordance with subparagraph 19-13-B104c(b)(2)(B) of the Regulations of Connecticut State Agencies, all septic haulers wishing to dispose of septage within Danbury shall first obtain an annual permit from the Director of Health or his agent. Said permit shall authorize and require the permit holder to transport septage to and dispose of said material at the Danbury Sewage Treatment Facility. The permit application shall require presentation of a valid subsurface sewage disposal system cleaner's or installer's license.

(2) In addition to the annual permit required pursuant to subsection (b)(1) of this section, any hauler authorized to dispose of septage waste at the Danbury Sewage Treatment Facility pursuant to said subsection shall, prior to such disposal, obtain an individual septage discharge permit for each location from which the septage originates.

(c) *Disposal procedures.*

(1) Each municipally authorized septic hauler shall obtain a sticker, issued by the City of Danbury, which shall be displayed upon each vehicle of each such hauler. The stickers shall include the name of the permittee, the date of expiration of the annual permit, the permit number, and the current motor vehicle registration number of the permittee's vehicle.

(2) All vehicles used for the collection and transportation of septage shall bear the name of the hauler conducting such activities. Such vehicle shall be maintained in a clean exterior condition at all times.

(3) Two (2) of the four (4) copies of each septage discharge permit shall be given to the Operator of the Danbury Sewage Treatment Facility prior to discharge. A copy of the septage discharge permit shall be retained by the hauler and the final copy shall be forwarded by the hauler to the property owner involved.

(4) The septic waste disposal area at the Danbury Sewage Treatment Facility shall be open during such times and shall be subject to such reasonable regulations as may be established by the Superintendent Public Utilities to ensure the safe, sanitary and efficient operation of said facility. A schedule of daily hours of operation shall be posted at the Danbury Department of Public Works and at the Danbury Sewage Treatment Facility. The Superintendent of Public Utilities shall establish procedures for handling emergencies requiring immediate use of the Danbury Sewage Treatment Facility. In such cases of emergency, a fee of one hundred dollars ($100.00) shall be charged in addition to the regular disposal fee.

(5) The City of Danbury shall accept only liquid septic waste pumped from tanks or other approved containers.

(6) Industrial waste shall not be accepted.

(7) Upon request, any hauler shall provide a sample of any load delivered to the Dan-

bury Sewage Treatment Facility for disposal. The City reserves the right to inspect and analyze the contents of any such load.

(8) No septage shall be accepted without the permits required hereunder and until the proper forms have been filled out at the Danbury Sewage Treatment Facility and approval is given by the sewage treatment facility operator. The City of Danbury reserved the right to verify any information provided by a hauler including, but not limited to, the origin of any load to be disposed of at the treatment facility.

(d) *Payment procedure.* Haulers shall be billed monthly for their use of the Danbury Sewage Treatment Facility based upon a formula provided for in subsection (f) of this section. Payment shall be made within thirty (30) days of billing.

(e) *Penalty for violation.* Failure to comply with the provisions hereof may result in suspension or termination of the hauler's annual permit to dispose of septic waste. Any hauler whose permit has been suspended or terminated pursuant to this section shall upon written request be entitled to a hearing thereon.

(f) *Fees.* Fees for the disposal of septage at the Danbury Sewage Treatment Facility shall be calculated in accordance with the further provisions hereof. The fee for the disposal of septage that originates from within the municipalities of Danbury, Bethel, Brookfield, New Fairfield, Redding, Newtown or Bridgewater shall be calculated in accordance with the formula described in Schedule A of the "Interlocal Agreement for Disposal of Septage Waste," dated November 6, 1984, among the City of Danbury and the towns of New Fairfield, Redding, Newtown, Bridgewater and Brookfield. The fee for the disposal of septage that originates from other locations shall be equal to one hundred and fifty (150) percent of the fee calculated in accordance with said formula.

(g) *Due date; delinquency; penalty.* If any fee is not paid in full within thirty (30) days of billing in accordance with subsection (d) of this section, the whole or such part of such fee as is unpaid shall thereupon be delinquent and shall be subject to interest from the due date of such delinquent fee. The delinquent portion of the fee shall be subject to interest at the rate of eighteen (18) percent per annum from the time it became due and payable until the same is paid.
(Code 1961, § 16-14; Ord. No. 360, 3-1-1988; Ord. No. 400, 9-5-1990; Ord. No. 493, 11-29-1994; Ord. No. 562, 3-5-2002; Ord. No. 563, 3-5-2002; Ord. No. 709, 12-06-2011)

Editor's note—Schedule A referred to above has not been included herein, but can be found on file in the office of the legislative assistant for inspection by the public.

Secs. 48-172—48-195. Reserved.

DIVISION 2. DISCHARGE RESTRICTIONS

Sec. 48-196. Penalties for violations.

(a) If any person, after proper order or direction from the Superintendent, shall fail to take the remedial steps or perform the acts required this division, the Superintendent may disconnect or otherwise act to prevent the building sewer from the premises in which such violation of the requirements of this division shall have occurred from discharging into the public sewer. The City may collect the cost of such disconnection, or other act by which the wrongful discharge of waters or wastes into the public sewers is prevented, from the person responsible for violation of the requirements of this division. If the City shall be so required to act, such building sewer shall not again be connected to or permitted to discharge into the public sewers until such cost and expense shall have been paid.

(b) Any person who shall violate any of the provisions of this division shall be liable to the City for any expense, loss or damage, which may be caused to the City's sewage works by reason of such violation.

(c) Any person who shall violate any provision of this division shall be subject to the penalties provided in section 1-8.
(Code 1961, § 16-13; Ord. No. 81, § 16-5(E), 10-4-1966)

Sec. 48-197. Certain drains to be used only for certain wastes.

No person or property owner shall discharge into or put into any public sewer or public drain or any sewer or drain which discharges into any public sewer or drain any waste or substance other than such kinds or types of waters or water-carried wastes for the conveyance of which the particular sewer, or drain is intended, or provided.
(Code 1961, § 16-7; Ord. No. 81, § 16-5(C)(1), 10-4-1966)

Sec. 48-198. Use of sanitary sewers.

Except as specifically provided with reference to some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of sanitary sewage as defined in section 48-164 and for diluted, water-carried industrial wastes which are not objectionable as provided hereinafter. Except as specifically provided for some particular sewer or location, no sanitary sewer shall be used to receive or convey any stormwater or surface water, any large continuous flow of subsoil drainage, cooling water, or process water that can be disposed of to a natural watercourse without offense.
(Code 1961, § 16-8; Ord. No. 81, § 16-5(C)(2), 10-4-1966)

Sec. 48-199. Use of storm drains.

(a) These are in general intended to be used for conveying stormwater from streets, yards, and other ground surfaces, and from roofs. They may also be used for conveying subsoil drainage water, flow of natural springs, clean cooling water subject to approval of the Superintendent.

(b) No person shall discharge or permit to be discharged any sanitary sewage, or industrial waste into a storm drain. No material, the discharge of which into natural streams, ponds, or lakes is prohibited by federal or state law or regulations, shall be discharged into any storm drain.
(Code 1961, § 16-9; Ord. No. 81, § 16-5(C)(3), 10-4-1966)

Sec. 48-200. Certain wastes excluded from all sewers.

No person or property owner shall discharge or permit to be discharged, directly or indirectly, from any premises under his control into any public sewer, or storm drain any of the following:

(1) Any substance or object likely to damage, destroy or cause an obstruction in any sewer, or appurtenance thereof, into which it may be discharged.

(2) Any substance which may attack, damage or alter by either abrasion or chemical action the materials of which the sewer and its appurtenances are composed or built.

(3) Sticks, stones of material size, coarse rubbish, rags, unground or unshredded garbage or refuse having particles more than one (1) inch in their longest dimension, portions of any animal carcass more than one (1) inch in longest dimension.

(4) Any debris or substance which by depositing any considerable quantity of sediment, by coagulation, by congealing or by attaching itself to the sewer lining or to other substances being transported within the sewer interferes with the flow within or operation of the system.

(5) Any gasoline, kerosene, alcohol, oil, tar, flammable or explosive gas or vapor or any substance which may generate or form any flammable, explosive or combustible substance when combined with air, water, or other substances commonly found in sewers.

(6) Any liquid, or water, or water-carried waste at a temperature above one hundred fifty (150) degrees Fahrenheit, or substance which, upon coming into contact with water or sewage will generate heat in excess of one hundred fifty (150) degrees Fahrenheit.

(7) Any waste or wastewater which is strongly acid, and which, when tested in the usual technical manner, has a pH less than 5.5 or which is strongly alkaline with a pH more than 9.5 (The term "pH" means the

logarithm of the reciprocal of the weight of the hydrogen ions in grams per liter of solution).

(8) Objectionable poisons, cyanides, or any substance likely to generate poisonous fumes that may interfere with, constitute a hazard to, or be dangerous to human beings or domestic animals.

(9) Any water containing disinfectants, formaldehyde, toxic or poisonous substances in quantities sufficient to delay or interfere with sewage treatment, sludge digestion and biological processes used at the City sewage treatment plant.

(10) Any considerable quantity of waste from an industrial or commercial process or processes containing quantities in excess of the following:

Unemulsified oil, grease or similar material	100 ppm
Cyanides	1.0 ppm
Copper, zinc, nickel, iron, lead, chromium, tin, silver, mercury and salts thereof	5.0 ppm
Hydrogen sulfide, sulfur dioxide, nitrous oxide or any malogen gas	10.0 ppm
Suspended solids	700 ppm
B.O.D.	500 ppm
Chlorine demand	15 ppm
(ppm represents parts per million by weight)	

(Code 1961, § 16-10; Ord. No. 81, § 16-5(C)(4), (5), 10-4-1966)

Sec. 48-201. Standard for measurements and tests.

All measurements, tests, and analyses of the characteristics of waters and wastes shall be determined according to Standard Methods for the Examination of Water and Sewage using the latest edition, as published jointly by the American Public Health Association and the American Water Works Association.
(Code 1961, § 16-11; Ord. No. 81, § 16-5(C)(6), 10-4-1966)

Sec. 48-202. Industrial waste control.

Where wastes exceed the minimum requirements under sections 48-197 through 48-200 suitable treatment of the wastes to correct these conditions must be instituted before they are released to the public sewers.

(1) *Plans, specifications of facilities.* Before any preliminary treatment, interceptors, or protective facilities shall be constructed, the plans, specifications and such other information as may be required relative thereto shall be presented to the Superintendent and no such facilities shall be deemed to comply with the requirements of this division unless approved in writing by the Superintendent.

(2) *Maintenance, cost of facilities.* Where such preliminary treatment or protective facilities are provided, they shall be continuously maintained in effective operation by and at the expense of, the person discharging or causing the discharge into the public sewers of the waters or wastes for the treatment of which such facilities are provided.

(3) *Records of treatment.* Adequate records shall be kept based on regular observations and analyses as to the quality of the effluent of this preliminary treatment when requested in writing by the Superintendent.

(4) *Manholes.* When required by the Superintendent, the owner of any property served by a building sewer shall install suitable control manholes in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manholes shall be accessibly and safely located, and shall be in accordance with plans approved by the Superintendent. The manholes shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(5) *Inspectors.* The Superintendent or his duly authorized agent shall be permitted

to enter upon all properties for the purpose of inspection, observation, measurements, sampling and testing in accordance with the provisions of this division.

(6) *Noncompliance with provisions.* If the Superintendent shall find that there exists a good reason to believe that the requirements of this division have not been or are not being observed, he may require the owner, tenant or lessee of the offending property to furnish him with adequate proof that requirements are met or that said owner or tenant or lessee shall immediately take steps to provide proper treatment facilities, or interceptors, etc., to correct conditions so that conformance to this division will be observed.

(7) *Superintendent's approval for discharge of certain wastes.* Upon written approval of the Superintendent certain wastes which exceed the limits imposed by sections 48-197 through 48-200 may be permitted to be discharged into the public sewer if a holding tank is employed and the wastes are released at a constant rate over a twenty-four-hour period. This only applies to intermittent flow, or batch releases of short duration. Such approval may be rescinded at any time by the Superintendent or his successor.

(Code 1961, § 16-12; Ord. No. 81, § 16-5(D), 10-4-1966)

Secs. 48-203—46-208. Reserved.

DIVISION 3. FATS, OILS, AND GREASE

Sec. 48-209. Statement of purpose.

(a) The purpose of this division is to set forth uniform requirements for the users of the City of Danbury Publicly Owned Treatment Works (POTW), to capture at the point of origin and dispose of fats, oils and grease (FOG), and to enable the City to comply with all applicable state and federal laws, including the General Permit for Discharge of Wastewater Associated with Food Service Establishments, the Clean Water Act, 33 USC 1251 et seq.; and 40 CFR 403 through 471, for general pretreatment as amended.

(b) Further, this division has been established to ensure that FOG generated by food preparation establishments (FPE) is removed prior to entering the POTW, to prevent sanitary sewer overflows (SSO), where raw sewage flows from a main pipe or manhole. These sewage overflows can contaminate the ground, local waterways, and property.

(Ord. No. 40, § 16-16, 9-5-2018)

Sec. 48-210. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agent means the person or persons authorized by the City of Danbury to manage and enforce the FOG requirements set forth in this division.

AGRU means automatic grease recovery unit, which is mechanical grease removal equipment.

Best management practices (BMP) means operational activities, prohibitions, maintenance procedures, and other management activities that implement the requirements of this division, state and federal law, and Department rules, regulations, permits or authorizations.

Brown grease means nonrenderable fats, oil or grease that has been collected by grease removal equipment.

Bypass means a diversion of wastewater from any portion of the wastewater collection or treatment facilities.

Contact person means an owner or owner-designated employee with reasonable knowledge of the City's FOG ordinance codified in this division, and who is available to answer questions posed by the City's agent regarding the FOG ordinance.

EPA means the United States Environmental Protection Agency.

Fats, oils, grease (FOG) means organic polar compounds derived from vegetable/plant or animal

sources composed of long-chain triglycerides that are used in, or are byproducts of cooking or food preparation. A wide range of food preparation activities can generate fats, oils and greases, including, but not limited to: cooking by frying, baking, grilling, sauteing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbequing, or other food preparation activity that produces a food product in or on receptacles that require washing or cleaning.

Food preparation establishment (FPE) means a nonresidential enterprise, discharging FOG into the POTW including but not limited to, restaurants, coffee shops, cafeterias, cafes, commercial kitchens, caterers, hotels and motels, schools, hospitals, prisons, correctional facilities, nursing homes, care institutions, taverns, pubs, food vending vehicles, food manufacturing facilities and any other facility preparing and or serving food for public consumption.

Grease removal equipment means a device, appliance or plumbing appurtenance that is approved for use by the Superintendent of Public Utilities, and installed, operated and maintained per the manufacturer's requirements and as detailed in this division for the purpose of separating fats, oils and grease from a sanitary waste discharge.

Nonrenderable fats, oils, and grease (brown grease) means fats, oils and grease that have become contaminated with sewage, detergents or other constituents that make it unacceptable for rendering.

OIGGI means an outdoor in-ground grease interceptor, which is an in-ground, concrete constructed, baffled grease separation and storage tank.

Publicly Owned Treatment Works (POTW) means any and all parts of the City-owned and City-regulated sewage collection and treatment system.

Render means the process used to clarify or extract fats, oils and or grease by heating or other such technologies.

Renderable fats, oils, grease (yellow grease) means fats, oils, and grease that can be recovered and sent to renderers for recycling into various usable products. Renderable grease is created from spent products collected at the source, such as frying oils and grease from food preparation establishments.

SCGI (super capacity grease interceptor) means an indoor or outdoor passive unit, third-party-certified to retain more than four times the amount of pounds (lbs) of grease than the flow rating in gallons per minute (GPM) and is designed to separate fats, oils and grease from wastewater while allowing water to flow through and meets specs defined in section 5(b)(3) of the Connecticut General Permit for the Discharge of Wastewater Associated with Food Service Establishments.

SSO means sanitary sewer overflow, which is when raw sewage from the City's collection system leaves its intended vessel (i.e., manhole, sewer main, etc.), and flows into the environment.

Users means any person who causes or permits a discharge of wastewater into the City's POTW. The term "user" includes commercial and industrial entities which discharge wastewater into the City's POTW.

Yellow grease means all renderable grease that is used for food preparation and is collectable without going through grease removal equipment such as cooking oils from fryers or woks. (Ord. No. 40, § 16-17, 9-5-2018)

Sec. 48-211. Authorization.

(a) The City Division of Public Utilities is hereby authorized to promulgate regulations, policies and procedures to address technical details related to the control of fats, oils and grease from entering any part of the POTW.

(b) The Superintendent of Public Utilities or his designee has the right to review and issue a waiver to any portion of this division on the basis of quantitative analysis.

(c) The wastewater generated from FPE shall be treated to remove FOG using an OIGGI, AGRU or SCGI meeting the requirements of this division and the CTDEEP General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments.

(d) All applicable local plumbing/building codes shall be followed during the installation of the grease removal equipment.

(e) All classes of food providers as defined by the local Health Department are subject to review by the Division of Public Utilities, and shall meet pretreatment requirements specified in this division if deemed capable of creating FOG waste during their daily routine.
(Ord. No. 40, § 16-18, 9-5-2018)

Sec. 48-212. Registration.

(a) All food preparation establishments deemed by the agent to be generating fats, oils and grease in amounts which require grease removal equipment must register with and pay an initial and annual registration fee to the City of Danbury, Division of Public Utilities.

(b) A registration form must be completed by the owner of every new food preparation establishment deemed to generate fats, oils and grease. The registration form must be accompanied by an initial one-time registration fee of one hunded fifty dollars ($150.00).

(c) As long as the FPE stays in business and no changes have been made to the FOG generation status, an annual fee will be billed directly to the FPE in the amount of one hunded dollars ($100.00).

(d) Those FPEs that are found to have not registered or do not pay the annual fee will have thirty (30) days to do so or be deemed noncompliant with this division and will be subject to enforcement as specified herein.

(e) Food preparation establishments that have already registered and are in existence at the date of the ordinance from which this division is derived that are renovating their existing kitchen under the same name, or are changing ownership but remain under the same name, will not have to re-register and pay an initial registration fee. The annual fee will still apply.
(Ord. No. 40, § 16-19, 9-5-2018)

Sec. 48-213. Best management practices.

(a) *Generally.* All food preparation establishments are required to implement the following best management practices. The following best management practices have been established to eliminate the discharge of FOG, by food preparation establishments into the sewer system. Failure to practice the best management practices by food preparation establishments, as defined in this division, is a violation of this division and subject to notice of violation, fines, termination of service and other available remedies including loss or suspension of FPE food license.

(b) *Zero discharge.* No FPE shall willfully or negligently discharge or cause to be discharged any FOG into the City of Danbury POTW. Any FPE that violates this requirement will be subject to fines and termination of service as set forth in this division. The following prohibitions shall apply to all FPEs;

(1) The installation of food grinders in plumbing systems is prohibited.

(2) The introduction of additives into a FPE wastewater system for the purpose of emulsifying FOG, or in any way aiding in allowing FOG to pass through the FOG removal device, is prohibited.

(3) Disposal of renderable and nonrenderable FOG into drainage pipes connected to POTW is prohibited. All renderable and nonrenderable waste shall be collected and properly stored for recycling or acceptable methods of disposal.

(4) It is prohibited to discharge any wastewater with temperatures exceeding one hundred forty (140) degrees Fahrenheit to any grease removal equipment.

(5) The discharge of waste from toilets, urinals and any other fixtures containing fecal

materials to sewer lines intended for grease removal equipment or vice versa, is prohibited.

(6) Discharge of solid waste must be screened and is prohibited from entering grease removal equipment.

(7) Increasing the use of water or in any other manner attempting to dilute a discharge as a partial or complete substitute for treatment to achieve compliance with this policy is prohibited.

(c) *Grease removal equipment requirements.*

(1) Grease removal equipment as specified in this division shall be installed in FPEs at the user's expense, as required by the agent.

(2) The installation of an OIGGI, AGRU or SCGI shall be installed by a person holding all required licenses, certificates or other approvals.

(3) A building permit for the installation of grease removal equipment must be filed by the user and approved by the City of Danbury Permit Center. Registration of the equipment must be filed by the user and approved by the City of Danbury Division of Public Utilities. Approved inspections of authorized installation must be completed by both the Building Department and the Public Utilities Department before issuance of certificate of occupancy.

(4) All wastewater which flows to the grease removal equipment must be screened to prevent solids from entering the AGRU or OIGGI. All screened solids are to be properly disposed of in accordance with solid waste regulations.

(5) Grease removal equipment must be installed with a dedicated sewer line serving kitchen flows and must be connected to fixtures or drains that discharge waters containing fats, oils and grease. These fixtures include:

a. Pot sinks.

b. Pre-rinse sinks.

c. Any sinks into which FOG are likely to be introduced as determined by agent.

d. Soup kettles or similar devices.

e. Wok stations.

f. Floor drains or sinks into which kettles may be drained.

g. Automatic hood washing units.

h. Any other fixtures or drains that are likely to allow FOG to be discharged.

(6) Grease removal equipment must be designed to meet the capacity of the FPE which it will serve. It is the user's responsibility to prove the design capacity of the proposed grease removal equipment is adequately sized to meet the practical capacity of the FPE.

(7) Outdoor in-ground grease interceptor (OIGGI).

a. Unless a FPE can prove that there is inadequate space available to install an Outdoor in-ground grease interceptor (OIGGI), and or the total water usage design for the FPE can be proven to be less than five hundred (500) gallons/day, an outdoor in-ground grease interceptor (OIGGI) is required.

b. The FPE must submit to the Division of Public Utilities the designed capacity of the FPE in gallons per day in order to adequately size the OIGGI. The OIGGI shall be sized for a maximum flow during any 24-hour period, a minimum being one thousand (1,000) gallon capacity.

c. The OIGGI must be connected to waste lines from kitchen flows only. Sanitary piping with flows from bathrooms or containing fecal matter cannot be connected to the OIGGI. The discharge of the OIGGI is to be connected to the sanitary sewer.

d. The OIGGI is to be constructed of durable watertight precast concrete, and be designed to withstand traffic loads. The OIGGI shall have a minimum of two inspection/access ports, over the inlet and outlet baffles, using a minimum twenty-six (26) inches clear opening cast iron frame and cover. The OIGGI must have a minimum of two (2) compartments separated by a full width baffle. The influent compartment shall be a minimum two-thirds (2/3) the full capacity of the OIGGI.

e. A minimum four-inch diameter PVC, ASTM 1785, schedule 40 piping shall be installed as the inlet and outlet piping. Tees in the vertical position shall be installed on the inlet and outlet and have a pipe nipple extend within twelve (12) inches of the bottom and no less than five (5) inches above the static water line.

f. A commercial effluent grease filter, and sample port shall be installed on the discharge. The effluent grease filter shall be sized to the unit and be approved by the agent.

g. The OIGGI must be tested using a vacuum test or a water pressure test per City of Danbury Standards.

(8) Automatic grease recovery unit (AGRU).

a. In the event that an FPE can prove that they meet the minimum threshold of water usage or that there is inadequate exterior space for the installation of an outdoor in-ground grease interceptor (OIGGI), the FPE can request a variance to use an automatic grease recovery unit (AGRU).

b. An AGRU can only be used with the written approval of the Superintendent of Public Utilities. The FPE must submit the design criteria, in accordance with the manufacturer's recommendations, as well as the reason for the requested variance, as applicable.

c. An AGRU is a mechanical FOG removal devise that has been approved by the Superintendent of Public Utilities.

d. The AGRU must be installed directly in line with the FPE kitchen waste piping per local plumbing codes. Bypass piping is strictly prohibited. A sample port must be installed on the discharge side of the AGRU. No sanitary waste shall be piped through the AGRU.

e. An AGRU must be hard-wired as per City of Danbury Electrical Code. All building codes must be strictly followed.

f. It is strictly prohibited and is considered a finable offense to knowingly disconnect, disable or neglect an AGRU.

(d) *Super capacity grease interceptor.*

a. In the event that an FPE can prove that they meet the minimum threshold of water usage or that there is inadequate exterior space for the installation of an outdoor in-ground grease interceptor (OIGGI), the FPE can request a variance to use a super capacity grease interceptor.

b. An SCGI can only be used with the written approval of the Superintendent of Public Utilities. The FPE must submit the design criteria, in accordance with the manufacturer's recommendations, as well as the reason for the requested variance, as applicable

c. An SCGI is a mechanical FOG separation/storage device that has been approved by the Superintendent of Public Utilities.

d. The SCGI must be installed directly in line with the FPE kitchen waste

piping per local plumbing codes. Bypass piping is strictly prohibited. A sample port must be installed on the discharge side of the SCGI. No sanitary waste shall be piped through the SCGI.

e. It is strictly prohibited and is considered a finable offense to knowingly disconnect, disable or neglect an SCGI.

(e) *Operation, maintenance and recordkeeping.*

(1) All food preparation establishments (FPEs) are required to have grease removal equipment installed, maintained and operating properly. Grease removal equipment shall be maintained continuously in satisfactory and effective operation, at the food preparation establishment's expense.

(2) Bypass equipment that could circumvent wastewater from entering grease removal equipment is prohibited.

(3) Renderable FOG must be disposed of in accordance with the General Permit for Discharge of Wastewater Associated with Food Service Establishments.

(4) Renderable FOG must not be discharged into grease removal equipment, sanitary sewers, dumpsters or storm drains.

(5) The contents of all grease removal equipment must be disposed of in approved containers for removal by reputable state-licensed haulers.

(6) Outdoor in-ground grease interceptors (OIGGI) and super capacity grease interceptors (SCGI) must be completely emptied:

a. When twenty-five (25) percent of the operating depth of the interceptor is occupied by FOG and settling solids or once every three months, whichever is more frequent.

b. At the frequency rate otherwise determined by FOG agent.

(7) Automatic grease recovery units (AGRUs) must be inspected and cleaned daily to maintain proper continuous operation. The FOG receiving container must be emptied when full.

a. AGRUs must be maintained in accordance with the manufacturer's recommendations.

b. Hot water, steam, chemicals or biological additives may not be used by FPEs to remove FOG from collection or treatment systems including grease interceptors.

c. The FPE owner is responsible for the proper operation, maintenance and recordkeeping of the grease removal equipment.

d. AGRU timers must be set appropriately to meet daily demands per manufacturer's recommendations.

(8) The FPE must maintain a written cleaning and maintenance log for all grease removal equipment.

(9) Cleaning and maintenance logs must be up-to-date and be signed by the cleaning company and the FPE owner or their designated representative.

(10) All current cleaning and maintenance logs must be prominently displayed, unobscured for inspection.

(11) All FPE's must keep and make available for review all cleaning manifests, service/repair logs and receipts.

(12) All cleaning, maintenance, repair receipts and logs, de minimis waivers by the Superintendent of Public Utilities (if applicable), and analytical results (if effluent quality samples are collected) must be kept on site and made available for review, for a period of at least five (5) years.

(f) *Employee training.*

(1) It is the responsibility of the FPE owner to properly train all employees on the best management practices of this division.

(2) All employees must have reasonable knowledge of the cleaning, maintenance and recordkeeping of the grease removal equipment. They must understand and be empowered to maintain the required schedules. They must be able to present the required recordkeeping to an inspector and answer all questions pertaining to the FPE's best management practices upon request.

(3) The City of Danbury will provide the FPE, upon request, with the location of the available current resources for this purpose.

(g) *Grease storage.*

(1) The owner of the FPE must take full responsibility, at no expense to the City of Danbury, to obtain proper grease storage containers.

(2) Grease storage containers are to be sized in accordance with the output of grease by the FPE and the removal schedule of the grease hauling company.

(3) The grease storage containers are to be located in an accessible location to allow for unencumbered transfer by a grease hauling company.

(4) Brown and yellow grease must be stored in separate and secured storage containers.

(5) All FOG brown and yellow grease storage containers and their surrounding areas must be kept clean. Spills that may occur during transfer must be cleaned immediately upon occurrence.

(h) *Grease hauling companies.*

(1) The owner of the FPE must contract, at no expense to the City of Danbury, a Connecticutt-licensed vendor, recognized by all applicable laws, as a hauling company for the purpose of removing brown and or yellow grease, as applicable, from the FPE's storage containers.

(2) It is the responsibility of the FPE to maintain records sufficient to demonstrating compliance with this division. The City of Danbury is indemnified from any state and federal infractions which may apply to those FPEs that do not meet this requirement.

(Ord. No. 40, § 16-20, 9-5-2018)

Sec. 48-214. Inspections.

(a) An agent shall have free and unobstructed access to any part of the premises for the purpose of inspecting the installation, operation and maintenance, best management practices of any and all pretreatment requirements of the food preparation establishment.

(b) Inspections may be unscheduled and may occur any time of the day between scheduled business hours or at any other time of day in the event of an emergency. If such entry is refused, the FPE and or property owner is subject to fines and penalties set forth in violation schedule. The service may be suspended immediately in the event of an emergency if there is reasonable cause to suspect that the discharge will endanger the public health or the environment, shall have the potential to disrupt the POTW treatment process, or shall damage the POTW mains or facilities. A hearing shall thereafter be afforded the owner of the FPE, as soon as possible.

(c) The FPE owner shall designate a contact person under this division. The contact person must have a reasonable working knowledge of the FPE and the requirements defined by this division. The contact person must provide the authorized agent with contact information for both normal business hours and after-hours, in case of an emergency.

(d) Unreasonable delays in allowing the inspector access to the FPE's premises shall be a violation of this division.

(Ord. No. 40, § 16-21, 9-5-2018)

Sec. 48-215. Enforcement.

(a) If an FPE fails to perform any action set forth in this division, or performs an action that is prohibited by this division, the FPE will be in violation of this division.

(b) A warning in the form of a notice of violation will be given in writing to those FPEs that are not compliant with this division. If the notice of violation is not completely remedied in accordance with the violation correction schedule listed in this section then the City of Danbury may terminate water and/or sewer service and charge a monetary penalty to the FPE.

(c) In addition to other available means of enforcement, this division may be enforced through the civil citation process, by the Office of the Superintendent of Public Utilities, pursuant to section 2-2.

(d) FOG inspections that result in notice of violation and or a FOG inspection that was disallowed for any reason may incur a reinspection fee.

(e) Fees; standard and violation.

(1) Standard fees. The food preparation establishment owner is responsible for all fees, fines, and all other remedies provided in this division, including installation, operation maintenance, cleaning, pumping, disposal, and repair of treatment systems.

a. New FPE application fee: $150.00.

b. Annual fee: $100.00.

(2) Violation fees. Violators of this division will be subject to violation fees. Each day a violation continues after a notice of violation has been issued and the particular correction schedule time has passed, is considered a separate occurrence.

a. Minor violation: $250.00.

b. Major violation: $500.00.

(3) The following shall be considered major violations; all other violations shall be considered minor:

a. Failure to maintain equipment.

b. Falsifying records.

c. Source of sewer bypass and/or blockage.

d. Damage to sewer collection system.

(f) Violation correction schedule.

(1) Reinspection fee is $50.00.

(2) Violators of this division will be given a notice of violation and must remedy the violation as set forth by the following schedule or be subject to violation fees and other remedies available under this division.

a. Failure to file application: Food license will not be granted and CO may not be issued.

b. Installation violation: Food license will not be granted and CO may not be issued.

c. Operational violation: 3 days.

d. Failure to maintain records: 30 days.

e. Disallow inspection: 3 days.

f. Failure to maintain equipment: 3 days.

g. Failure to clean equipment: 3 days.

h. Source of sewer blockage: Immediately.

i. Source of sewer bypass: Immediately.

(FPE may be shut down if deemed necessary by Public Utilities and Health Department.)

(3) It is the responsibility of the FPE owner to notify the City Superintendent of Public Utilities, in writing, within five (5) days of discovering that their FPE is noncompliant with this division. FPEs that properly notify the City will not be subject to a penalty as long as the deficiency is remedied within thirty (30) days. After thirty (30) days without remedy, the FPE will be issued a notice of violation and be subject to penalties per the schedule listed in this section.

(4) Sanitary sewer events such as but not limited to blockages, breaks, and bypasses that require a response by the City of Danbury, which are determined to be as a direct result of an FPE that is noncompliant with this division will be the responsibility of the FPE, and will be

subject to violation fees and the associated cost for clean-up, remediation and enforcement will be billed to the responsible FPE. All other associated federal/state and/or local violations that may apply will also be the responsibility of the FPE owner.

(Ord. No. 40, § 16-22, 9-5-2018)

Sec. 48-216. Discharge limits.

(a) Effluent discharge limitations.

(1) At no time shall the pH of the wastewater discharge, from the grease removal equipment and prior to mixing with any other wastewater from the facility be less than five (5.0) nor greater than ten (10.0) standard units at any time.

(2) At no time shall the concentration of fats, oils and grease in the wastewater discharge from the grease removal equipment and prior to mixing with other wastewater from the facility exceed 100 milligrams per liter. All analyses shall be conducted according to current method as listed in 40 CFR 136 or as approved in writing by the Superintendent of Public Utilities.

(b) De minimis discharge.

(1) An FPE that believes that their establishment may have no adverse impact on the collection system may request a waiver to this division based on de minimis discharge.

(2) A request for a de minimis discharge waiver must be made in writing to the City Superintendent of Public Utilities. An inspector may then be scheduled to review the kitchen layout, menu and take effluent samples. De minimis discharge waivers are only granted at the discretion of the Superintendent of Public Utilities.

(3) Those FPEs that have been approved for a de minimis discharge waiver will be required to provide a certified letter describing in detail the reason for the limited potential for the discharge of FOG into the collection system. They must also state that if any changes are to be made, the FPE will request, in writing, approval by the City Superintendent of Public Utilities prior to making such changes.

(4) Inspections of FPEs that have a de minimis discharge waiver status will be conducted annually to confirm that no changes have been made. Inspections may also be made if unauthorized changes are suspected.

(5) Those FPEs that make unauthorized changes which result in the revocation of the de minimis discharge waiver will be subject to registration fees, inspection fees, and monetary penalties as set forth in this division.

(6) Those FPEs that are granted de minimis discharge waiver status will not be subject to registration fees and inspection fees, as this division will not apply to their operation as long as their status remains current.

(c) Sampling.

(1) Sampling ports must be installed on all grease removal equipment, in the discharge plumbing, immediately after the grease removal equipment and prior to mixing with other wastewater from the facility.

(2) Sample port locations shall be installed for easy sample access and be approved by the agent.

(3) If sampling is deemed necessary by the agent, all costs associated will be the responsibility of the FPE.

(Ord. No. 40, § 16-23, 9-5-2018)

Sec. 48-217. FPE compliance schedule.

As of the effective date of the ordinance from which this division is derived, all existing food

preparation establishments must become compliant with this division within thirty (30) days or be subject to enforcement.

(1) *New construction.* New FPEs must become compliant with this division as a condition of their certificate of occupancy. No new FPEs will be allowed to open their business through issuance of a CO by the Permit Department, until fully compliant. Failure to comply may also result in denial of food license.

(2) *Changes in ownership.* Compliance with this division must be achieved within thirty (30) days of change of ownership.

(3) Remodeling. FPEs that are remodeling must become compliant with this division as a condition of their certificate of occupancy. FPEs that are remodeling will not be allowed to open their business through issuance of a CO by the Permit Department until fully compliant.

(Ord. No. 40, § 16-24, 9-5-2018)

Sec. 48-218. Equipment installation criteria.

(a) The volume equivalent to determine the yield calculation for sizing equipment is the maximum daily flow for a 24-hour period, from all related kitchen fixtures, or an alternate method approved by the authorized agent.

(b) All AGRU can be installed under or adjacent to the equipment or fixture. When necessary, more than one AGRU may be required to provide adequate protection to all points of discharge. The minimum size of an AGRU allowed is a twenty (20) gallon per minute, forty (40) pound capacity unit. All grease removal equipment must include a sample port on the discharge plumbing. Passive style grease traps are not permitted.

(c) All FPEs with kitchen equipment and plumbing fixture configuration that yields a verified yield calculation of five hundred (500) gallons or greater of grease removal equipment capacity are required to install a minimum one thousand (1,000) gallon capacity outdoor in-ground grease interceptor. The OIGI must be located as close to the kitchen, as possible.

(d) In the event that the FPE believes that an outdoor in-ground grease interceptor cannot be installed due to physical restraints on the property, the FPE owner may request in writing a variance. The FPE must list the reasons for the variance request as well as an alternate solution. All written variance requests must be addressed to the Superintendent of Public Utilities.

(Ord. No. 40, § 16-25, 9-5-2018)

Secs. 48-219—48-227. Reserved.

DIVISION 4. USER CHARGES

Sec. 48-228. Authority of City to establish user charges.

The City of Danbury, acting through the City Council, shall establish and may, from time to time revise, fair and reasonable charges for the use of the Danbury Sewage System. Such charges shall result in the distribution of the cost of operation and maintenance in proportion to a user's contribution to the said system.

(Code 1961, § 16-26; Ord. No. 220, § 1, 4-20-1977)

Sec. 48-229. Criteria for establishing rates.

(a) In establishing or revising such charges, the City may classify the property connected or to be connected to the sewage system and the users of such system, including categories of industrial users, and may give consideration to any factors relating to the kind, quality or extent of use of any property or classification of property including:

(1) The volume of water discharged into the sewage system;

(2) The type or size of building connected to the sewage system;

(3) The number of plumbing fixtures connected to the sewage system;

(4) The number of persons customarily using the property served by the sewage system;

(5) In the case of commercial or industrial property, the average number of employees and guests using the property;

(6) The quality and character of the material discharged into the sewage system.

(b) Such user charges shall meet the requirements of the Federal Water Pollution Control Act amendments of 1972.
(Code 1961, § 16-27; Ord. No. 220, § 3, 4-20-1977)

Sec. 48-230. Enactment of proposed charges; public hearing; approval of Council.

(a) *Public hearing; notice; publication; availability for inspection.* No user charge shall be established or revised until after a public hearing conducted by the City Council or a committee thereof, at which the owner of property against which the charges are to be levied shall have an opportunity to be heard concerning the proposed charges. Notice of the time, place and purpose of such hearing shall be published at least ten (10) days before the date thereof in a newspaper having a substantial circulation in the municipality. A copy of the proposed charges shall be on file in the office of the Town Clerk and available for inspection by the public at least ten (10) days before the date of such hearing.

(b) *Approved by Council; publication.* Subsequent to the public hearing, the proposed charges shall become effective if approved by a majority of the members of the City Council present and voting at a regular or special meeting of the City Council and after publication in a newspaper having a substantial circulation in the City of Danbury.
(Code 1961, § 16-28; Ord. No. 220, §§ 4, 5, 4-20-1977)

Sec. 48-231. Owner responsible for payment.

The owner of property against which any user charge is levied shall be liable for the payment thereof.
(Code 1961, § 16-29; Ord. No. 220, § 2, 4-20-1977)

Sec. 48-232. Due date; delinquency; penalty.

The Danbury Tax Collector is hereby authorized to collect all sewer user charges established by the City Council, together with any applicable interest and lien fees. If any charge is not paid in full on or before the same date of next succeeding month corresponding to that of the month on which it became due and payable, the whole or such part of such charge as is unpaid shall thereupon be delinquent and shall be subject to interest from the due date of such delinquent charge. The delinquent portion of the charge shall be subject to interest at the rate of eighteen (18) percent per annum from the time it became due and payable until the same is paid.
(Code 1961, § 16-30; Ord. No. 220, § 6, 4-20-1977; Ord. No. 401, 9-5-1990; Ord. No. 433, 2-4-1992)

Sec. 48-233. Abatement because of disuse or unoccupied premises.

(a) *Authorized.* An abatement of the sewer use charge because of disuse or because the premises are unoccupied may be allowed by the Superintendent of Public Utilities, provided the person desiring said abatement shall, at the beginning of either:

(1) The time for which any such abatement shall be claimed; and/or

(2) Any time period set by the City Council; give notice to the said Superintendent.

(b) *Inspection requirement.* Said Superintendent or his designee shall cause an inspection of the subject premises to be made before any abatement is granted.

(c) *Duration.* Any abatement so granted shall be for a period to be determined by the Superintendent of Public Utilities, but in no event shall it exceed one (1) year; provided further, that said premises remain unoccupied.

(d) *Effect of water rent abatement.* Any person granted an abatement of water rents pursuant to section 48-66 shall be granted a sewer use abatement for any period during which a water abatement was in effect.
(Code 1961, § 16-30.1; Ord. No. 227, § 1, 9-6-1977)

Sec. 48-234. Sewer use charges.

(a) General sewer use charges established. There are hereby established sewer use charges applicable with respect to all bills rendered on or after July 1, 2018, to all sewer customers. Sewer use charges shall be reflected on the quarterly billing in two (2) components. The first component shall be the sewer use charge for the operation and maintenance (O&M) of the Danbury sewage works (as defined in section 48-164) and the second component shall be the sewer use charge for the retirement of debt service relating to system renovations and improvements. Such charges, established in accordance with criteria contained in section 48-229, shall be determined in accordance with the following formulas and values:

(1) Formulas.

a. When a water meter is used as the basis for billing:

1. Quarterly sewer use charge (O&M) =

$$\frac{0.9 \times A \times X}{1{,}000 \text{ gallons}}$$

2. Quarterly sewer use charge (debt service) =

$$\frac{0.9 \times A \times Y}{1{,}000 \text{ gallons}}$$

b. When a sewage meter is used as the basis for billing:

1. Quarterly sewer use charge (O&M) =

$$\frac{A \times X}{1{,}000 \text{ gallons}}$$

2. Quarterly sewer use charge (debt service) =

$$\frac{A \times Y}{1{,}000 \text{ gallons}}$$

Where:

"A" equals the volume of water or sewage, as measured through the customer's water meter or sewage meter, used during the previous billing quarter. Where

"X" and "Y" are the values with respect to sewer use charges and classes.

Notwithstanding the prior provisions of this section, there shall be a minimum quarterly sewer use charge, which shall be established herein.

(2) Values.

a. For sewer use customers with metered City water service, the following sewer use charge values are hereby established:

1. O&M value (X) = $2.91

2. Debt service values (Y) =

	Land Use Code Definition per CAAO Handbook	*Land Use Code (LUC) as Assigned by Tax Assessor*	*Y*
i.	Residential	100 Series	$0.48
	• Single-family under 5 units		
	• Mobile home parks		
	• Condominiums		
ii.	Commercial	200 Series	$8.36
iii.	Industrial	300 Series	$8.36
iv.	Apartments—5 or more units	800 Series	$8.36
v.	Apartments—5 or more units exempt by City Assessor as verifiable nonprofit, income-restricted and/or 501(c)(3) organization.	100 Series	$0.48

b. The minimum quarterly sewer use charge shall be thirty-two dollars and fourteen cents ($32.14).

(b) For sewer use customers with flat rate City water service the quarterly sewer use charge shall be:

	Land Use Code Definition per CAAO Handbook	*Land Use Code (LUC) as Assigned by Tax Assessor*	*Y*
i.	Residential	100 Series	$156.41
	• Single-family under 5 units		
	• Mobile home parks		
	• Condominiums		
ii.	Commercial	200 Series	$311.00
iii.	Industrial	300 Series	$311.00
iv.	Apartments—5 or more units	800 Series	$311.00
v.	Apartments—5 or more units exempt by City Assessor as verifiable nonprofit, income-restricted and/or 501(c)(3) organization.	100 Series	$156.41

(c) For sewer use customers having no City water service the quarterly sewer use charge shall be:

	Land Use Code Definition per CAAO Handbook	*Land Use Code (LUC) as Assigned by Tax Assessor*	*Y*
i.	Residential	100 Series	$73.34
	• Single-family under 5 units		
	• Mobile home parks		
	• Condominiums		
ii.	Commercial	200 Series	$291.15
iii.	Industrial	300 Series	$291.15
iv.	Apartments—5 or more units	800 Series	$291.15
v.	Apartments—5 or more units exempt by City Assessor as verifiable nonprofit, income-restricted and/or 501(c)(3) organization.	100 Series	$73.34

For the purposes of subsections (b) and (c) of this section, a sewer unit shall represent the sewer use for a single-family dwelling. An additional sewer unit shall be assessed for each additional residence within any residential structure. A fractional sewer unit shall be assessed for a portion of the dwelling which, in the opinion of the Superintendent of Public Utilities, bears, with respect to sewer usage, the same relationship to a whole sewer unit as that portion of the dwelling in question bears to a single-family dwelling. All nonresidential flat rate City water customers shall be assessed for sewer units or fractions thereof based on the relationship between the customer's nonresidential use and the use generated by a single-family dwelling, in the opinion of the Superintendent of Public Utilities.

(d) For sewer use customers having a sewage meter (regardless of water service) the quarterly sewer use charge shall be:

	Land Use Code Definition per CAAO Handbook	*Land Use Code (LUC) as Assigned by Tax Assessor*	*Y*
i.	Residential	100 Series	$0.48
	• Single-family under 5 units		
	• Mobile home parks		
	• Condominiums		
ii.	Commercial	200 Series	$8.36
iii.	Industrial	300 Series	$8.36
iv.	Apartments—5 or more units	800 Series	$8.36
v.	Apartments—5 or more units exempt by City Assessor as verifiable nonprofit, income-restricted and/or 501(c)(3) organization.	100 Series	$0.48

(e) The minimum quarterly sewer use charge shall be thirty-two dollars and fourteen cents ($32.14).

(f) For purposes of this section, sewer use charges imposed upon military veterans' posts and organizations that are exempt from federal taxation under section 501(c)(19) of the Internal Revenue Code of 1986, or any subsequent corresponding Internal Revenue Code of the United States, as from time to time amended, shall be imposed at the residential rates established herein.

(g) Notwithstanding the provisions of section 48-232 and section 48-233, which shall remain valid for those circumstances specifically identi-

fied and reserved therein, the Superintendent of Public Utilities or his immediate designee, in consultation with the Director of Public Works and the Director of Finance may, upon his own determination of necessity or upon written request from any ratepayer petitioning under this section, make administrative determination regarding accuracy and amount of sewer use charges and billing, such decision being final, subject only to an appeal to the City Council or a court of law as set forth in state law.
(Code 1961, § 16-32; Ord. No. 338, 7-1-1986; Ord. No. 350, 7-22-1987; Ord. No. 375, 5-2-1989; Ord. No. 390, 5-15-1990; Ord. No. 441, 5-5-1992; Ord. No. 485, 5-3-1994; Ord. No. 500, 5-2-1995; Ord. No. 536, 5-4-1999; Ord. No. 541, 12-7-1999; Ord. No. 569, 5-7-2002; Ord. No. 612, 5-4-2004; Ord. No. 644, 5-3-2005; Ord. No. 653, 5-2-2006; Ord. No. 701, § 16-32, 5-4-2010; Ord. No. 714, 5-1-2012; Ord. No. 11, § 16-32, 5-6-2014; Ord. No. 24(1), § 16-32, 5-3-2016; Ord. No. 30, § 16-32, 6-7-2016; Ord. No. 35, § 16-32, 11-8-2017; Ord. No. 36, § 16-32, 5-1-2018)

Sec. 48-235. Economic development incentive.

(a) *Program established.* In order to enhance economic development within the City, the City Council does hereby establish a program, as described herein, which is intended to provide a one-time waiver of sewer use charges to certain property owners and sewer users who elect to construct new facilities, renovate existing facilities or make use of vacant facilities, thereby contributing to the economic vitality of the City.

(b) *Waiver of sewer use charges.* Notwithstanding any other provisions of the Code of Ordinances to the contrary, the City does hereby provide a waiver of all sewer use charges established pursuant to the provisions of section 48-234 for a period of up to one (1) year to those applicants qualified pursuant to subsection (c) of this section. Said waiver shall apply to the first four (4) quarterly billings generated immediately following the approval of any application filed hereunder.

(c) *Eligibility.* In order to be eligible for the waiver established by this section, the applicant must be the owner or lessee of, or must be proposing to acquire an ownership or leasehold interest in, real property:

(1) Upon which are to be constructed new facilities or improvements to existing facilities, which improvements have a value of not less than one hundred thousand dollars ($100,000.00), and which facilities are to be used for any of the purposes described in subsection (e) of this section; or

(2) Upon which vacant facilities are located, which facilities are to be used for any of the purposes described in subsection (e) of this section. In order to qualify under this subsection, the applicant shall not have been served by the Danbury Public Sewer System within a period of one (1) year prior to the date of application hereunder, or if so served, shall not within said period have terminated said service to another facility having equal or greater square footage.

(d) *Applications.* All applications for waiver authorized hereunder shall be presented to the Director of the Danbury Department of Public Works on forms provided by the Department for that purpose. Applications shall include a description of the property to be served, a description of the improvements to be undertaken, if any, and if so, the estimated cost thereof, together with any other information deemed necessary by the Director.

(e) *Application to certain facilities.* The waiver established in subsection (b) of this section shall not apply with respect to use charges generated by facilities described in subsection (c) of this section unless said facilities are for nonresidential use. For purposes of this section, the term "nonresidential use" may include mixed use structures which include one (1) or more residential dwellings. If at any time during which sewer use charges have been waived the facilities are converted to residential use, the waiver provided under this section shall automatically terminate.

(f) *Assignability of waiver.* The waiver provided for hereunder may be assigned by the applicant, provided that the assignee could have qualified for benefits hereunder on the date of assignment if he had filed an application pursuant to the provisions of this section.

(g) *When applicant deemed served by public sewer system.* For purposes of subsection (c)(2) of this section, an applicant shall be deemed to have been served by the Danbury Public Sewer System within a period of one (1) year prior to the date of application hereunder if:

(1) The applicant is a person who, during said period, was an owner of or partner in any unincorporated business served by the Danbury Public Sewer System or who, during said period, owned fifty (50) percent or more of the stock of any corporation served by the Danbury Public Sewer System;

(2) The applicant is a partnership or unincorporated business in which any owner or partner was, during said period, the owner of or partner in any unincorporated business served the Danbury Public Sewer System or in which any partner or owner owned, during said period, fifty (50) percent or more of the stock of any corporation served by the Danbury Public Sewer System; or

(3) The applicant is a corporation in which the owner of fifty (50) percent or more of the stock was, during said period, the owner of fifty (50) percent or more of the stock of any corporation served by the Danbury Public Sewer System or was, during said period, the owner of or partner in any unincorporated business served by the Danbury Public Sewer System.

(h) *Interest.* For purposes of the computation of the ownership of stock in any corporation or the interest in any partnership or unincorporated business under the provisions of this subsection, the interest of any person shall include: any beneficial interest held for the benefit of such person or for the benefit of any person of the type set forth herein, whether in trust or otherwise; or any interest owned by the spouse of such person if the person and the spouse shall file a joint tax return for purposes of federal or state tax; or any interest owned by any person who the person shall claim as a dependent upon his federal or state tax return.

(i) *City determines terminated sewer service.* The City shall determine whether or not an applicant shall be deemed to have terminated sewer service to another facility having equal or greater square footage within a period of one year prior to the date of application hereunder because of the relationship between the applicant and any other partnership, corporation or other entity so terminating service. Said determination shall be made in the same manner as is provided in this subsection for determining whether the applicant shall be deemed to have been served within a period of one (1) year because of any such relationship.

(j) *Applicant information under oath for enforcement.* The City may require of any applicant such information, under oath, as it deems necessary for purposes of enforcement of this subsection. To the extent permitted by law, such information shall not be disclosed except to the extent necessary for the determination, by the appropriate municipal authorities, of an applicant's compliance with the provisions hereof.
(Code 1961, § 16-33; Ord. No. 338, 7-1-1986; Ord. No. 350, 7-22-1987; Ord. No. 375, 5-2-1989; Ord. No. 390, 5-15-1990; Ord. No. 441, 5-5-1992; Ord. No. 485, 5-3-1994; Ord. No. 501, 5-2-1995)

Secs. 48-236—48-263. Reserved.

DIVISION 5. ASSESSMENT OF BENEFITS*

Sec. 48-264. Generally.

The levy of assessments of benefits shall be made in accordance with this article and in accordance with C.G.S. §§ 7-249 through 7-253. All references to the City Council herein shall be construed to mean the City Council acting as its Water Pollution Control Authority.
(Code 1961, § 16-41; Ord. No. 237, § 1, 10-3-1978; Ord. No. 397, 7-3-1990)

*State law reference—Assessment of sewer benefits, C.G.S. § 7-249 et seq.

Sec. 48-265. Applicability to future construction.

In the event a building is constructed or expanded after the initial assessment hereunder, the City Council may assess benefits against same as if said buildings or structures had existed at the time of the initial assessment (and may elect to assign such portion of said funds as represent an accrued assessment from the initial assessment date to a capital account for the acquisition or construction of the sewage system treatment plant).
(Code 1961, § 16-42; Ord. No. 237, § 1(g), (j), 10-3-1978)

Sec. 48-266. Properties exempted; exception to exemption.

(a) Benefits shall not be assessed against property not zoned for business, commercial or industrial purposes nor for land classified as farm land, forest land or open space land as of the last-completed grand list of the City pursuant to C.G.S. §§ 12-107a through 12-107e unless said land has been constructed upon or has been approved for construction, expansion or development.

(b) The provisions of subsection (a) of this section notwithstanding, property zoned for residential use may be assessed in accordance with the further provisions hereof if same has been subdivided, has been built upon or where a building permit has been issued thereon.
(Code 1961, § 16-43; Ord. No. 237, § 1(a), (b), 10-3-1978)

Sec. 48-267. Determination of cost of sewage system; authority to divide benefited territory into districts.

(a) The City Council shall ascertain the cost of the sewage system and in so doing shall take into account all costs of construction, including, but not limited to, the cost of construction, land acquisition, all costs connected with borrowing whether by temporary or permanent financing, all engineering or legal fees especially chargeable to the project, and any other costs or expenses needed to build the sewage system or a portion thereof, and may divide the total territory to be benefited into districts or segments pursuant to this division, the Charter of the City of Danbury and C.G.S. § 7-249.

(b) The sum of initial and subsequent assessments shall not exceed the special benefit accruing to the property. No lien securing the payment shall be filed until the property is assessed.

(c) In assessing benefits against the property in any district, the Water Pollution Control Authority may add to the cost of the part of the sewage system located in the district a proportionate share of the cost of any part of the sewage system located outside the district but deemed by the water pollution control authority to be necessary or desirable for the operation of the part of the system within the district.

(d) The water pollution control authority may make reasonable allowances in the case of properties having a frontage on more than one (1) street and whenever, for any reason, the particular situation of any property requires an allowance.
(Code 1961, § 16-44; Ord. No. 237, § 1(d), 10-3-1978; Ord. No. 397, § 7-3-1990)

Sec. 48-268. Criteria for determination of assessment.

The City Council shall assess the benefits of each extension based upon the following criteria:

(1) Area of the property benefited.

(2) Frontage of the property benefited.

(3) As to residential property, the present permitted zoning classification of the property benefited, including the existing number of units thereon or the number of units allowable under zoning regulations, whichever is greater. As to property zoned commercial or industrial, a unit shall constitute for purposes of this division an area of five thousand (5,000) square feet; any commercial or industrial property of less than five thousand (5,000) square feet which contains or can be permitted to contain a lawful use shall be deemed to contain five thousand (5,000) square feet for the purposes of this division, and any commercial or industrial

property containing more than five thousand (5,000) square feet, to the extent that such excess over five thousand (5,000) square feet does not constitute a full unit as set forth herein, shall be assessed based upon the percentage that such excess bears to a full five thousand-square-foot unit.

(4) The grand list valuation of the property benefited, including both land and buildings.

(Code 1961, § 16-45; Ord. No. 237, § 1(e), 10-3-1978)

Sec. 48-269. Formula for calculation of assessment.

The assessment of benefits according to the criteria set forth in section 48-268 shall be made in accordance with the following formula so that each of the four (4) elements is given a weight of twenty-five (25) percent in each owner's assessment of benefits vis-a-vis other properties subject to assessment under this division. Each owner's assessment shall represent a portion of the total cost of the sewer extension in question.

(1) Area of lot or parcel to be assessed divided by total area of lots, parcels or property subject to assessment hereunder and sewered by project equals ..... _____;

(2) Frontage of lot or parcel to be assessed divided by total frontage of parcels or lots or property subject to assessment hereunder and sewered by project equals ..... _____;

(3) Number of existing building units on lot or parcel to be assessed divided by total number of building units in area sewered by project equals ..... _____;

(4) Property valuation (latest grand list) for tax purposes of lot or parcel assessed divided by total property valuation (latest grand list) for tax purposes of all lots, parcels, buildings and improvements subject to assessment hereunder in area sewered by project equals ..... _____,

(5) Total of (1) through (4) inclusive above equals ..... _____;

(6) The total sum derived from (5) above shall be divided by four (4) (or multiplied by 0.25) to arrive at a multiplier to determine each owner's assessment when said multiplier is multiplied against the total cost of the sewer extension in question.

(Code 1961, § 16-46; Ord. No. 237, § 1(o), 10-3-1978)

Sec. 48-270. Use of maps of City Assessor for measurements.

For the purposes of any measurements required under this division, the maps of the Assessor of the City shall be deemed applicable and accurate unless shown to be otherwise by a Class A2 survey certified by a registered land surveyor.

(Code 1961, § 16-47; Ord. No. 237, § 1(f), 10-3-1978)

Sec. 48-271. Calculation of frontage.

(a) For purposes of this division, any lot with frontage on a street shall be deemed to have a minimum frontage of fifty (50) feet even though the actual frontage shall be less than fifty (50) feet. For purposes of this division, any landlocked lot benefiting from a sewerage project shall be deemed to have a minimum frontage of fifty (50) feet even though the lot has no actual street frontage.

(b) A corner lot which is at the intersection of and abuts two (2) or more streets, when the angle of intersection is not more than one hundred thirty-five (135) degrees, or where the intersection is rounded by a curve having a radius of less than one hundred (100) feet, shall be assessed by

the sum of the sides (a side hereby being a minimum of fifty (50) feet for these calculations) divided by the number of sides.
(Code 1961, § 16-48; Ord. No. 237, § 1(h), (i), 10-3-1978; Ord. No. 588, 1-21-2003)

Sec. 48-272. Authority of council to provide for installment method of payment.

The City Council may, by resolution, provide for the installment method of payment of any assessment levied hereunder pursuant to the provisions of C.G.S. § 7-253.
(Code 1961, § 16-49; Ord. No. 237, § 1(m), 10-3-1978)

Sec. 48-273. Enactment procedure.

(a) The City Council shall fix in the assessment of benefits resolution the due date of assessments made hereunder as well as the manner in which same shall be paid, whether in full or by installment pursuant to C.G.S. §§ 7-252 and 7-253.

(b) No assessment shall be made until after a public hearing before the City Council at which the owner of the property to be assessed shall have an opportunity to be heard concerning the proposed assessment. Notice of the time, place and purpose of such hearing shall be published at least ten (10) days before the date thereof in a newspaper having a circulation in the municipality, and a copy of such notice shall be mailed to the owner of any property to be affected thereby at such owner's address as shown in the last-completed grand list of the municipality or at any later address of which the City Council may have knowledge. A copy of the proposed assessment shall be on file in the office of the Town Clerk of the municipality and available for inspection by the public for at least ten (10) days before the date of such hearing. When the City Council has determined the amount of the assessment to be levied, it shall file a copy thereof in the office of the Town Clerk of the municipality and, not later than five (5) days after such filing, shall cause the same to be published in a newspaper having a circulation in the municipality and it shall mail a copy of such assessment to the owner of any property to be affected thereby at such owner's address as shown in the last-completed grand list of the municipality or at any later address of which the water pollution control authority may have knowledge. Such publication shall state the date on which such assessment was filed and that any appeals from such assessment must be taken within twenty-one (21) days after such filing. Any person aggrieved by any assessment may appeal to the superior court for the judicial district wherein the property is located, which appeal shall be brought in strict conformance and in accordance with C.G.S. § 7-250.
(Code 1961, § 16-50; Ord. No. 237, § 1(l), 10-3-1978; Ord. No. 397, 7-3-1990)

Sec. 48-274. Deferred assessments.

(a) In the case of assessments for property zoned for residential use where said parcel contains a residential use and excess land as herein defined, the assessment shall be deferred to the extent that said excess property exceeds by more than one hundred (100) percent the size of the smallest lot permitted in the lowest density residential zone of the City until such excess land shall be built upon, be subdivided or until a building permit for construction on said excess land shall be issued, whichever shall first occur.

(b) No lien for payment shall be filed on property for which a deferral of assessment is required hereunder, but the City Council shall cause the Tax Collector on its behalf to place a caveat on the land records as to all land for which an assessment of benefits has been deferred hereunder.
(Code 1961, § 16-51; Ord. No. 237, § 1(c), (k), 10-3-1978)

Sec. 48-275. Delinquent assessments.

Delinquent assessments shall be secured in the method hereinafter provided:

(1) Any assessment of benefits or any installment thereof, not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the interest rate and in the manner provided by the

General Statutes for delinquent property taxes. Each addition of interest shall be collectible as a part of such assessment.

(2) Whenever any installment of an assessment becomes delinquent, the interest on such delinquent installment shall be as provided in subsection (1) of this section or five dollars ($5.00), whichever is greater. Any unpaid assessment and any interest due thereon shall constitute a lien upon the real estate against which the assessment was levied from the date of such levy. Each such lien may be continued, recorded and released in the manner provided by the General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as property tax liens. The Tax Collector of the municipality may collect such assessments in accordance with any mandatory provision of the General Statutes for the collection of property taxes, and the municipality may recover any such assessment in a civil action against any person liable therefor.

(Code 1961, § 16-52; Ord. No. 237, § 1(n), 10-3-1978)

Sec. 48-276. New and supplementary assessments.

If any assessment is not valid or enforceable for any reason, a new assessment may be made. If any assessment is made which is not sufficient to cover the entire cost of the work to be paid for by such assessment, a supplementary assessment may be made by the water pollution control authority against those properties previously assessed to the end that a sum sufficient to pay the cost of such work may be obtained, provided no such supplementary assessment, together with the original assessment, shall exceed the value of the special benefit to accrue to the property against which the benefit is assessed.

(Code 1961, § 16-53; Ord. No. 397, 7-3-1990)

Secs. 48-277—48-300. Reserved.

DIVISION 6. SEWER MAIN EXTENSIONS

Sec. 48-301. Definitions.

In the construction of this division, the following definitions shall apply unless the context clearly indicates otherwise:

Applicant means the party entering into an extension contract with the City.

Applicant's cost means those costs identified in section 48-307(d).

City's share means any portion of an extension representing an expansion of the proposed mains and facilities required by the City for the benefit of the overall municipal system but which is not necessary to provide service to the applicant or to any other potential user.

Department means the Danbury Department of Public Works.

Extension means the facilities and the lineal footage of mains required in order to provide sewer service to applicants and to potential users according to the terms and conditions set forth herein.

Extension contract means a contract between the City and the applicant providing for the installation of an extension and pursuant to which the cost of the extension is apportioned in accordance with the provisions of section 48-307.

Facilities includes, but shall not be limited to, the following structures: manholes, pump stations, tanks, wet wells, valve vaults, valves, gate boxes, blow-off boxes and metering chambers owned or to be owned by the City and used for the purpose of furnishing sewer service to users.

Mains means sewer pipes owned by or to be owned by the City for the purpose of conveying sewage from the users' service connections.

Proportionate share agreement means an agreement between the City and a proportionate share applicant providing for payment of the proportionate share applicant's share of the cost of the extension in accordance with the provisions of this division.

Proportionate share applicant means the party entering into a proportionate share agreement with the City for sewer service to his property.

User means any party connected directly to an extension with respect to which an extension contract was executed.
(Code 1961, § 16-55; Ord. No. 456, 2-2-1993)

Sec. 48-302. Purpose.

Existing provisions of the Danbury Code of Ordinances regulate and permit the extension of utilities by private parties, at their expense, upon application to and approval by the City Council. In addition, provisions of state law and this Code of Ordinances also permit the extension of utilities by the City, funded through the establishment of a system of assessments imposed upon those property owners whose properties benefit from the extension. The provisions of the ordinance from which this division is derived have been adopted in recognition of the fact that a voluntary alternative to the foregoing methods should be established which permits partial reimbursement to those who wish to privately fund the municipal construction of utility extensions.
(Code 1961, § 16-54; Ord. No. 456, 2-2-1993)

Sec. 48-303. Applications.

(a) Applications for an extension shall be accepted only when filed by the owner of record of the property which the extension will serve or by the authorized agent of such owner.

(b) Applications shall be made at the offices of the department on forms provided by the department and shall not be accepted until all the information described therein has been provided.

(c) Upon receipt of a completed application, the department shall review the proposal and shall forward the application, together with its comments, to the City Council for its consideration in accordance with the provisions of section 48-141. In addition to commenting upon the merits of the proposal, the department shall also advise the City Council regarding the availability of any municipal funds that may be necessary to complete the proposed project. The City Council may reject any application if, in its sole judgment, it determines that insufficient funds are available to finance the City's share of the project. In the event that the City Council determines that insufficient funds are available to finance the City's share of the project, the applicant may, at his option, elect to bear the additional cost associated with completion of the City's share. In that event, such additional amount shall be contributed to the City without any right of reimbursement by the City or by proportionate share applicants pursuant to the provisions of section 48-305(d).

(d) If requested by the City, the applicant shall furnish an existing and proposed plan and profile of the street or other areas in which the main is to be installed. Only maps, plans, profiles or other drawings which have been prepared and stamped by an engineer or surveyor licensed by the State of Connecticut shall be acceptable.
(Code 1961, § 16-56; Ord. No. 456, 2-2-1993)

Sec. 48-304. General rules.

(a) *Title to extensions.* Title to all extensions shall at all times be and remain vested in the City.

(b) *Control of extensions.* Main extensions shall at all times remain under the sole control and jurisdiction of the City. The City shall have the right to permit the connection of additional customers to the main without the consent of the applicant, to make further extensions beyond or running laterally from such extension or to connect such extension to any other portion of the City sewer system without incurring any obligations to the applicant or to users receiving service from such extension, except as hereinafter provided.

(c) *Responsibility of applicant in relocation of mains or changes in grade.* When main extensions are made in unfinished streets, the applicant shall be fully responsible for damages to or relocation of the main and any appurtenant facilities, if such damage or relocation results from or is necessitated by acts of the applicant or his agents. If, after the mains are laid, the grade is changed to reduce the required minimum cover above the mains or any appurtenant facili-

ties, then the applicant shall pay the cost of lowering the mains or facilities to the grade required to correct this deficiency. This responsibility shall remain in force until such time as the street is officially accepted by the City.

(d) *Determination of main size and applicant's cost.* The City shall determine the size of the main required as well as the need for any additional facilities necessary to complete the extension. For the purposes of all extension contracts and for the purpose of calculating a proportionate share applicant's share of the project cost pursuant to the provisions of section 48-305(h), the "applicant's cost" shall include the costs described herein. The applicant's cost shall include the actual cost of construction of the facilities and mains, associated engineering costs, the cost of obtaining all necessary governmental approvals and permits and of all necessary property acquisitions. The applicant's cost shall not include any portion of the foregoing that represents an expansion of the proposed mains and facilities required by the City for the benefit of the overall system but which is not necessary to provide service to the applicant or any other potential user. The difference between the applicant's cost and the total project cost shall be the cost of the City's share which shall be borne by the City unless the applicant has elected to bear the additional cost associated with the completion of the City's share of the project pursuant to the provisions of section 48-303(c) hereof.

(e) *Extensions made in accepted streets only or easements.* Extensions shall only be made on streets that are accepted by the City or within easements granted to the City.

(f) *Conditions for installation of mains in unaccepted streets and easements.* Until a street has been accepted by the City, no new mains may be installed therein unless street lines and grades have been established, the street has been graded in a manner acceptable to the City and any necessary easements have been conveyed to the City, at no expense to the City. All such easements shall permit the City to install, maintain, extend and replace mains and appurtenances and make connections thereto. If requested by the City, the applicant shall erect and maintain stakes to indicate correct street lines and grades to facilitate proper installation of the mains.

(g) *General requirements.* The determination of the required length and size of an extension shall in all cases be made by the City; however, except as required to address the conditions affecting a specific extension, the following general requirements shall apply:

(1) The terminal point of any extension laid in a City-accepted street shall be located on an imaginary line drawn perpendicularly to the extension and extending from the most distant property line of the last potential user to be served by the extension;

(2) If the extension is laid within an easement or an area intended for future use as a street to be constructed within a development or subdivision, it shall include all mains required to serve houses or buildings within such development or subdivision;

(3) The size of any main to be installed shall be based on the existing and future needs of the City sewer system. The costs thereof shall be allocated as provided in subsection (d) of this section;

(4) Any facilities other than mains which are part of the extension shall also be designed, constructed and the cost thereof allocated in accordance with the requirements of this division;

(5) Whenever an extension laid within a street passes through an intersection, a stub or stubs shall be constructed within such other street or right-of-way for a distance not to exceed one hundred fifty (150) feet in each direction.

(h) *Deferral of installations.* Whenever the provisions of this division require extensions to serve developments or portions thereof which are shown on a site plan approved by the Planning Commission or the Planning Department but which will not be constructed until a subsequent fiscal year, the City may choose to

defer installation of the extension until additional service to such development or portions thereof is required. If the installation is deferred, the City shall nevertheless collect the applicant's share of the estimated cost of the deferred portion of the extension from the applicant in accordance with the terms of the extension contract, together, where applicable, with any additional amounts to be contributed to the City pursuant to the provisions of section 48-303(c). Such cost shall be based on the estimated cost of installing the extension.

(i) *Estimated cost for installations.* The estimated cost of main installations shall be established annually by the City and kept on file by the department. The estimated cost of the installation of facilities shall be determined by the City on a case-by-case basis. The foregoing estimated costs shall be used in extension contracts, when applicable, for purposes of calculating the applicant's deferred costs pursuant to subsection (h) of this section, as well as the cost of the City's share as a percentage of the actual cost of the extension pursuant to the provisions of subsection (d) of this section.

(j) *Compliance required before scheduling extensions.* Extensions shall not be scheduled for construction until the applicant has fully complied with all the obligations established by the extension contract as well as with all the conditions established by this division.

(k) *Assignment of extensions.* Extensions will normally be assigned for construction in the order in which all the requirements established in this division have been met; however, the City may vary such assignment in order to integrate the timing of the construction with other projects, giving due consideration to weather conditions, the availability of materials and the immediacy of the need for such extension.

(l) *Execution of contracts after subdivision or site plan approval.* If the extension is intended to serve a subdivision or a development with respect to which site plan approval is required, the extension contract shall not be executed until the applicant has received subdivision or site plan approval, whichever is applicable and has provided evidence thereof to the department. The applicant shall proceed with construction of the subdivision or development in such a manner as to allow the City to complete construction of the extension without interruption.

(m) *Installation of pumping equipment and accessories; execution of special service agreements.* If property to be served by an extension is at such an elevation that, in the opinion of the City, adequate service cannot be furnished at all times, the affected users shall be required to install and maintain privately owned pumping equipment and any accessories deemed necessary to convey sewage to the extension. The users of such an extension shall be required to execute special service agreements prior to connection to the extension, which special service agreements shall be recorded in the Danbury Land Records. Such agreements shall serve as notice to potential purchasers of the property involved of the existence of an unusual condition as well as of any responsibility which the owner bears with respect to maintenance of special equipment made necessary by the presence of such condition.

(n) *Users subject to rates, rules, regulations, etc.* All users connected to extensions installed in accordance with the terms of an extension contract shall be subject to the applicable rates, rules, regulations, terms and conditions of service as established by the City.
(Code 1961, § 16-57; Ord. No. 456, 2-2-1993)

Sec. 48-305. Extension contracts and proportionate share agreements.

(a) Upon execution of the extension contract, the applicant shall deposit funds with the City in an amount equal to the estimated cost of completing all necessary final detailed construction design work in connection with the proposed extension. Thereafter, upon demand, the applicant shall deposit with the City any additional amount which may result from an increase in the cost of such design work. The City reserves the right to delay the completion of such design work until it has received such additional amount. Upon completion of the design work, including a detailed construction cost estimate, the City shall

determine the actual cost thereof and shall calculate the difference, if any, between the deposit and such actual cost. If such actual cost is more than the deposit, then an additional charge shall be made to the applicant for the difference. Such additional charge shall be payable within fifteen (15) days of billing. Any payment not made within such fifteen-day period shall be subject to interest at the rate of eighteen (18) percent per annum. The City shall not proceed with the project until all of the foregoing charges, if any, have been paid. Upon completion of all final design work, a copy thereof shall be submitted to the applicant for review. The applicant shall then have the right to terminate the contract without further obligation, except as provided herein with regard to design costs. If the applicant elects to so terminate the contract, any funds held by the City in excess of the actual cost of such design work shall be returned to the applicant.

(b) If the applicant elects to proceed with the project, the applicant shall so advise the City in writing and shall deposit funds with the City in an amount equal to the estimated cost of securing all necessary governmental approvals and permits as well as the cost of completing all necessary appraisals of property to be acquired in connection therewith, if any. Upon completion of such appraisals, copies thereof shall be submitted to the applicant for review. After payment of all outstanding expenses incurred in connection with seeking necessary governmental approvals and permits, the applicant shall then have the right to terminate the contract without further obligation. If the applicant elects to so terminate the contract, any funds held by the City in excess of the actual cost of seeking necessary governmental approvals and permits shall be returned to the applicant. If the applicant elects to proceed with the project, the applicant shall so advise the City in writing and shall deposit the estimated cost of such acquisitions, as established by the appraisals, with the City. The City shall take whatever action is required in order to obtain all necessary governmental approvals and permits as well as whatever action is required in order to acquire the property interests necessary to complete the project. When the actual cost of obtaining all necessary governmental approvals and permits and of completing the property acquisitions is known, an additional charge, including reasonable attorney's fees, shall be made to the applicant for the difference between such actual cost and the amount previously deposited with the City. Such additional charge shall be payable within fifteen (15) days of billing. Any payment not made within such fifteen-day period shall be subject to interest at the rate of eighteen (18) percent per annum. The City shall not proceed with the project until all of the foregoing charges, if any, have been paid. After payment of any charges due pursuant to the provisions of this subsection, the applicant shall have the right to terminate the extension contract without additional obligation or to elect to proceed with the project. If the applicant elects to so terminate the contract, any funds held by the City in excess of the actual cost of obtaining all necessary governmental approvals and permits and completing the property acquisitions shall be returned to the applicant.

(c) If the applicant elects to proceed with the project, the applicant shall so advise the City in writing. Upon receipt of notice from the applicant that the applicant wishes to proceed with the project, the City shall solicit bids for construction of the extension or, where deemed appropriate by the City, for one (1) or more phases thereof from interested parties in accordance with the purchasing requirements of the Danbury Code of Ordinances. Upon the receipt of bids in connection with the construction of the extension or, where applicable, phases thereof, the City shall award the construction contract to the lowest responsible bidder, which award shall be subject to the approval of the applicant. The applicant shall be permitted to review the proposed award for a period of ten (10) days and elect to either terminate the extension contract without further obligation, except as provided herein, or proceed with the project. If the applicant does not notify the City of its election to proceed with the project within such period, the extension contract shall be deemed to have been terminated and the project cancelled. If the applicant elects to proceed with the project, the applicant shall deposit funds with the City in an amount which, when

added to any funds already held on deposit, shall be equal to the amount of the construction contract as awarded, together with the applicant's share of the estimated cost of any portion of the extension deferred in accordance with section 48-304(h) and together, where applicable, with any additional amounts to be contributed to the City pursuant to the provisions of section 48-303(c), plus five (5) percent of the total of the foregoing to cover contingencies which may arise during construction, all as determined by the City. Upon demand, any additional amount which may result from an increase in the construction cost of the extension and which is deemed by the City to be a part of the applicant's cost or which is deemed to be part of the additional amount to be contributed to the City pursuant to the provisions of section 48-303(c) shall be paid to it by the applicant. The City reserves the right to delay the installation of any extension, or the installation of any service taps in an extension, until it has received such additional amount. Upon completion of the construction, the City shall determine the actual cost to the applicant of the extension or, where applicable, of any completed phase thereof and shall calculate the difference, if any, between the deposit or, where applicable, that portion of the deposit attributable to the completed phase and such actual cost. If such actual cost is less than the deposit or, where applicable, that portion of the deposit attributable to the completed phase, the City shall refund the difference to the applicant. If the deposit or, where applicable, that portion of the deposit attributable to the completed phase is less than such actual cost, then an additional charge shall be made to the applicant for the difference, such additional charge shall be payable within fifteen (15) days of billing. Any payments not made within such fifteen-day period shall be subject to interest at the rate of eighteen (18) percent per annum. The City reserves the right to delay the installation of any service taps to the extension until it has received payment of the additional charge. With respect to extensions to be completed in phases, construction of phases subsequent to the initial phase shall also be completed in accordance with the provisions of this subsection.

(d) In the event that an extension under an extension contract is installed in a street on which property other than that of the applicant is located, the City shall require, subject to the provisions of subsections (e) and (h) of this section, that before making any connection for sewer service, each owner of such other property shall enter into a proportionate share agreement with the City. In addition to any other connection fees that may be required pursuant to the provisions of this chapter, each proportionate share applicant shall pay an amount which, in the judgment of the City, represents their proportionate share of the applicant's cost of the extension plus five (5) percent. Such amounts, less the original five (5) percent, shall be refunded to the applicant within sixty (60) days of its receipt by the City. The proportionate share applicant for sewer service shall be subject to all of the terms, conditions and provisions of this division as well as of the proportionate share agreement.

(e) All liability for payment of proportionate shares by proportionate share applicants and all liability for payment of refunds to applicants pursuant to the provisions of this section shall terminate ten (10) years from the date of execution of the extension contract. Any part of the applicant's cost paid to the City and not recovered from proportionate share applicants within such ten-year period shall be retained by the City.

(f) The City shall not be liable for interest on the amount paid to it by the applicant or on any part thereof.

(g) The assignment by the applicant or by a proportionate share applicant of an extension contract or a proportionate share agreement or any interest therein, or of any money due or to become due by reason of the terms thereof, without the written consent of the department, which consent shall not be unreasonably withheld, endorsed thereon or on an executed counterpart thereof is hereby prohibited and shall be void and of no force or effect.

(h) Each proportionate share shall be calculated in accordance with the following formula: The sum of A plus B, which sum shall be divided by two (2) and multiplied by the

applicant's cost of the extension. For purposes of the foregoing formula, A equals the area of the proportionate share applicant's lot or parcel to be served, divided by the total area of all lots, parcels or properties directly served or to be directly served by the extension.

(1) For purposes of such formula, B equals the frontage of the proportionate share applicant's lot or parcel to be served divided by the total frontage of parcels, lots or properties directly served or to be directly served by the extension.

(2) For purposes of this subsection, any lot with frontage on a street shall be deemed to have a minimum frontage of fifty (50) feet even though the actual frontage shall be less than fifty (50) feet.

(3) Further, a corner lot which is at the intersection of and abuts two (2) or more streets, when the angle of intersection is not more than one hundred thirty-five (135) degrees, or when the intersection is rounded by a curve having a radius of less than one hundred (100) feet, shall be subject to a frontage calculation derived from the sum of the sides (a side hereby being a minimum of fifty (50) feet for these calculations) divided by the number of sides.

(i) All proportionate shares shall be calculated by the City following completion of the extension. No proportionate shares may exceed the special benefit accruing to the property affected thereby.

(j) No proportionate shares shall be finally established until after a public hearing before the City Council at which all potential proportionate share applicants shall have an opportunity to be heard concerning the proposed proportionate shares. Notice of the time, place and purpose of such hearing shall be published at least ten (10) days before the date thereof in a newspaper having a circulation in the City and a copy of such notice shall be mailed to each potential proportionate share applicant at such potential proportionate share applicant's address as shown in the last-completed grand list of the City or at any later address of which the City Council may have knowledge. A copy of the proposed proportionate shares shall be on file in the office of the Town Clerk of the City and available for inspection by the public for at least ten (10) days before the date of such hearing. When the City Council has determined the amount of each proportionate share, it shall file a copy thereof in the office of the Town Clerk and, not later than five (5) days after such filing, shall cause the same to be published in a newspaper having a circulation in the City and it shall mail a copy of each such proportionate share to the potential proportionate share applicant at such potential proportionate share applicant's address as shown in the last-completed grand list of the City or at any later address of which the City Council may have knowledge. Such publication shall state that proportionate shares shall be due and payable when the potential proportionate share applicant has executed a proportionate share agreement with the City and prior to making a connection to the extension, provided that connection is made within ten (10) years of the date of execution of the applicable extension contract. Such publication shall also state the date on which such proportionate share was filed and that any appeals from such shares must be taken within twenty-one (21) days after such filing. Any person aggrieved by any proportionate share may appeal to the Superior Court for the Judicial District of Danbury, which appeal shall be brought in the same manner as provided in the case of assessments pursuant to C.G.S. § 7-250. Following the expiration of the foregoing twenty-one-day period or the termination of any appeal filed within that time, copies of the notice of proportionate shares shall be recorded in the Danbury Land Records.

(Code 1961, § 16-58; Ord. No. 456, 2-2-1993)

Chapter 49

RESERVED

Chapter 50

WEIGHTS AND MEASURES*

Sec. 50-1. Sealer of Weights and Measures.
Sec. 50-2. Devices.
Sec. 50-3. Register to be kept.

*State law reference—Weight and measures, C.G.S. § 43-1 et seq.

Sec. 50-1. Sealer of Weights and Measures.

In accordance with the provisions of C.G.S. § 43-6, there shall be a Sealer of Weights and Measures to be appointed by the Mayor. The Sealer of Weights and Measures shall perform the same duties and have the same powers within the City of Danbury as are vested in the Commissioner of Weights and Measures for the state except those powers and duties exempted and reserved to the Commissioner of Weights and Measures by regulation promulgated under the provisions of C.G.S. § 43-3.
(Code 1961, § 22-1; Ord. No. 619, 6-2-2004; Ord. No. 687, 8-5-2008)

Sec. 50-2. Devices.

(a) *Annual license.* Pursuant to C.G.S. ch. 750 (C.G.S. § 43-1 et seq.), it shall be unlawful to operate any commercial weighing and measuring equipment within the City of Danbury unless said device has been sealed by the Sealer of Weights and Measures. Said license shall be valid for a period of one (1) year from the date of issuance. For purposes hereof, the term "commercial weighing and measuring equipment" means weights and measures and weighing and measuring devices commercially used or employed in establishing the size, quantity, extent, area or measurement of quantities, things, produce or articles for distribution or consumption, purchased, offered or submitted for sale, hire or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure. For purposes of this section, the term "commercial weighing and measuring equipment" includes equipment used to determine quantities or extents of time and distance.

(b) *Issuance of license.* The sealer of weights and measures shall not issue a weighing and measuring device license unless:

(1) Such device has been inspected and approved by the Sealer of Weights and Measures within six (6) months of the date of application;

(2) Each applicant furnishes such information relative to the application for a weighing and measuring device license as the Sealer of Weights and Measures shall require; and

(3) Each applicant pays an annual license fee to be set by resolution of the City Council.

(c) *Exemption.* Any City-owned weighing and measuring device is hereby exempted from the licensing and payment provisions of this section.

(d) *Penalties.* The penalty for a violation of any provision of this section shall be subject to the penalties provided for in section 1-8. Violations with respect to several devices shall result in a separate penalty for each device. The penalty established herein shall be in addition to any penalties established by state law.

(e) In addition to other available means of enforcement, this chapter may be enforced through the civil citation process by the Sealer of Weights and Measures, pursuant to section 2-2.
(Code 1961, § 22-2; Ord. No. 619, 6-2-2004; Ord. No. 687, 8-5-2008)

Sec. 50-3. Register to be kept.

The Sealer of Weights and Measures shall keep a register of the name of each person for whom he has inspected any weight or measure, together with the kind and size of each weight or measure inspected and the result of such inspection, stating which, if any, weights and measures were approved and which, if any, were condemned. This register shall be kept in the office of the Sealer and shall be open to public inspection during the office hours of the Sealer.
(Code 1961, § 22-3; Ord. No. 619, 6-2-2004; Ord. No. 687, 8-5-2008)

CODE COMPARATIVE TABLE

1925 CODE

This table gives the location within the Code of those sections of the 1925 Code that are included herein.

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