

The Code

COLEBROOK CODE

Chapter 1

GENERAL PROVISIONS

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

GENERAL PROVISIONS

ARTICLE I
Adoption of Code

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

COLEBROOK CODE

ANIMALS

Chapter 7

ANIMALS

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

ARTICLE I
Bears
[Adopted 9-14-2010]

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

This article is adopted pursuant to C.G.S. § 7-148(b) regarding the ordinance powers granted to a municipality.

§ 7-2. Findings and purpose.

A major portion of the Town consists of heavily forested areas, home to an ever-increasing number of black bears and other wildlife. This article is adopted in an effort to assist our residents and guests in peacefully coexisting with these wild animals. Also, this article is intended to enhance freedom and safety of movement in public areas of Town.

§ 7-3. Prohibited acts.

In recognition that these animals are wild and should be left alone for the welfare and safety of both the animals and our residents and guests, it is hereby enacted by the Town of Colebrook that:

A. No person shall provide food or other substances in a manner intending to attract black bears.

§ 7-4. Applicability. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The provisions of this article shall apply to all persons except those with a valid permit issued by the State of Connecticut, Department of Energy and Environmental Protection.

§ 7-5. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person who knowingly violates the provisions of this article shall be guilty of a violation and subject to a fine of not more than \$250.

COLEBROOK CODE

Chapter 15

BUILDING CONSTRUCTION

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

§ 15-1. State Building Code adopted.¹ [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Town of Colebrook hereby adopts the State Building Code, subject to any amendments to the code adopted by the State Building Inspector, in accordance with the provisions of C.G.S. § 29-252.

§ 15-2. Fees. [Amended 2-17-1981; 10-15-1990; 5-15-2001; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The fees for building permits for the construction, alteration, removal and demolition of buildings and structures shall be at the rate of \$15 for each \$1,000 of estimated value, except that there shall be a minimum fee of \$15 for such building permits. In the case of a permit for the erection of signs, billboards and other display structures, the rate shall be the same and there shall be paid a minimum permit fee of \$15.

1. Editor's Note: For the review of building permit applications in areas of flood hazard, see Ch. 75, Flood Damage Prevention, Art. II, Review of Development Proposals.

CAMPS

Chapter 22

CAMPS

[HISTORY: Adopted by the Town Meeting of the Town of Colebrook 10-4-1943. Amendments noted where applicable.]

§ 22-1. Purpose; permit required.

For the purpose of promoting, protecting and preserving the health, safety and general welfare of the inhabitants of the Town and for the purpose of preventing all nuisances injurious to the health and safety of the public, no person, firm or corporation shall hereafter establish, maintain or operate in the Town of Colebrook any camp having facilities and accommodations for more than 10 persons residing at such camp, except by first making a written application to the Board of Selectmen of said Town and receiving from said Board of Selectmen, or its Clerk, a written permit therefor. Each such permit shall be issued for the period of one year from the date of its issue; provided, however, that a permit fee of \$25 is paid in advance by the applicant for such permit.

§ 22-2. Penalties for offenses.

Any person, firm or corporation which shall violate any section of this chapter shall be fined not more than \$500.

§ 22-3. When effective; existing camps.

This chapter shall take effect 15 days after publication as is provided by law in such case made and provided. Nothing in this chapter contained shall affect any camp now existing.

COLEBROOK CODE

Chapter 28

CITATIONS

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

ARTICLE I
Zoning Violations
[Adopted 5-18-2004]

§ 28-1. Authority to issue citations. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Zoning Enforcement Officer is authorized to issue citations for violations of the Zoning Regulations of the Town of Colebrook to the extent and in the manner provided by this article. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to the person named in such citations. If the person named in a citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail. The Zoning Enforcement Officer shall file and retain an original or certified copy of the citation.

§ 28-2. Violations subject to citation.

A citation may be issued for any violation of the Zoning Regulations, as amended, of the Town of Colebrook.

§ 28-3. Fine. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The fine for each such citation shall be \$150 for each day that the violation continues to exist, commencing on the day set forth in the citation. All citations are made payable to the Treasurer, Town of Colebrook.

§ 28-4. Payment period. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person receiving such a citation shall be allowed a period of 30 days from his or her receipt of the citation to make an uncontested payment of the fine specified in the citation to the Treasurer, Town of Colebrook. If the citation has been sent by regular mail pursuant to the provisions of § 28-1 of this article, the day of receipt of the citation shall be deemed to be three business days after the day of mailing of the citation.

§ 28-5. Notice.

If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation to the Treasurer within the time allowed under § 28-4 of this article, the Zoning Enforcement Officer shall send a notice to the person cited by certified mail, return receipt requested, informing such person:

- A. Of the allegations against him or her and the amount of the fines;
- B. That the person cited may contest liability before a hearing officer appointed by the First Selectman of the Town of Colebrook as provided in § 28-10 of this article, by delivering, in person or by certified mail, return receipt requested within 10 days of the date of the notice, a written demand for a hearing;
- C. That if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her; and
- D. That such judgment may issue without further notice.

§ 28-6. Payment or assessment of fines.

If the person who is sent notice pursuant to § 28-5 of this article wishes to admit liability for any alleged violations, he or she may, without requesting a hearing, pay the full amount of the fine, either in person or by mail, to the Zoning Enforcement Officer. All fines shall be made payable the Treasurer of the Town of Colebrook. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within 10 days of the date of the notice described in § 28-5 of this article shall be deemed to have admitted liability, and the Zoning Enforcement Officer shall certify to the hearing officer that such person has failed to respond. The hearing officer shall thereupon enter and assess the fines provided for by this article and shall follow the procedures set forth in § 28-8 of this article.

§ 28-7. Hearing.

Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of notice, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The presence of the Zoning Enforcement Officer shall be required at the hearing if requested by the person who was issued the citation. A person wishing to contest liability shall appear at the hearing and may present evidence in his or her behalf. The Zoning Enforcement Officer may present evidence on behalf of the municipality. If the person who received the citation fails to appear, the hearing officer may enter an assessment by default against him or her upon finding of proper notice and liability under the applicable provisions of the Zoning Regulations. The hearing officer may accept written information by mail from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he or she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his or her decision at the end of the hearing. If the hearing officer determines that the person who received the citation is not liable, the hearing officer shall dismiss the matter and enter that determination, in writing, accordingly. If the hearing officer determines that the person who received the citation is liable for the violation, the hearing officer shall forthwith enter and assess the fines against such person as provided by this article.

§ 28-8. Notice of assessment.

If such assessment is not paid on the date of its entry, the hearing officer shall send by certified mail, return receipt requested, a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court for the District G.A. 18, together with an entry fee of \$8. 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 record of assessment. The Clerk shall enter judgment, in the amount of such record of assessment and court costs of \$8, against such person in favor of the municipality. 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 with further notice to such person.

§ 28-9. Judicial review. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Pursuant to C.G.S. § 7-152c(g), a person against whom an assessment has been entered pursuant to this

article is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to State Statute § 52-259, in Superior Court G.A. 18, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

§ 28-10. Hearing officers.

The First Selectman of the Town of Colebrook shall appoint one or more citation hearing officers to conduct the hearings provided by this article. Neither the Zoning Enforcement Officer, the Building Official nor any employee of the Town of Colebrook may be appointed as a hearing officer pursuant to this article.

CONSERVATION COMMISSION

Chapter 34

CONSERVATION COMMISSION

[HISTORY: Adopted by the Town Meeting of the Town of Colebrook effective 11-5-2005.

Amendments noted where applicable.]

§ 34-1. Establishment; powers and duties.

The Town of Colebrook hereby establishes a Conservation Commission for the exercise of the powers and the performance of duties, all as set forth in Chapter 97, C.G.S. § 7-131a.

§ 34-2. Membership. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

The Conservation Commission shall consist of not fewer than three nor more than 11 members and not more than three alternates, who shall be electors of the Town of Colebrook.

§ 34-3. Appointment; terms of office.

The members of the Conservation Commission shall be appointed by the Board of Selectmen. Within 30 days of the passage of this chapter, the Board of Selectmen shall appoint five members to a three-year term, three members to a two-year term and three members to a one-year term. At the expiration of the two- and one-year terms, appointments will all be for a three-year term. Alternates shall serve a two-year term.

§ 34-4. Removal.

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

§ 34-5. Vacancies.

Any vacancies in the Conservation Commission caused by other than expiration of the term of office shall be filled by appointment by the Board of Selectmen for the unexpired term within 30 days after such vacancy occurs.

Chapter 43**DRIVEWAYS**

[HISTORY: Adopted by the Town Meeting of the Town of Colebrook 4-18-2011. Amendments noted where applicable.]

§ 43-1. Authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

This chapter is adopted pursuant to C.G.S. § 7-148(c)(6)(C)(i) regarding the provisions for highways and sidewalks.

§ 43-2. Intent.

The intent of the Driveway Ordinance is to set standards for driveway construction to allow safe ingress to and egress from private property to public or private rights-of-way, to accommodate the needs of the Town's emergency service vehicles when responding to incidents on private property and to provide a set of standards for all driveways to protect the health, safety and welfare of the Town's residents and the motoring public.

§ 43-3. Definitions.

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

DRIVEWAY — Access for vehicles from any public or private road, paved or gravel, leading to property adjacent thereto from the traveled roadway to the property line.

PERSON — Includes any person, firm, corporation, association or partnership, limited-liability company, trust or other legal entity.

PROPERTY OWNER — Person or persons having legal title to the property.

ROAD — Public and private roads, streets or highways.

SELECTMEN — The Board of Selectmen of the Town of Colebrook or its designee.

TOWN — Town of Colebrook.

TOWN PUBLIC WORKS FOREMAN — The Town of Colebrook Public Works Foreman.

§ 43-4. Technical standards.

- A. Driveway width. The driveway shall have a minimum width of 10 feet. For driveways over 300 feet in length, a wide "pull-off" area 50 feet long and 10 feet wide shall be provided at 300-foot intervals.
- B. Maximum grade. The maximum grade of a driveway shall be 12%. The maximum grade may be increased to 14% for straight sections of the driveway for a length not more than 100 feet. The grade shall not exceed 4% for a distance of 40 feet from the edge of the road. Where ledge or topography is restrictive, this distance may be reduced to 25 feet when authorized by the Town Public Works Foreman.
- C. Drainage provisions.
 - (1) Low-impact design techniques are the preferred method of addressing drainage from driveway construction.

- (2) Existing roadside drainage in the gutter or a roadside swale shall not be altered or impeded by construction of the new driveway.
 - (3) No driveway shall be constructed to allow runoff from the road to enter the driveway. A driveway lip shall be installed along the edge of the paved apron.
 - (4) No driveway shall be designed or constructed in a manner that allows runoff from the driveway to discharge onto the road surface. Driveways shall be designed and constructed in a manner that prohibits runoff from flowing on the travel portion of the driveway. The driveway may require a culvert or more extensive drainage system to be installed at the expense of the applicant. The type, size, dimensions, and location of the drainage structures are subject to the approval of the Town Public Works Foreman. The Town may require a design prepared by a Connecticut professional engineer for any driveway.
 - (5) Driveways shall be designed and constructed in a manner that minimizes erosion of the driveway surface.
 - (6) Driveways shall be designed with permanent controls to protect downstream wetlands and watercourses from sedimentation and erosion.
- D. Sight distance. The driveway placement must be such that there is an unobstructed sight distance according to the distances in the table below for the speed limit of the subject road where said driveway is to be located. Sight distances shall be measured at a point on the driveway 10 feet back from the edge of travelway.

Speed Limit (miles per hour)	Distance Left (feet)	Distance Right (feet)
25	280	240
30	335	290
35	390	335
40	445	385
45	500	430
50	555	480
55	610	530

- E. Intersection with road.
- (1) Every driveway shall meet the edge of the existing road at an angle of no less than 75° and shall adhere to this angle for a distance of 40 feet measured from the center line of the road.
 - (2) The desired minimum distance from the driveway to the edge of an intersecting street shall be 50 feet or as required by the Town Public Works Foreman. No driveway shall be established closer than 10 feet to a property sideline except in the case of a common driveway serving two adjacent properties. The driveway may be closer than 10 feet when, in the opinion of the Road Foreman, a lesser distance would result in a better sight distance or less grading to construct the driveway.
 - (3) Driveway shall have a return radius on each side with a maximum dimension of 15 feet and a

minimum dimension of five feet.

- F. Erosion control. Proper erosion control measures shall be implemented during driveway construction to protect downstream areas from sedimentation. Erosion control measures shall be maintained until the site is stabilized.
- G. Driveway apron. All driveways shall have a bituminous concrete apron extending the full width of the driveway and for a length of 15 feet from the edge of the road. The apron shall be a minimum of 2 1/2 inches thick.
- H. Overhead clearance. A minimum vertical clearance of 14 feet shall be provided along the entire driveway.

§ 43-5. Driveway permit.

- A. No person shall construct or cause to be constructed a new driveway or relocate or reconstruct an existing driveway, including appurtenant drainage improvements, leading onto a private roadway or an existing or proposed public highway without first obtaining a permit, in writing, from the Town Public Works Foreman. An application shall be made on forms provided by the Town.
- B. Prior to commencement of any site excavation for any improvement which will ultimately require a driveway permit, the property owner shall make application for and obtain a driveway permit. Such application shall be accompanied by a drawing that, in the opinion of the Town Public Works Foreman, adequately demonstrates compliance with the technical standards included in this chapter. The Town Public Works Foreman may require a detailed design prepared and certified by a professional engineer licensed in the State of Connecticut.
- C. The property owner shall be responsible for complying with all of the provisions of this regulation and any other special conditions set forth on the driveway permit. All work associated with said driveway permit, whether on public or private property, shall be completed within the time allotment established by the Town Public Works Foreman when issuing the permit, but no more than two years from the date the permit is issued, and shall be at the property owner's expense. Driveway permits shall not be transferable. The property owner shall be responsible for assuring that any contractor performing work on his/her behalf complies with all of the provisions of this regulation and any other special conditions set forth on the driveway permit, including payment of all costs. The property owner shall be responsible for all unpaid costs, including fines or penalties, associated with the driveway permit. Such costs shall constitute a lien against the property and the Town Public Works Foreman is empowered to file a copy of such lien in the Colebrook Land Records. The Town Public Works Foreman may revoke or suspend a permit when he, or his designee, determines that the work is not being carried out in accordance with the approved plans.
- D. The application fee for a driveway permit shall be \$75. The Town may charge an additional application fee adequate to cover the cost of a design review by a professional engineer when the review is conducted by an outside consultant engaged by the Town and, in the opinion of the Town Public Works Foreman, such review is warranted by the complexity of the driveway. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- E. The property owner, upon application, agrees to hold the Town of Colebrook harmless against any action for personal injury or property damage arising from the construction and/or use of said driveway.
- F. Upon completion of the work, the property owner will contact the Town Public Works Foreman for

an inspection of the work. The Town Building Official will not issue a certificate of occupancy until compliance with this chapter has been completed.

§ 43-6. Inland Wetlands Commission permit and bond. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. If the construction of the driveway constitutes a regulated activity requiring a permit from the Town of Colebrook Inland Wetlands Commission, such permit shall be issued prior to issuance of a driveway permit.
- B. The Board of Selectmen may require a property owner to post a \$1,000 refundable cash bond to secure completion of the paved apron and any drainage improvements required by the permit. The bond amount may be increased by any amount determined by the Board of Selectmen as necessary or desirable to secure the estimated or contracted cost to complete construction of the improvements covered by the permit. A property owner may apply, in writing, for a refund of the cash bond at the completion of the construction after inspection by the Town Public Works Foreman.

§ 43-7. State highway encroachment permit.

- A. For driveways on State of Connecticut highways, the property owner shall apply for and obtain an encroachment permit from the State of Connecticut Department of Transportation.
- B. In the case of a state highway, a Town of Colebrook driveway permit is still required and the state highway encroachment permit shall be secured prior to the issuance of Town driveway permit. A bond shall not be required for driveways on state highways.

§ 43-8. Penalties for offenses; enforcement.

- A. Any person found to be in violation of this chapter shall be fined as specified herein.
- B. Violation of this chapter shall bear a penalty of not more than \$250 for each offense. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- C. When a violation of this chapter is determined to exist, the Selectmen shall give notice of the violation, in writing, to the property owner. In addition to any other remedies, the Selectmen are authorized to prohibit access to the public highway from any driveway constructed, located or relocated in violation of this chapter. No regular access to or egress from any premises by any vehicle shall be provided except by an approved driveway.
- D. The Town of Colebrook may apply the bond to performance of the permitted work should the owner be in violation of this chapter.

§ 43-9. Liability of Town; variance.

- A. Nothing in this chapter shall require the Town to repair or improve any driveway or entrance thereto or shall render the Town liable to a property owner for failure to make said repair or improvement, except where such repair or improvement is made necessary as a result of the widening, repair, maintenance, or relocation of a Town road.
- B. The purpose of this chapter is to promote safe access to and from driveways on the highways of the Town, and to regulate the discharge of surface water onto said highways. The Selectmen in their discretion may vary the strict application of the terms of this chapter where the condition of the

premises makes strict compliance with the terms of this chapter impractical or impossible; provided, however, that any such variation shall not be inconsistent with the purposes of this chapter.

EDUCATION, BOARD OF

Chapter 50

EDUCATION, BOARD OF

[HISTORY: Adopted by the Town Meeting of the Town of Colebrook 6-13-1977. Amendments noted where applicable.]

§ 50-1. Election of members.

Pursuant to the provisions of C.G.S. § 9-205, the number of the Board of Education of the Town of Colebrook is hereby made seven. At the Town election next following the date hereof, the terms of office of the present members of such Board then in office shall expire, and commencing with said next biennial Town election and thereafter, members of the Board shall be chosen in accordance with the applicable statutes of Connecticut.

COLEBROOK CODE

Chapter 59

EXCAVATIONS

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

ARTICLE I
Excavations in Highways
[Adopted 5-17-1983]

§ 59-1. Permit required. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any excavation within the limits of a Town highway shall be done only after application is made to the Town Public Works Foreman and a permit granted authorizing the work. Such application shall be made on forms provided by the Town and shall state the purpose for which the excavation is needed and the approximate period of time necessary to complete the work and refill the excavation. Where it is appropriate to issue a permit for such work, it may be issued subject to completion of the work on such conditions and limitations as are deemed necessary. Such permit shall be issued at least two days prior to the commencement of the work, and action of issuance or refusal of a permit shall be taken not more than 15 days after submission of the application. Formal written application may be waived in cases where the need for excavation is of an emergency nature.

§ 59-2. Protection of underground utilities. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Upon applying, the applicant must exhibit the ticket number assigned pursuant to regulations of the Connecticut Call Before You Dig program, which number may be obtained by telephoning 1-800-922-4455.

§ 59-3. Use of gravel.

Where excavated material is not gravel, the excavation must be refilled with gravel.

§ 59-4. Restoration.

The excavated area shall be covered first with cold patch, to be followed, after settlement of the fill, with a surface of hot patch.

§ 59-5. Utility facilities.

Under no circumstances shall a permittee disturb existing utility facilities in the highway in the area to be excavated.

§ 59-6. Violations.

Any person, partnership or corporation undertaking to excavate within the limits of the Town highway without obtaining the appropriate permit or in violation of conditions incorporated in the permit issued shall be considered in violation of this chapter.

§ 59-7. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person, partnership or corporation found to be in violation of this chapter shall be fined a sum not in excess of \$250.

FINANCE

Chapter 66

FINANCE

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

ARTICLE I
Board of Finance
[Adopted 10-3-1955]

§ 66-1. Annual report. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

Pursuant to C.G.S. § 7-344, the requirement that the Board of Finance cause newspaper publication of its annual report is hereby waived. The Board of Finance shall make copies of the report available for distribution five days before the annual budget meeting in accordance with C.G.S. § 7-344.

ARTICLE II
Capital Improvement Committee
[Adopted 4-20-1988]

§ 66-2. Appointment; membership. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Board of Selectmen shall appoint a Capital Improvement Committee consisting of six members, said members to serve two-year terms concurrent with the Board of Selectmen's term of office. Such Committee shall consist of one member chosen from the general public at large and five members selected from the following boards and commissions:

- A. Board of Selectmen.
- B. Board of Education.
- C. Board of Finance.
- D. Planning and Zoning Commission.
- E. Fire Department.

§ 66-3. Duties.

Said Committee shall review all proposed capital expenditures submitted for Town Meeting approval as part of the Annual Budget or as special appropriations and shall report its findings to the Board of Selectmen based on the following considerations:

- A. The extent to which the proposed expenditure is needed;
- B. What alternatives to proceeding with the proposed expenditures exist;
- C. The soundness of the proposal in terms of the need to be fulfilled; and
- D. The likely consequences of the cost of the proposed expenditures on the Town's financial position and mill rate.

§ 66-4. Advisory report.

The Committee's report to the Board of Selectmen shall be deemed advisory in nature and shall be a matter of public record.

§ 66-5. Capital Improvements Program.

On or before October 15 of each year, the Board of Selectmen shall submit to the Board of Finance a Capital Improvements Program (CIP) outlining its annual CIP budget goals and objectives for the general fund for the Town of Colebrook for the ensuing year.

§ 66-6. Public hearing.

Upon receipt and consideration of the Board of Selectmen's CIP report, the Board of Finance shall incorporate the CIP in its annual budget public hearing.

ARTICLE III

**Municipal Reserve Fund for Capital and Nonrecurring Expenditures
[Adopted 4-20-1988]**

§ 66-7. Fund created; administration.

The Town of Colebrook creates a fund known as the "Municipal Reserve Fund for Capital and Nonrecurring Expenditures" pursuant to C.G.S. § 7-360. Said fund shall contain any moneys deposited in the fund and shall be held separate and apart from all other moneys, funds and accounts. Investment earnings credited to the assets of said fund shall become part of the assets of said fund. Any balance remaining in said fund at the end of any fiscal year shall be carried forward in said fund for the fiscal year next succeeding. The resources of such fund shall be expended for the purpose of eligible local capital improvement projects.

ARTICLE IV
Supplemental Appropriations and Budget Variances
[Adopted 10-18-2021]

§ 66-8. Statutory authority.

Pursuant to the authority granted to municipalities by C.G.S. § 7-348, the Town of Colebrook hereby enacts an ordinance regarding supplemental appropriations and budget variances.

- A. Section 7-348 of the Connecticut General Statutes (C.G.S. § 7-348) provides that if more money is needed for any department of the Town than has been appropriated, the Board of Finance may make such appropriation, but if the amount exceeds \$20,000, such appropriation shall not be made until voted by the Town. No more than one such appropriation for any one department shall be made in one year without Town Meeting approval.
- B. Connecticut General Statutes § 7-348 further provides that the estimate of expenditures submitted by the Board of Finance to the Annual Town Meeting may include a recommended appropriation for a contingent fund in an amount not to exceed 3% of the total estimated expenditures for the current fiscal year. No expenditure or transfer shall be made from the contingent fund until approved by the Board of Finance.

§ 66-9. Purpose. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The purposes of this article are to define what is meant by a "department" for the purposes of C.G.S. § 7-348, to establish a procedure to deal with budget variances after the end of the fiscal year, and to create a contingent fund as authorized by C.G.S. § 7-348.

§ 66-10. Definitions.

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

APPROVED EXPENSE BUDGET — The aggregate amount of expenditures and appropriations from the general fund approved each fiscal year by the Town at a Town Meeting or referendum called for that purpose. The approved expense budget shall include debt service and any other expenses paid from the general fund, but it shall not include excluded expenses defined below.

CONTINGENT FUND — A separate fund is hereby established in accordance with C.G.S. § 7-348 to provide additional flexibility to make supplemental appropriations and offset year-end budget variances. The initial amount of the Contingent Fund shall be \$200,000 taken from the cash balance of the general fund. Additions to and expenditures from the Contingent Fund shall be in accordance with C.G.S. § 7-348.

DEPARTMENT — The approved expense budget shall have three principal components, each a "department" for the purposes of C.G.S. § 7-348. The three principal components, or departments, are the Board of Selectmen, the Board of Education, and Regional School District No. 7. Debt service and any other expenditures that are included in the approved expense budget but not in one of the three departmental budgets shall be treated as if they were a fourth department. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

EXCLUDED EXPENSES — The approved expense budget shall not include expenditures that do not utilize the Town's ongoing budgeted revenue sources. Examples of excluded expenses include capital projects that are paid by prefunded grants or the Local Capital Improvement Program (LoCIP), and casualty losses that are reasonably expected to be reimbursed by insurance proceeds or FEMA. However, grants which require the Town to expend its funds first and then apply for reimbursement are not excluded

expenses.

§ 66-11. Procedures.

- A. Reallocation of budgets. The Board of Selectmen shall have the same authority to reallocate funds among line items of the approved expense budgets for its departments as granted to boards of education by C.G.S. § 10-222. Such reallocations shall not affect the original line item amount of the approved expense budget. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. Supplemental appropriations to a departmental budget. Supplemental appropriations not to exceed \$20,000 for any department in a fiscal year may be approved by the Board of Finance in accordance with C.G.S. § 7-348. Supplemental appropriations exceeding \$20,000 may be approved either by the Town or, if sufficient funds are available in the Contingent Fund, by the Board of Finance.
- C. Approval of variances at fiscal year end. If a department is found to have exceeded its approved expense budget at fiscal year end, that excess shall be offset first by the surplus, if any, in the approved expense budgets of other departments and then by an appropriation of the Contingent Fund.
- D. Notification of potential variances. Informally, each department should advise the Board of Finance if it believes that a supplemental appropriation may become necessary or an excess may occur at fiscal year end. The Board of Finance shall also review actual expenditures versus the approved expense budget from time to time during the fiscal year.
- E. Recordkeeping. Approvals of supplemental appropriations and year-end variances in accordance with Subsections B and C above shall be documented in the minutes of a meeting of the Board of Finance or the Town Clerk's record of a Town Meeting. Reallocations of the approved expense budget of a department pursuant to Subsection A above do not require any specific recordkeeping and do not change the line item amounts of the original budget.
- F. Contingent Fund expenditures. Appropriations from the Contingent Fund shall be approved in accordance with C.G.S. § 7-348. Appropriations from the general fund to the Contingent Fund shall be approved by the Town, either as a supplemental appropriation in accordance with C.G.S. § 7-348 or as a line item in the approved expense budget. The unexpended balance of the Contingent Fund shall carry forward to the next fiscal year.
- G. Emergency expenditures. Nothing in this article shall be deemed to limit the authority granted to a Town board or other Town officials by the Connecticut General Statutes to deal with emergencies and other contingencies.

§ 66-12. Amendments.

Amendments hereto may be made from time to time in accordance with the then-current Connecticut statutes and approval by the legislative body of the Town of Colebrook.

COLEBROOK CODE

Chapter 70

FIRES AND FIRE PREVENTION

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

ARTICLE I
Fire Protection
[Adopted 2-6-1950]

§ 70-1. Authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The following article is hereby enacted pursuant to the provisions of C.G.S. §§ 7-148, 7-157 and 7-301 et seq.

§ 70-2. Fire protection to be provided.

Fire protection shall be provided for the Town.

§ 70-3. Agreement with Fire Department. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Board of Selectmen is authorized and directed to enter into an agreement with the Colebrook Volunteer Fire Department for the protection of the Town from fire upon the following conditions:

- A. Financial assistance. The Town from time to time shall furnish necessary supplies and shall furnish the use of and keep in repair necessary firefighting equipment to said Department upon the application of the Chief of the Department to the Board of Selectmen, the approval of the Board of Selectmen and of the Board of Finance and an appropriation by the Town. The Town shall procure and maintain suitable fire, theft, and liability insurance upon all such equipment furnished. The Town shall not furnish or be responsible for the maintenance of land, buildings or housing facilities of any kind for the Department. All personnel of the Department shall serve on a voluntary basis, and the Town shall not be responsible for salaries or wages in the operation of the Department.
- B. Observance of regulations. The Board of Selectmen from time to time shall make suitable regulations in respect to the control, operation and management of the Department, including use of the equipment furnished and owned by the Town and any other proper subjects of regulation in the conduct of said Department, and said Department shall observe all of said regulations as a condition of receiving financial assistance from the Town.
- C. Records. A copy of said agreement and of all such regulations and of any changes therein from time to time shall be placed in the records of the Town, and another copy shall be kept with the records of the Department.²

2. Editor's Note: The agreement with the Forge Fire Company is also on file in the Town records.

ARTICLE II
Open Burning
[Adopted effective 12-18-2007]

§ 70-4. Definitions.

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

BRUSH — Shrubs, vegetation or prunings, the diameter of which is not greater than three inches at the widest point.

COMMISSIONER — Commissioner of the State of Connecticut Department of Energy and Environmental Protection. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

FIREFIGHTER — Any volunteer firefighter who engages in firefighting under the supervision of the Fire Chief or his designee. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

OPEN BURNING OFFICIAL — Any person appointed by the First Selectman and certified by the Commissioner.

RESIDENT — An individual seeking to burn on the property where he resides.

§ 70-5. Open burning certificate required.

The following types of open burning shall be allowed only after an applicant obtains an open burning certificate:

- A. The open burns of brush on residential property. The applicant must be a resident or an authorized agent of a resident of the property where the open burning will occur. The open burning official, in his or her discretion, may require proof of residency or proof that the applicant is an authorized agent of a resident.
- B. Clearing vegetative debris following a natural disaster.
- C. Vegetative management or enhancement of wildlife habitat or ecological sustainability on Town property or on any privately owned property permanently dedicated to open space.
- D. Any other type of fire that is described in C.G.S. § 22a-174 or the Regulations of Connecticut State Agencies, hereinafter referred to as "the regulations." **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 70-6. Conditions on open burning certificates.

The following conditions shall be placed on all open burning certificates:

- A. Open burning must take place between the hours of 10:00 a.m. and 5:00 p.m. No visible embers, flame or smoke may be present after 5:00 p.m.
- B. Open burning shall only be permitted on sunny or partly sunny days when the wind speed is less than 15 miles per hour, except that fire-training exercises shall not be subject to this condition.
- C. The applicant must keep a copy of the open burning certificate in his or her possession at the time of the open burning.

- D. The applicant must call the open burning official or such other person listed on the open burning certificate 24 hours prior to the ignition of the open burning and leave the applicant's name, telephone number, and the specific time of and location of the open burn.
- E. Any other conditions required to be imposed by C.G.S. § 22a-174 or the regulations.

§ 70-7. Additional conditions.

The open burning official may issue such further conditions to an open burning certificate, either at the time of issuance of the open burning certificate or afterwards, as are necessary to avoid a nuisance or to protect the health, safety and comfort of the public, relating to the following:

- A. The materials and quantities to be burned.
- B. The hours and days during which the open burning is allowed.
- C. Any other conditions allowed under C.G.S. § 22a-174 or the regulations.

§ 70-8. Applicability of certificate; revocation of certificate.

An open burning certificate is applicable only for the occasion and purpose outlined in such open burning certificate. The open burning certificate may be revoked, in writing, by the open burning official or the Commissioner for violation of any provision of this article or the Regulations of Connecticut State Agencies enacted pursuant to C.G.S. § 22a-174, as amended.

§ 70-9. Conditions on all open burning.

- A. No open burning shall create a nuisance.
- B. A responsible adult shall tend to the open burning at all times.
- C. Suitable fire extinguishing equipment must be in close proximity and available at the time of the open burning.
- D. The open burning must be a minimum of 25 feet from any property line and 25 feet from any building, except that barbecues or other similar outdoor fires shall not be subject to this condition.
- E. No open burning shall be allowed to burn out of control so as to require the response of fire personnel and/or apparatus. The Fire Chief or Fire Marshal shall make determination that a fire has been allowed to burn out of control.
- F. No weeds, grass, leaves, processed wood, garbage, paper, metals, plastics, rubber, painted materials, man-made waste or demolition waste shall be burned.
- G. No open burning of brush shall occur when national or state ambient air quality standards may be exceeded.
- H. No open burning of brush shall occur where a hazardous health condition might be created.
- I. No open burning shall occur when the forest fire danger in the area is identified by the Commissioner as "high" or "extreme" and where woodland or grassland is within 100 feet of the proposed open burning. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- J. No open burning of brush shall occur when there is an advisory from the Commissioner of any air

pollution episode.

- K. No open burning is allowed within the limits of any public road or public right-of-way.
- L. A two-foot perimeter around the burn site must be raked to keep the fire in contained area.

§ 70-10. Exemptions from certificate requirement. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The following types of open burning shall be allowed without the need for an open burning certificate:

- A. Barbecues or other similar outdoor fires, which fires are for the cooking of food for human consumption.
- B. Campfires or other types of fires made out of nonprocessed wood for ceremonial purposes, provided that the size of such fires does not exceed four feet in any direction.
- C. Fires in "salamanders" or other similar devices used by construction or other workers for heating purposes, which fires are used for street installation or paving activities, the repairing of utilities or other similar work.
- D. Fire breaks for the purpose of controlling forest fires, provided fire personnel do it.
- E. Any fire specifically exempted from such requirements in C.G.S. § 22a-174 or the regulations.

§ 70-11. Extinguishing of fires.

The Fire Marshal, Fire Chief and/or any officer of the Fire Department, the Director of Health, and his or her designee, or the First Selectman may require any person who ignites or maintains an open burning in violation of the provisions of this article to extinguish such open burning. Failure to extinguish such open burning shall be a violation under this article.

§ 70-12. Permit from Commissioner.

Certain types of open burning require the issuance of a permit by the Commissioner; such types are enumerated in the Connecticut General Statutes and the Regulations of Connecticut State Agencies.

§ 70-13. Penalties for offenses.

- A. Any person who violates any provision of this article shall be subject to the following penalties and fines:
 - (1) First offense or violation: \$50.
 - (2) Second or subsequent offense or violation: \$90 for each separate violation and each day of continued violation.
- B. The open burning official may seek enforcement of the provisions of this article by injunction and, in such event, the violator may be liable for the Town's reasonable attorneys' fees.
- C. The provisions of ordinance enforcement shall otherwise apply to this article.
- D. Any and all remedies which the Town has in enforcing this article, at law or in equity, shall be cumulative and two or more or all of such remedies may be exercised at the same time.

COLEBROOK CODE

Chapter 84

HEAVY VEHICLES AND EQUIPMENT

[HISTORY: Adopted by the Town Meeting of the Town of Colebrook 5-17-1983. Amendments noted where applicable.]

§ 84-1. Permit required. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

No commercial vehicle, construction or excavation equipment, or other equipment, whether or not properly designated as a "vehicle," shall enter upon land adjoining a Town highway from such highway or exit from such land onto a Town highway, other than onto and out of a formal driveway leading to a dwelling house or other building, for purposes of lumbering, hauling logs or wood, excavating, or removing and hauling gravel, soil or minerals without a permit therefor. A bond of not more than \$1,000 shall be required for issuance of the permit.

§ 84-2. Bond.

Before engaging in any such activities, the owner of such vehicle and equipment or the property owner shall obtain from the First Selectman a permit and shall post a bond with sufficient surety to the Town of Colebrook in an amount determined by the First Selectman not to exceed \$1,000, to be fixed with due regard to the size, type and weight of the equipment to be used, the loads to be hauled, the place or places of entry and exit from and onto the Town highway, and the likelihood of damage to the Town highway from such entrance and exit, including damage from water flowage from such adjoining land and erosion of soil and deposit of debris in the highway. Such bond shall be conditioned upon payment to the Town of all damages to a Town highway or highways caused by such activities of the owner, his servants or agents, including damages to the road surface and road shoulders and injuries to the highway by reason of water flowage from the adjoining land or erosion of soil and other debris resulting from such activities on such adjoining land.

§ 84-3. Deposit or storage of materials on highway.

No lumber, wood, soil, gravel, minerals or other materials being removed from such premises shall be deposited or stored within the limits of the Town highway on either a permanent or temporary basis.

§ 84-4. Applicability.

The provisions of this chapter shall not apply to vehicles or equipment with a gross loaded weight of less than 10,000 pounds.

§ 84-5. Penalties for offenses. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Violation of this chapter shall be subject to a fine of not more than \$250.

Chapter 88**HISTORIC DISTRICTS**

[HISTORY: Adopted by the Town Meeting of the Town of Colebrook 5-13-1963; amended 10-15-1990; 10-19-2009. Subsequent amendments noted where applicable.]

§ 88-1. Authority and purpose.

Pursuant to C.G.S. §§ 7-147a through 7-147k, historic districts are hereby established within the Town of Colebrook to preserve and protect buildings and districts of historic interests.

§ 88-2. Boundaries.

The boundaries of the historic districts are as follows:

- A. The immediate vicinity of Colebrook Center, to be known as "Colebrook Center Historic District."
- (1) This includes the following buildings and their adjacent property lines, all within view from the Church green: the Church, the Norman Thompson house, the Margaret Thompson house, the Kochey house, the Cooper house, the Town Hall, the Firehouse, the Gray Barn, the Parsonage, the Prentice house, the Pruyn house, Rockwell house, the Store Woodbine Cottage, and Rockwell Hall.
 - (2) The district is described as follows: Beginning at the point of intersection of the westerly line of the highway leading from Colebrook Center to North Colebrook (State Highway No. 183), with a line parallel to and 50 feet distant northerly from the northerly line of the "Prentice house," so called; thence running westerly along said parallel line and partly along a stone wall approximately 225 feet to a corner of stone walls; thence running southerly along a stone wall about 65 feet to a corner of stone walls; thence running easterly along a stone wall about 18 feet to the end thereof; thence running southerly in a straight line about 105 feet to the westerly end of a stone wall which runs easterly and westerly; thence running easterly along said last-mentioned wall about 110 feet to a point in the prolongation northerly of the line of a stone retaining wall; thence running southerly along said last-mentioned line and wall to the end of said wall and land of Elizabeth B. Dribben; thence running westerly along said Dribben land to a stone wall and land of Carolyn P. Pruyn; thence running southerly along said Pruyn land, partly along a stone wall and partly along a wire fence, to the northerly line of the highway leading from Colebrook Center to Norfolk (State Highway No. 182A); thence running easterly along the northerly line of said highway about 100 feet to a point in the prolongation northerly across the said highway of the line of a stone wall on the Rockwell Hall premises; thence crossing said highway on said last-mentioned line and continuing southerly along said last-mentioned stone wall and along wire fence and the prolongation of the line of said fence to the northwesterly line of the highway leading from Colebrook Center to Winsted (State Highway 183), at or near a culvert under said highway; thence crossing said highway to a corner of stone walls on land of the Thompson Corporation; thence running southeasterly along a stone wall and the prolongation of the line of said wall about 300 feet to a stone wall; thence running easterly along said last-mentioned stone wall and the prolongation of the line thereof, which line runs approximately parallel to and about 15 feet distant from the southerly wall of a red barn on said Thompson Corporation premises, to a point in the prolongation southerly of the line of the easterly wall of said barn; thence running southerly in the prolongation of the last-mentioned line about 90 feet to a point; thence running easterly in a straight line parallel to and about 50

feet southerly of the southerly wall the dwelling now occupied by Margaret S. Thompson to the westerly line of the "Smith Hill Road," so called, at the southerly end of a white picket fence; thence crossing said Smith Hill Road to the northerly end of a stone wall at the southwesterly corner of land of Edward L. Kochey; thence running easterly along the same line 100 feet to a point; thence running northerly in a straight line in the southeasterly corner of the lot on which the Gray Barn is situated, being a corner of stone walls; thence running northerly along the easterly line of said barn lot and stone wall to a corner of stone walls; thence running northerly along a line, which line is the prolongation southerly of the easterly boundary line of the lot on which the Parsonage is situated, to the southerly line of the highway leading from Colebrook Center to Sandy Brook; thence crossing said highway in the same line to the southeasterly corner of the Parsonage lot; thence running northerly along the easterly boundary line of said Parsonage lot to the northeasterly corner thereof; thence running westerly boundary of said Parsonage lot to the easterly line of said highway leading from Colebrook Center to North Colebrook; thence crossing said highway to the westerly line thereof; and thence running northerly along the westerly line thereof to the point or place of beginning.

- B. The immediate vicinity of the area known as "Phelps Corners" (or "Phelps Farm") to be known as the "North Colebrook Historic District."
- (1) This includes the following buildings and their adjacent property lines at North Colebrook: the Phelps Tavern, the Coach house, the Yellow house, the Blum house, the General Phelps house, the Chimney house, and the North Colebrook Baptist Church.
 - (2) The district is described as follows: Beginning at the point of intersection of the westerly line of the highway leading from North Colebrook to Sandisfield, Massachusetts (State Highway No. 183), with a line parallel to and 175 feet distant southerly from the southerly face of the "General Phelps house," so called; thence running westerly along said parallel line approximately 225 feet to the easterly bank of the Sandy Brook; thence running northerly along said bank of said brook approximately 525 feet to the point where there easterly bank of Sandy Brook meets the westerly line of said state highway, thence running northwesterly along the westerly line of said highway, crossing said brook to land of the North Colebrook Baptist Church Society, Inc., thence running westerly, northerly, easterly, and southerly along the southerly, westerly, northerly and easterly boundary lines of the land of said church to said state highway; thence running easterly in a straight line crossing said state highway and said brook, brook to the westerly line of the "Prock Hill Road," so called, at a point 10 feet distant northerly from the northerly face of the garage building on the land on which buildings known as the "Yellow house" is situated; thence running southerly along the westerly line of said Prock Hill Road to a point from which a line crossing Prock Hill Road in an easterly direction will be parallel to and 40 feet northerly from northerly face of the buildings known as "Phelps Tavern" and running thence easterly along said line as so determined to a point of intersection with a line which is parallel to and 60 feet distant from the easterly face of the said tavern; thence running southerly along said last-mentioned line to the easterly line of said state highway; thence crossing said state highway to the westerly line thereof and thence running southerly along the westerly line thereof to the point and place of beginning.

§ 88-3. Historic District Commission. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

An Historic District Commission is hereby established, consisting of five regular members and three alternate members, who shall be electors of the Town of Colebrook, holding no salaried municipal office. One or more of the members or alternates of the Historic District Commission shall reside in an historic

district under the jurisdiction of the Commission, if any persons reside in any such district and are willing to serve on such Commission. The members of the Commission shall be appointed by Town Meeting, one to serve until the Annual Town Meeting in October 1963, one until the Annual Town Meeting in October 1964, one until the Annual Town Meeting in October 1965, one until the Annual Town Meeting in October 1966 and one until the Annual Town Meeting in October 1967; and at each Annual Town Meeting commencing with the Annual Town Meeting in October 1963, one member shall be appointed for a term of five years. The three alternate members of the Commission shall also be appointed by Town Meeting beginning October 15, 1990, one to serve three years, one to serve two years and one to serve one year. At each Annual Meeting commencing with the Annual Meeting in October 1991, one alternate member shall be appointed for a term of three years.

§ 88-4. Rules and regulations.

The Commission may adopt rules of procedure and other rules, regulations and orders pursuant to and consistent with the General Statutes, designed to provide for the clear and orderly application of the provisions of the General Statutes to the historic districts and to simplify and facilitate compliance, including, but not limited to, the adoption of a standard form of application for a certificate of appropriateness, requiring such information as may be necessary for the Commission to carry out its duties.

§ 88-5. Application fee. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

The application fee for a certificate of appropriateness shall be set by the Historic District Commission.

COLEBROOK CODE

Chapter 95

INLAND WETLANDS AGENCY

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

ARTICLE I
Inland Wetlands Commission
[Adopted 1-16-1974]

§ 95-1. Authority; Commission established. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Pursuant to C.G.S. § 22a-42, there is hereby established the Inland Wetlands Commission to act as the inland wetlands agency within the Town.

§ 95-2. Membership. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Said Inland Wetlands Commission shall be composed of five members, which members shall be appointed by the Board of Selectmen, which shall also fill any vacancies and remove any member for cause.

§ 95-3. Terms of office.

The terms of the members shall be as follows: initially, two members shall be appointed for a term of one year and, upon the expiration of their term, thereafter two members shall be appointed for a term of three years; two members shall be appointed for a term of two years and, upon the expiration of such term, thereafter two members shall be appointed for a term of three years; one member shall be appointed for a term of three years and, upon the expiration of such term, thereafter one member shall be appointed for a term of three years.

§ 95-4. Alternate members. [Added 2-17-1981]

There shall be three alternate members of the Inland Wetlands Commission appointed by the Selectmen, one to serve a term of three years, one of two years and one of one year. Upon the expiration of such initial terms, the successor alternate members shall be appointed to serve terms of three years. Vacancies occurring among alternate members shall be filled by appointment by the Selectmen, and the Selectmen may remove alternate members for cause.

§ 95-5. Removal. [Amended 2-17-1981]

No member or alternate shall be removed for cause except after a hearing by the Selectmen, of which at least 10 days' notice shall be given prior to the hearing, at which the member in question shall have an opportunity to be heard.

§ 95-6. Regulations. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

In accordance with the provisions of said C.G.S. § 22a-42, the Inland Wetlands Commission shall promulgate regulations concerning inland wetlands, shall serve as the sole agent for the licensing of regulated activities and shall perform all such other acts in relation to wetlands as by law provided.

ARTICLE II

Fees

[Adopted effective 6-5-2004]

§ 95-7. Authority; schedule of fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Fee schedules are included in the Inland Wetland Regulations. Fees will be amended from time to time at a Town Meeting upon the recommendation of the ILWL.³

§ 95-8. Applicant responsible for actual costs.

In addition to the minimum fees above, the applicant shall reimburse the Town for the actual cost of processing and review of the application. Where such cost is in excess of \$400, the Town shall maintain a record of the costs of processing and reviewing of these applications.

§ 95-9. State surcharge.

All fees do not include a surcharge as imposed by the State of Connecticut for all land use applications.

§ 95-10. Outside consultants.

- A. The fees set forth above are the minimum application fees required. When the actual cost of processing an application exceeds the minimum application fee, due to the need for outside consulting services, the Inland Wetlands Commission shall charge the applicant an additional fee to fund the appropriate costs of processing the application. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. The expenses for such outside consultants may be estimated by the permit granting authority upon receipt of the application, based upon the projected expenses of reviewing, evaluating and processing the application. This reasonable estimate, together with the appropriate application fee given above, shall be paid forthwith, and the application shall be deemed incomplete until these fees have been paid.
- C. For the purpose of this article, an "outside consultant" means a professional who is not an employee of the Town, including but not limited to engineering, traffic, legal, hydrogeology, environmental and planning professionals.

§ 95-11. Rebates.

Any portion of the estimated fee not expended by the Town on the project shall be rebated to the applicant upon completion of the review, evaluation and processing of the application.

§ 95-12. Bill for excess costs. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Inland Wetlands Commission shall bill the applicant for any costs incurred by the Town in excess of the estimated fee paid by the applicant. This bill shall be paid by the applicant prior to the issuance of any permits.

3. Editor's Note: Original Schedule A, regarding fees per square feet of regulated area; and Schedule B, regarding fees per linear feet of regulated area, which immediately followed, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

COLEBROOK CODE

Chapter 105

JUSTICES OF THE PEACE

[HISTORY: Adopted by the Town Meeting of the Town of Colebrook 6-22-1992; amended 5-21-1996. Subsequent amendments noted where applicable.]
§ 105-1. Number designated.

Pursuant to C.G.S. § 9-183a, the Town of Colebrook hereby enacts an ordinance providing for the selection of 30 Justices of the Peace.

NORTHWEST HILLS COUNCIL OF GOVERNMENTS

Chapter 126

NORTHWEST HILLS COUNCIL OF GOVERNMENTS

[HISTORY: Adopted by the Town Meeting of the Town of Colebrook 10-21-2013. Amendments noted where applicable.]

§ 126-1. Authority; election to join. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

In accordance with the provisions of C.G.S. § 4-124j, as amended, the legal voters of the Town of Colebrook hereby ratify the action of the Litchfield Hills Council of Elected Officials to join, in conjunction with one or more other towns, cities or boroughs within the region, the Northwest Hills Council of Governments, effective January 1, 2014, and toward that end the Litchfield Hills Council of Elected Officials formally adopted C.G.S. §§ 4-124i to p, inclusive, in accordance with the procedures set forth in C.G.S. § 4-124j.

§ 126-2. Representative.

The representative of the Town of Colebrook in said Council shall be the First Selectman, as the elected chief executive of the Town.

COLEBROOK CODE

Chapter 133

OFFICERS AND EMPLOYEES

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

ARTICLE I
Town Clerk Salary
[Adopted 12-17-1974]

§ 133-1. Authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

This article is adopted pursuant to the provisions of C.G.S. § 7-34b.

§ 133-2. Salary in lieu of fees.

The Town Clerk of said Town shall receive a salary in lieu of all fees and other compensation provided for in the General Statutes, which salary shall be fixed by the legislative body of the Town.

§ 133-3. Deposit of other fees.

The fees or compensation provided by the General Statutes to be paid to the Town Clerk shall be collected by the Town Clerk, and he or she shall deposit all such money collected in accordance with such provisions of law as govern the deposit of monies belonging to the Town.

ARTICLE II
Retirement Pension
[Adopted 5-17-1994]

§ 133-4. Pension provided. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Town shall provide for retirement pension for all full-time employees of the Town, having completed 24 months of service and having obtained the age of 21. "Full-time employees of the Town" are those who work a minimum of 1,675 hours annually. Eligibility commences on July 1 nearest the completion of the twenty-four-month service requirement.

§ 133-5. Eligibility for pension benefits.

No such employee shall be eligible for pension benefits until obtaining the age of 65 or after five years of planned participation, whichever is later.

§ 133-6. Town contribution. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Town contribution shall be equal to 5% of the annual base compensation for the employee as of the plan anniversary date. All full-time employees who have worked a minimum of 1,800 hours during the plan year and who are actively employed by the Town as of June 30 of the preceding year will receive an annual plan contribution.

§ 133-7. Vesting schedule.

Vesting schedule upon termination shall be as follows:

Years of Service	Vesting %
Fewer than 3 years	0%
3 but fewer than 4	20%
4 but fewer than 5	40%
5 but fewer than 6	60%
6 but fewer than 7	80%
7 or more	100%

§ 133-8. Death benefit.

Preretirement death benefit shall be equal to the present value of the participant's accrued benefit.

§ 133-9. Disability benefit.

The disability benefit is 100% immediately vested.

§ 133-10. Employee participation and voluntary contributions,

Employee participation and voluntary contributions are allowed up to 15% of the compensation or a maximum of \$9,500 annually.

§ 133-11. Amendments.

The provision of this article shall be subject to revision or amendment by the Town at any regular or special meeting as conditions warrant or circumstances change, except that the rights or benefits granted to any individual under this or any previous pension systems adopted by the Town shall not be diminished or eliminated.

§ 133-12. Existing benefits.

The employees who are receiving benefits under the pension ordinance approved on or about June 10, 1982, shall continue to receive benefits in accordance with that ordinance and in amounts as set forth under the terms of that ordinance. The employees who are currently eligible under that pension plan, but who are not receiving benefits in accordance with that plan, will henceforth be covered under this new article and shall receive benefits in accordance with this article plan. Any accrued amounts existing under the previous plan will be carried forward and become part of this new plan.

§ 133-13. Award for past service.

Pension benefit awards for past service to the Town of Colebrook are to be awarded to the following persons: N. Joyce Nelson, Floyd Jespersen and Robert Jasmin, Sr. The amount of the benefits for the aforementioned individuals are on file with the Town Clerk, along with individuals who meet the qualifications of the pension plan.

ARTICLE III

Assessor

[Adopted 5-20-1997; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 133-14. Appointment.

Pursuant to C.G.S. § 7-100k, the Town of Colebrook shall have a single appointed Assessor. The Board of Selectmen shall, by majority vote, appoint the Assessor. The Board of Selectmen shall be authorized and empowered to establish suitable qualifications, terms and compensation for the position.

COLEBROOK CODE

Chapter 144

PEDDLING AND SOLICITING

[HISTORY: Adopted by the Town Meeting of the Town of Colebrook 6-28-1965. Amendments noted where applicable.]

§ 144-1. Permit required.

Any individual or person selling, offering for sale, or soliciting orders for books, periodicals, magazines, papers and printed or other written matter; or goods, wares, merchandise or services, from house to house in the Town of Colebrook shall first apply to the First Selectman for a permit to be signed and issued by the First Selectman, which application shall state the name and address of the employer of such person or individual, together with the name and address of such individual or person.

§ 144-2. Permit fee. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

The fee for the issuance of such permit shall be the sum of \$200 for each calendar year, or part thereof, which fee shall be paid at the time of the filing of such application and before such permit is issued. A veteran who meets the qualifications in C.G.S. § 21-37(a) is not required to pay the permit fee.

§ 144-3. Display of permit.

Such permit shall be carried by the person to whom it is issued and shall be shown on demand to any person or individual solicited for the purchase of any such material or materials.

§ 144-4. Public records.

Said application for permit and a copy of such permit shall be kept on file in the office of the First Selectman subject to public inspection.

§ 144-5. Exemptions. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

The terms of this chapter shall not apply to any person regularly residing in the Town of Colebrook nor any person soliciting orders for or delivering newspapers by motor vehicles in the Town; nor to the members or accredited representatives of any religious, charitable, educational, veterans, fire company, civic or fraternal organization seeking to raise funds for the work and maintenance of the organization; nor to sales by farmers and gardeners of the produce of their farms, gardens and greenhouses, including fruit, vegetables and flowers; or to the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods; to sales on approval; to conditional sales of merchandise; or to the taking of orders for merchandise for future delivery when full payment is not required at the time of solicitation.

§ 144-6. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person violating any of the provisions of this chapter shall be fined not more than \$199.

PLANNING AND ZONING COMMISSION

Chapter 150

PLANNING AND ZONING COMMISSION

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

ARTICLE I

Appointment and Terms of Office

[Adopted 10-3-1955; amended 10-5-1959; 10-5-1964]

§ 150-1. Appointments.

This article is adopted for the appointment of a Planning and Zoning Commission of five electors of the Town, other than the Selectmen, two to be chosen to serve until the Annual Meeting of the Town to be held in October 1956 and until their successors are chosen and three to be chosen to serve until the Annual Town Meeting to be held in October 1957 and until their successors are chosen; and at the Annual Town Meeting to be held in October 1956 and biennially thereafter, two members to be chosen; and at the Annual Town Meeting to be held in October 1957 and biennially thereafter, three members to be chosen for the respective terms of two years and until their successors are chosen.

§ 150-2. Removal.

Any member of the Planning and Zoning Commission may be removed from office for cause by any Annual or Special Town Meeting, but before removal, charges shall be presented to such member, in writing, and he shall be given reasonable opportunity to be heard in his own defense.

§ 150-3. Vacancies

Any vacancy in the Planning and Zoning Commission arising from any cause shall be filled by the Selectmen, and any member so appointed to fill the vacancy shall serve until the expiration of the term for which he was appointed or until his successor is chosen.

ARTICLE II
Alternate Members
[Adopted 10-15-1984]

§ 150-4. Authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

This article is adopted pursuant to the provisions of C.G.S. § 8-1b.

§ 150-5. Number of alternates; powers and duties.

There shall be three alternate members of the Planning and Zoning Commission, who shall be electors but shall not be members of the Zoning Board of Appeals. They shall have all of the powers and duties as provided by the General Statutes of Connecticut.

§ 150-6. Appointment.

Such three alternate members shall be initially appointed at the Annual Meeting of the Town in 1985. At said Annual Meeting in 1985, one alternate member shall be appointed to serve a term of one year, one member to serve a term of two years and one member to serve a term of three years; and thereafter at the termination of such terms, succeeding members shall be appointed for terms of three years each at the Annual Town Meeting. Such alternate members shall act at such times and in such manner as may be designated by the Chairman of the Commission in accordance with the provisions of the statute.

§ 150-7. Vacancies.

Any vacancy in the office of alternate member shall be filled by the Planning and Zoning Commission until the next ensuing Annual Town Meeting.

ARTICLE III

Fees

[Adopted effective 6-5-2004; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 150-8. Schedule of fees.

- A. The following schedule of minimum fees shall be charged for the processing of applications by the Colebrook Planning and Zoning Commission. Payment of all fees must accompany the application.
- B. The ex post facto fee described below may be waived by the Commission or the ZEO.

Type of Application	Minimum Application Fee
1. Zoning permit	
a. Any shed, outbuilding, deck or porch under 150 sq. ft., or signs	\$45
b. All others	\$125
2. Special exceptions in all zones	\$300
3. Site plans (minimum fee shall be \$200, plus \$.15 per sq. ft. per building)	\$85
4. Subdivision or resubdivision on an existing road	\$300 per lot
5. Subdivision or resubdivision on a proposed road	\$500 per lot
6. Petition for change of zones or an amendment to Planning and Zoning Regulations	\$300
7. Appeal to Zoning Board of Appeals	\$300
8. Certificate of occupancy for every building, unit of a building, or dwelling unit	\$15
9. Ex post facto (after-the-fact) fee	Double minimum application fee; not to exceed \$250

All fees, except Items 8 and 9, are subject to a State of Connecticut land use supplemental surcharge (per C.G.S. § 22a-27j), which is payable in addition to the above fees

§ 150-9. Additional costs.

The fees set forth above are the minimum application fees required. In addition to these fees, the applicant shall be responsible for the actual cost of processing and reviewing the application, including any outside consulting services.

§ 150-10. Outside consultants.

- A. For the purpose of this article, an "outside consultant" means a professional who is not an employee of the Town, including, but not limited to, engineering, traffic, legal, hydrogeology, environmental and planning professionals.
- B. Any expenses for such outside consultants may be estimated by the Commission based upon the projected expenses of reviewing, evaluating and processing the application. This reasonable estimate, together with the appropriate application fee given above, shall be paid forthwith, and the application shall be deemed incomplete until these fees have been submitted. Any fees in excess of the estimate shall be paid within 30 days of notice to the applicant. No permits shall be issued until all fees are paid in full.

§ 150-11. Rebates.

Any portion of the estimated fee not expended by the Town on the project shall be rebated to the applicant upon completion of the review, evaluation and processing of the application.

Chapter 157**PUBLIC PERFORMANCES**

[HISTORY: Adopted by the Town Meeting of the Town of Colebrook 10-5-1970. Amendments noted where applicable.]

§ 157-1. Purpose.

The purpose hereof is to regulate any public performance of a musical, theatrical or entertainment nature held out of doors in the Town of Colebrook, such regulation being hereby declared necessary for the protection of the health, safety, welfare and property of the public.

§ 157-2. License required.

Any public performance embodying the presentation of musical numbers, vocal or instrumental; plays; moving pictures; dancing or any theatrical presentation, entertainment or amusement to be held out of doors at which more than 500 persons are expected to be admitted at one time shall require the issuance of a license by the Board of Selectmen of the Town and strict compliance with the terms of this chapter.

§ 157-3. Time frame for application and decision; public hearing.

Application for license for the holding of such a performance shall be made to the Board of Selectmen at least 60 days before the opening day of the proposed performance. A public hearing may be held if the same is deemed necessary or advisable by the Board of Selectmen. Such public hearing shall be held not more than 10 days after receipt of the application after further public notice in a newspaper having a circulation in said Town at least three days before the day of such hearing. The application shall be granted or denied within five days of such hearing, and if no hearing is held, the application shall be granted or denied within 15 days of receipt of the application.

§ 157-4. Application information.

The application for such a license shall be made in the name of the person or persons, corporation, club or association responsible for the presentation and shall contain the following information under oath:

- A. Names of applicants and, if a partnership, the names of all partners. If a corporation, club or association, the names of the officers thereof.
- B. The residence of the applicants.
- C. Age of the applicants; if a corporation, club or association, the date incorporated or organized and under the laws of what state.
- D. Type of business or activity.
- E. Whether the applicants or, if a corporation, club or association, the officers thereof, have ever been convicted of a crime.
- F. Description of the type of event to be held and dates and hours to be held. No license shall be valid for more than two consecutive days.
- G. Location where event will be held.

- H. Anticipated maximum number of persons who will be assembled at one time for the event. No persons in excess of this number shall be permitted within the confines of the site of the event.
- I. Plot plan or sketch of facilities and description of plans to comply with local, state and other applicable standards for:
- (1) Parking.
 - (2) Food services.
 - (3) Drinking water.
 - (4) Toilets.
 - (5) Lodging.
 - (6) Fire prevention.
 - (7) Fire protection.
 - (8) Refuse disposal.
 - (9) Law enforcement.
 - (10) Traffic control.
- J. The facilities described shall be subject to review by the Fire Marshal for the Town of Colebrook, Town Building Official and Director of Health within 48 hours of the time that the event is scheduled to begin.

§ 157-5. Conditions for grant of license.

Licenses shall be granted by the Board of Selectmen only to suitable persons over 21 years of age or corporations, clubs or associations whose officers are all over 21 years of age and upon a finding that the business or activity in such location is a bona fide and otherwise lawful one and after ascertaining that adequate provision has been made to meet the requirements for the items specified in § 157-4I of this chapter and those items have been approved by the authorities designated in § 157-4J.

§ 157-6. License fee.

The license fee payable upon the issuance of the license shall be \$100 for each event applied for.

§ 157-7. Transfer of license; responsibilities of licensee.

No license may be transferred by a licensee to any other person, corporation, partnership, club or association. The licensee shall maintain proper sanitary conditions and continue to provide adequate standards for all items covered by the application throughout the period of the activity and shall be responsible for payment of police officers needed for the period of the activity.

§ 157-8. Revocation of license.

The Board of Selectmen shall have the power to revoke any license issued hereunder for cause, after due notice. Cause shall be deemed to include, but shall not be limited to, false information in the application for a license knowingly given, failure to show good intent to comply with the conditions under which the

license has been granted, any violation of this chapter or conviction of a felony subsequent to the issuance of the license.

§ 157-9. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person, corporation, partnership, club or association violating any of the provisions of this chapter shall be fined not more than \$250 for each offense. Each day on which any provision of this chapter is violated shall constitute a separate offense.

§ 157-10. Severability.

Each separate provision of this chapter shall be deemed independent of all other provisions herein, and if any provision of this chapter shall be declared invalid, all other provisions thereof shall remain valid and enforceable.

COLEBROOK CODE

Chapter 165

RECREATION BOARD

[HISTORY: Adopted by the Town Meeting of the Town of Colebrook effective 12-16-2009.

Amendments noted where applicable.]

§ 165-1. Authority; establishment.

Pursuant to C.G.S. § 7-130c, the Recreation Board consisting of seven members is hereby established; the members shall be electors of the Town of Colebrook, holding no salaried municipal office.

§ 165-2. Appointment; terms of office.

At the Annual Town Meeting on October 19, 2009, two members of the Board shall be appointed for terms of one year each, and thereafter, at the expiration of the terms of office of the members of the Recreation Board, the number of members of the Board whose terms are expiring shall be appointed for terms of three years each.

SCENIC ROADS

Chapter 174

SCENIC ROADS

[HISTORY: Adopted by the Town Meeting of the Town of Colebrook 3-29-1989. Amendments noted where applicable.]

§ 174-1. Designation.

Pisga Mountain Road is hereby designated a scenic road under the provisions of C.G.S. § 7-149a.

§ 174-2. Town work on designated scenic roads.

The Town of Colebrook shall not pave Pisgah Mountain Road or widen the traveled portion of the road. Nothing in this chapter shall relieve the Town of Colebrook from the obligation of maintaining Pisga Mountain Road in its safe condition through normal applications of gravel and fill, grading, snowplowing, sanding, and removing of dangerous trees.

COLEBROOK CODE

Chapter 182

SNOW REMOVAL

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

ARTICLE I
Deposit of Snow on Highway
[Adopted 10-4-1971]

§ 182-1. Prohibited acts.

No person shall throw, shovel, push, plow, blow, or deposit snow from property owned or occupied by him, or from any other property, into or upon or across the traveled portion of any Town highway.

§ 182-2. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person violating the provisions of this article shall be fined not more than \$250.

Chapter 188**SOLID WASTE DISPOSAL AND RECYCLING**

[HISTORY: Adopted by the Town Meeting of the Town of Colebrook 6-22-1992. Amendments noted where applicable.]

§ 188-1. Statement of purpose.

This chapter is hereby promulgated and adopted by the Town of Colebrook pursuant to C.G.S. 7-148(c)(4)(H) and Chapter 446D, as amended, for the purpose of providing for the safe, efficient and sanitary disposal of solid waste generated within the Town and to provide for compliance by the Town's residents and authorized solid waste collector(s) with the requirements of said chapter.

§ 188-2. Definitions.

For the purposes of this chapter and all regulations promulgated pursuant hereto, the following words and phrases shall have the meanings hereinafter set forth, which definitions shall be interpreted in accordance with Section 22a-241b-1 of Regulations of Connecticut State Agencies.

AUTHORIZED COLLECTOR — Any person, corporation, or other entity with which the Town has contracted for the pickup, transportation and delivery of municipal solid waste and recyclables generated within the Town.

BULKY WASTE — Stoves or refrigerators with doors removed, bedsprings, mattresses, hot water tanks, furniture and other large household items which cannot be broken down, scrap lumber, pipe, and masonry or other construction materials which are scrap or unwanted, exclusive of hazardous waste and yard waste.

DESIGNATED DROP-OFF SITE — The situs, owned by an entity with which the Town has contracted, where the Town's solid waste and recyclables shall be transported by the authorized collector for deposit.

DUMPSTER — Metal receptacle designed to be lifted and emptied mechanically.

HAZARDOUS WASTE — Any material which has been so designated by the Federal Environmental Protection Agency or the State Department of Energy and Environmental Protection.⁴**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

RECYCLABLE MATERIAL — Any material designated by the Municipal Innovation and Recycling Authority (MIRA) which shall be segregated and diverted from other solid waste for collection in compliance herewith. Nothing in this chapter shall preclude the use of waste oil as fuel in an oil burner where otherwise permitted.**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

RESIDENTIAL PREMISES — Any premises used primarily as a domestic dwelling, including single- and multiple-family homes and any other premises which may be designated as such in any regulations promulgated pursuant to this chapter.

SCRAP METAL — Used or discarded items which consist primarily of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel or alloys thereof.

TIP FEE — Fee charged by the designated drop-off site for depositing solid waste, including recyclable material.

4. Editor's Note: The definition of "plastic," which immediately followed, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

TOWN — Town of Colebrook.

YARD WASTE — Grass clippings, leaves, horticultural trimmings or other such natural, organic matter discarded from a residential yard or garden.

§ 188-3. Source separation and recycling. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. There exists within and for the Town of Colebrook a program for the segregation of recyclable materials from other solid waste applicable to all solid waste generating sources within the Town and for the sorting of such recyclable materials into categories as established by the Municipal Innovation and Recycling Authority.
- B. All persons, businesses, institutions and other entities which generate solid waste within the Town are required to separate recyclable materials from other solid waste in accordance with MIRA guidelines.
- C. It shall be a violation of this chapter for any person, business, institution or other entity which generates solid waste within the Town to fail to make provision for separation therefrom of recyclable materials and for the pickup and removal thereof in accordance with MIRA guidelines.⁵

§ 188-4. Authorized collector.

- A. Contracts for collection: authority. The Town is authorized to award any necessary contract(s) for the collection, removal, transportation and disposal of solid waste generated within the Town limits. The contract(s) shall contain a provision that the work is to be carried out by any authorized collector awarded such a contract in a manner consistent with federal, state and local laws.
- B. Items collectible pursuant to such contract(s) shall include solid waste, bulky waste and yard waste, but shall not include hazardous waste or leaves.
- C. All authorized collectors shall provide proof of adequate insurance to the Board of Selectmen prior to the Town awarding any contract. Proof of adequate insurance shall be provided thereafter on at least an annual basis.
- D. The authorized collector shall provide the Board of Selectmen or its designee a list of registration numbers and vehicle description of all vehicles which such approved collector will be operating in the Town pursuant to a contract.⁶

§ 188-5. Severability; captions.

In the event any provision, section, sentence, clause or part of this chapter shall be held invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining part of this chapter, it being the intent that such remainder shall remain in full force and effect. Sections and captions contained herein are intended only for the purpose of convenient reference and are not intended to convey the intent of the Town.

5. Editor's Note: Original Sec. IV, Source Separation and Recycling, which immediately followed, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

6. Editor's Note: Original Sec. V, Subsection E, regarding materials picked up weekly; Subsection F, regarding materials picked up monthly; and Subsection G, regarding materials picked up semiannually, which immediately followed, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 188-6. Inspection.

The Town reserves the right to inspect solid waste at curbside or at the designated drop-off site to determine compliance with this chapter.

§ 188-7. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person, business, institution or other entity which violates or neglects to comply with this chapter or any rules adopted hereunder shall be subject to a fine of \$100 per day for each day such violation continues, up to \$1,000.⁷

7. Editor's Note: Original Sec. IX, Pre-Existing Commercial Contracts, added 10-19-1992, which immediately followed, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

COLEBROOK CODE

Chapter 195

STREET CONSTRUCTION AND ACCEPTANCE

[HISTORY: Adopted by the Town Meeting of the Town of Colebrook 4-18-2011. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 195-1. Authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

This chapter is adopted pursuant to C.G.S. § 7-148(c)(6)(C)(i) regarding the provisions for highways and sidewalks.

§ 195-2. Purpose.

This chapter sets forth the policies, rules, procedures, standards and specifications of the Town of Colebrook for the administration and enforcement of the construction and maintenance of streets in the Town of Colebrook.

§ 195-3. Title.

This chapter is entitled "Ordinance Concerning the Construction and Acceptance of Streets" and may hereinafter be cited as the "Road Ordinance."

§ 195-4. Definitions.

Certain words used in this chapter are defined and explained as follows:

AGENT — The Board of Selectmen can designate an agent to be responsible for the inspection and supervision of construction as carried out under this chapter, who would be responsible for the issuance of permits and performance of duties under the direction of the Board.

COLLECTOR STREET — A street of considerable existing or potential continuity on which traffic past abutting lots will be dominant, serving as an artery for intercommunication among large areas of the Town or serving as a feeder to a neighborhood.

- A. **STATE-DEFINED COLLECTOR ROAD** — A Town road defined by the State of Connecticut Department of Transportation as a collector road. Riverton Road is a state-defined collector road.

LOCAL STREET — A street whose primary function is to provide access to residences, farms, businesses, or other abutting property rather than to serve through traffic. The average daily traffic for a local street is fewer than 400 trips per day.

LOW-IMPACT DEVELOPMENT — "Low-impact development" is a site design strategy intended to maintain or replicate predevelopment hydrology through the use of small-scale controls integrated throughout the site to manage runoff as close to its source as possible.

STORMWATER MANAGEMENT STANDARDS — The Colebrook Stormwater Management Standards, as amended.

STREET — The term "street" shall mean a proposed public highway, street, or road in a subdivision or resubdivision approved by the Planning and Zoning Commission. Streets shall be classified in accordance with the standards contained in Colebrook's Plan of Conservation and Development adopted by the Commission.

§ 195-5. Penalties for offenses. [Added at time of adoption of Code (see Ch. 1, General Provisions,

Art. D]

Violation of this chapter shall be subject to a fine of not more than \$250.

ARTICLE II
Application Procedure

§ 195-6. Applicability.

The provisions hereof are applicable to the construction of streets in an approved subdivision.

§ 195-7. Maps. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Maps showing rights-of-way for streets and highways shall be prepared in accordance with the standards for a subdivision map specified in the Subdivision Regulations. Construction plans for streets, drainage and other improvements shall be prepared in accordance with the standards for construction plans specified in the Subdivision Regulations, as the same may from time to time be amended.

§ 195-8. Plans.

Plans of improvements and profile maps shall be prepared on the same size sheet, scale and quality as used for the rights-of-way maps and shall bear the seal of a professional civil engineer licensed to practice in the State of Connecticut.

§ 195-9. Application for road construction permit.

- A. Application for a road construction permit shall be made in writing to the Board of Selectmen and shall include the following documents:
- (1) Two copies of the maps showing the street right-of-way and drainage easements and two copies of the construction plans for street drainage and other related improvements. Plans and maps submitted to the Planning and Zoning Commission as part of the subdivision application may be substituted for the purpose of this requirement;
 - (2) A fee of \$100; and
 - (3) In the event that such proposed construction is within or relates to an existing Town street, evidence of workers' compensation and contractors' liability insurance in amounts and with carriers acceptable to the Board of Selectmen with the Town named as an insured shall be presented.
- B. By filing an application, the applicant agrees to pay the Town all professional services, including but not limited to attorneys' fees and engineering fees incurred by the Town in processing the application, inspecting the construction of the road, preparing documents and enforcing any obligations, if necessary.

§ 195-10. Permit issuance.

A road construction permit shall be issued in writing by the Board of Selectmen subject to:

- A. The completion of plans for the construction of streets, drainage and other necessary plans requested and approved by the Board of Selectmen and which may be required to be approved by the Planning and Zoning Commission.
- B. Inspection fee. Payment to the Town of Colebrook for the full cost of inspection fees performed by outside consultants for the inspection of streets, drainage and other improvements. When requested

by the developer, the Board of Selectmen, with consultation with the Town Engineer, will provide a fee estimate, taking into account the complexity of the project, the construction schedule and the estimated personnel requirements.

- C. The filing of a performance guarantee in the amount specified by the Board of Selectmen and in a form approved by Town Counsel.

§ 195-11. Permit term.

The road construction permit shall be valid for a period of time that the Board of Selectmen deems necessary for the completion of construction. Permits may be extended for a period not to exceed one year upon written approval of the Board of Selectmen. Upon the expiration of the extended time period, the Board shall either require reapplication for the uncompleted work or pay for the completion of the work by calling the performance guarantee.

§ 195-12. Performance guarantee.

The applicant shall execute an agreement and file a performance guarantee with the Board, said guarantee to be in an amount and with surety and conditions satisfactory to the Board, securing to the Town of Colebrook the actual construction, installation and completion of all improvements to the satisfaction of the Planning and Zoning Commission and the Board of Selectmen, including, without limitation, streets, drainage and placing of monuments, within a period not to exceed two years from the filing of guarantee. Said guarantee shall be in form and amount and with a surety acceptable to the Board, the Planning and Zoning Commission and Town Counsel. The agreement and performance guarantee shall also guarantee all costs as set forth in § 195-9B above.

§ 195-13. As-built plans.

Upon the completion of any road or drainage improvements, the applicant shall file with the Board construction plans, showing the streets, drainage and other subdivision improvements as built and also showing the location of any water mains, underground electric and telephone utilities. In lieu of such submission, the applicant's engineer may update and certify the Mylar construction plans submitted under § 195-7 of this chapter and approved by the Board of Selectmen. Such filing shall also include a certification, signed and sealed by an engineer licensed to practice in the State of Connecticut, that such engineer has inspected all construction work and all improvements have been completed in accordance with plans and specifications approved by the Board.

§ 195-14. Release of performance guarantee.

Before the release of the performance guarantee provided for in § 195-12 of these regulations:

- A. The streets, street improvements and street drainage shall have been inspected and approved by the Board of Selectmen or its agent;
- B. As-built plans shall have been filed with the Board pursuant to § 195-13;
- C. The applicant shall execute an agreement and file a performance guarantee for maintenance of streets, drainage and other improvements in an amount equal to 20% of the cost of these improvements. The agreement and performance guarantee shall also guarantee all costs as set forth in § 195-9B above. In the case of improvements which are not to be offered for acceptance by the Town, the maintenance guarantee must be in effect for a period of one year from the release of the performance guarantee. In the case of improvements which are to be offered for acceptance by the Town, the maintenance

guarantee shall be in effect for a period of 15 months from the release of the performance guarantee.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

§ 195-15. Acceptance of streets.

- A. Upon release of the performance guarantee, as forth in § 195-14 above, a petition may be made in writing to the Board of Selectmen for the acceptance of a street by the Town Meeting. Such petition shall be signed by the owner(s) of the street and shall include the following:
- (1) A copy of a map to be filed in the Town Clerk's office, showing all street and drainage rights-of-way;
 - (2) A Mylar tracing showing as-built street, drainage and other improvements certified by a professional engineer;
 - (3) Warranty deed and certificate of title for the rights-of-way of the street and drainage structures and of any easements in support thereof. Deed and certificate of title shall include:
 - (a) A waiver of mechanic's liens or title insurance insuring against mechanic's liens;
 - (b) Letter from the Tax Collector indicating full payment of taxes due; and
 - (c) Any other certificates and documents required by Town Counsel.
- B. Upon receipt of the required documents, the Board shall refer said documents to the Planning and Zoning Commission for its review under C.G.S. § 8-24, as amended. The Board shall then place the petition for acceptance on the call of the next regular Town Meeting; provided, however, that all requirements of this chapter and, if applicable, the Subdivision Regulations have been fulfilled.

§ 195-16. Insurance.

- A. Before the work begins, the contractor must file with the Board of Selectmen a certificate of insurance, executed by an insurance company satisfactory to the Board of Selectmen, stating that with respect to the contract, the contractor carries insurance at least in accordance with the requirements and stipulations listed below.
- B. The Town of Colebrook must be named as an additional insurance party for the insurance required under Subsection B(2) and (3) stipulated below. In the event that the contractor secures excess/umbrella liability insurance to meet the minimum requirements specified in Subsection B(2) and (3) below, the Town shall be named as an additional insured.
- (1) Workers' compensation insurance. With respect to all operations the contractor performs and all those performed for it by subcontractors, the contractor and each such subcontractor shall carry workers' compensation insurance in accordance with the requirements of state law.
 - (2) Commercial general liability insurance. With respect to the operations it performs and also those performed for it by subcontractors, the contractor shall carry commercial general liability insurance, including contractual liability insurance, which shall provide coverage of at least \$1,000,000 for each accident or occurrence resulting in damages from bodily injury to or death of persons and/or injury to or destruction of property. Subject to that limit per accident or occurrence, the policy shall provide a total or aggregate coverage of at least \$2,000,000 for all pertinent damages arising during the policy period.

- (3) Automobile liability insurance. The contractor shall obtain automobile liability insurance covering the operation of all motor vehicles, including those hired or borrowed, that are used in conjunction with the project; said insurance shall provide coverage of at least \$1,000,000 for each accident or occurrence resulting in damage from bodily injury to or death of persons and/or injury to or destruction of property. If an insurance policy shows an aggregate limit as part of the automobile liability coverage, the aggregate limit must be at least \$2,000,000.
 - (4) Blasting. When explosives are to be used for the project, the insurance required under the Subsection B(2) above shall also contain provisions for the protection, in the amounts stated, against damage claims regarding such use of explosives.
 - (5) Such additional coverage as requested by the Board.
- C. Termination or change of insurance. Each insurance policy required by this section must be endorsed to provide that the insurance company shall notify the Board of Selectmen by certified mail at least 30 days in advance of the termination or any alteration of the terms of the policy. No such change shall be made without the prior written approval of the Board of Selectmen.
- D. The contractor shall keep all the required insurance in continuous effect until the date that the Board of Selectmen designates for the termination of the contractor's responsibility.

§ 195-17. Inspection procedures.

The Board of Selectmen or its authorized agent and, where appropriate, the Planning and Zoning Commission shall have free access to the construction work at all times and shall be authorized to take material samples, corings and other tests deemed necessary to determine compliance with the standards of these regulations. They may require the applicant at his own expense to have such tests made and certified by a Connecticut licensed professional engineer.

§ 195-18. Notification.

- A. The applicant or contractor for the street, drainage or other subdivision improvements shall notify the Board of Selectmen, in writing, of his intent to start any construction project at least five days prior to starting the work. Should the applicant or such contractor close down the construction project for a period exceeding one week, due to weather conditions or other cause, the applicant or such contractor shall the notify the Board of Selectmen, in writing, of his intention to resume the project at least two working days prior to resuming the work. In addition, the applicant or such contractor shall give timely written notice to the Board of Selectmen for inspection purposes at least 48 hours before each of the following stages of work:
- (1) Commencement of site clearance and after the construction work has been staked out;
 - (2) Commencement of excavation and grading of streets and installation of embankments;
 - (3) Commencement of installation of drainage and other utilities;
 - (4) Commencement of backfilling structures and drainage pipes, facilities and other utilities;
 - (5) Commencement of placement of the base course on the subgrade of a street; and
 - (6) Commencement of construction of the paved surface of a street.
- B. The Board of Selectmen or its agent shall have three working days in which to inspect the completed

work in each of the above stages of the project prior to approving the work. No work shall be commenced on succeeding stages of construction until the required inspection has been made and approval given, in writing, by the Board of Selectmen. The Board of Selectmen may issue a stop-work order and may suspend the road construction permit if, in its judgment, the construction project or any stage thereof is not being carried out in accordance with this chapter or if unforeseen field circumstances are encountered for which the approved plans are insufficient; the Board shall withdraw such order and reinstate the permit when it determines that there is compliance with this chapter. If work is continued after issuance of a stop-work order, the Board may apply to a court of appropriate jurisdiction for an injunction, together with attorneys' fees for the cost incurred in prosecuting such injunction.

§ 195-19. Barricades and protection.

When any excavation is made within the right-of-way of any Town street, the applicant or his contractor shall provide a railing or suitable barricade so as to enclose such excavation material placed in the right-of-way. The railing or barricade shall be continued and maintained during the whole time such excavation is exposed or open. A sufficient number of lighted, flashing warning lights as shall be approved by the Board of Selectmen shall be provided for public safety, to be affixed to some part of such railing or barricade or in such other proper manner over or near such excavation and excavated material, and so kept from the beginning of the twilight of the evening through the whole of the night, and every evening and night during the time such excavation shall be open, exposed or in state of repair. The applicant or his contractor shall comply with any order of the Board or its authorized agent for provision of the barricades and shall furnish a Town Constable or a State Trooper in uniform when so ordered.

§ 195-20. Rights of safe passage.

The applicant or his contractor shall provide safe and convenient passage for public travel around or over any excavation in a Town street or highway and shall keep such passage free from earth, stones, trenches or any other materials which may hinder travel of pedestrians or vehicles. The applicant or his contractor shall comply with any order of the Board of Selectmen or its authorized agent for protection of safe passage. Street gutters shall not be obstructed in any manner so as to prevent or retard the flow of water therein.

ARTICLE III
Standards and Specifications

§ 195-21. Street design.

The following standards shall apply to the construction of streets:

- A. Right-of-way. Streets shall have a minimum width of 50 feet for the right-of way.
- B. Turnaround. A turnaround with a minimum radius of 50 feet for the right-of-way shall be provided at the closed end of all dead-end streets.
- C. Width of travelway.
 - (1) Streets shall be designed with the following width of pavement measured between curb faces or edges of pavement:
 - (a) Local street: 22 feet. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (b) Collector street: 26 feet.
 - (c) Turnaround: forty-five-foot radius with a planted island radius of 20 feet.
 - (2) The Board of Selectmen shall require a greater width of pavement as deemed necessary to accommodate the amount and type of traffic and turning movements to be generated by the intended use of the lots. Alternate designs for turnarounds compatible with site conditions which will minimize environmental impact while providing a functional and maintainable turnaround may be proposed, subject to review and approval by the Board of Selectmen and the Planning and Zoning Commission.
- D. Gradient.
 - (1) The minimum grade for all streets shall be 1.0% except that a minimum grade of from 0.5% to 1.0% may be established for 100 feet or less and as tangents of vertical curves. The maximum grade for any street shall not exceed the following:
 - (a) All streets: 10%
 - (b) Turnarounds: 4%. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (2) In special circumstances, a grade between 10% and 12% may be permitted by the Board of Selectmen if the length of the steep grade exceeding 10% is less than 200 feet.
- E. Vertical curvature. Appropriate vertical curves for transition, including superelevated curves meeting acceptable engineering standards, shall be established on all streets and at street intersections to ensure adequate sight distance in accordance with the classification of the street. Except at intersections, vertical curves shall provide a minimum sight distance of 200 feet along the edge of pavement. Where any street approaches an intersection at a grade of 4% or more, a transition area, having a maximum grade of 2%, shall be provided for a minimum of 50 feet measured from the right- of-way line of the street intersection.
- F. Horizontal alignment.

- (1) Connecting curves between tangents shall be provided for all deflection angles in excess of 5°. Suitable tangents shall be provided between curves, and the minimum radius of curvature at the center line of streets shall be follows:
 - (a) Vertical gradient less than 5%: 150 feet.
 - (b) Vertical gradient greater than 5%: 250 feet.
- (2) Tangents between curves shall not be less than 100 feet in length.

G. Intersections.

- (1) New road intersections shall be at least 200 feet from any existing intersection or other proposed intersection, or shall be part of an existing or proposed intersection. Minimum stopping sight distances shall be 200 feet in each direction from the proposed intersection. Minimum intersection sight distances shall be 350 feet and be established by current accepted engineering standards. Greater distances may be required if the Board of Selectmen, in its sole discretion, shall so determine.
- (2) Roads shall intersect at ninety-degree angles where feasible. Where unusual topographic conditions warrant, the Board of Selectmen may, through written approval, allow modification of this standard.
- (3) Intersections of right-of-way lines shall be connected with a curve having a radius of 35 feet. Edges of pavement at intersections shall be connected with a radius of 25 feet.

H. Cross section. Local streets and collector streets shall be designed with a cross section in accordance with drawings entitled "Typical Street Cross Section - Town of Colebrook," which drawings are hereby made a part of this chapter.⁸

§ 195-22. Street construction.

Streets shall be constructed in accordance with the following standards and procedures:

A. Survey and field layout. Instrument surveys shall be made, maintained and recorded as follows:

- (1) A center-line survey of the street shall be run in the field and suitable construction ties established in all control points. Stations shall be established to all control points. Stations shall be established at fifty-foot intervals and at all points of curvature and points of tangency. The beginning of this line shall be designated at Station 0 + 00 and shall be the intersection point of the proposed center line with the center line of the connecting street. Offset hubs shall be provided as part of the center-line survey.
- (2) A construction stake shall be placed perpendicular to the tangent, or radial in the case of curves, at each station on both sides of the streets and clear of all construction. The construction stake shall be marked with the station, offset to center line and cut or fill to profile grade as measured from the top of the stake.
- (3) A stake sheet showing the stations, profile grade, stake offsets and grades, and cuts or fills shall be prepared and presented to the Board of Selectmen before construction begins.
- (4) Permanent bench marks shall be established throughout the duration of the project and recorded

8. Editor's Note: Typical cross sections are included as an attachment to this chapter.

with the Board of Selectmen throughout the length of the project at 1,000-foot intervals or as directed by the Board. The datum for bench marks shall be Town, state or U.S. datum; an assumed datum may be used only with permission, in writing, from the Board.

- (5) Grade stakes shall be protected and preserved until the construction work is approved by the Board of Selectmen.
- B. Clearing and grubbing. The entire area of the right-of-way required to be graded in accordance with the standard cross section shall be cleared of trees, stumps, brush, roots, large rocks, ledge and other unsuitable materials except that trees suitable for street trees shall be left standing as directed by the Board of Selectmen.
- C. Preparation of subgrade. The subgrade will be prepared as follows:
- (1) All trees and roots shall be stripped to below the base course of the pavement and for the full width of the pavement. All soft spots, peat, loam, organic material, spongy soil, boulders, ledge and other unsuitable material shall be removed and replaced by material conforming to the State of Connecticut Department of Transportation Standard Specifications for Roads, Bridges and Incidental Construction Form 816, 2004, as amended, as hereinafter referred to as "Form 816, Section M.02.07." Where ledge rock is encountered, it shall be removed to a depth of 18 inches below subgrade and the area backfilled with gravel.
 - (2) Embankments shall be constructed of suitable fill material deposited in successive layers not exceeding 12 inches in depth after compaction; embankments to an elevation of three feet above free water surface at the time of filling shall be constructed of rock and/or free-draining material conforming to Form 816, Section M.02.07. No stone over five inches in its greatest dimension shall be placed within 18 inches of the elevation of the subgrade.
 - (3) The subgrade shall be compacted by distributing the hauling equipment over the area by the use of tread-type equipment, or power rollers of at least 16 tons, or by other means approved by the Board or its agent. The subgrade shall be brought to a uniform surface to conform to the shale of the required cross section.
 - (4) Where rock fill is used, fill shall be installed in lifts no greater than three feet to the desired depth.
 - (5) The Board of Selectmen may require the installation of underdrains beneath the street pavement or in the right-of-way where necessary to protect the stability of the pavement.
- D. Base course. The base course shall be constructed as follows:
- (1) On the prepared and approved subgrade, a gravel base shall be constructed having a depth of 12 inches after compaction, and a finish course of processed aggregate base four inches thick after compaction. The gravel material and construction methods shall conform to Section M.02.02 and 3.02 and the processed aggregate base to Section 3.04 and M.05.01 of Form 816.
- E. Surface course. On the prepared and approved base course, there shall be constructed a two-course surface of bituminous concrete, a 2.5-inch Class I bituminous binder course and a two-inch Class II bituminous surface course. Construction methods and materials shall conform to Form 816, Section M.04.01 and Section 4.03, Bituminous Concrete Paving Mixture Binder Course. The surface course shall be installed when the temperature is 40° and rising unless written permission is obtained from the Board of Selectmen and unless a period of at least 60 days has elapsed with the drainage subgrade and base course in places where deemed necessary. **[Amended at time of adoption of Code (see Ch.**

1, General Provisions, Art. D]

- F. Curbs. Where necessary, Bituminous concrete curbs shall be constructed on the outer edge of the completed pavement. Curbs shall be machine formed, having a cross section approved by the Board of Selectmen, a height of six inches and a base width of nine inches. The curb material method of construction shall conform to Form 816, Section M.04.01 and Section 8.15. Where driveways exist or are planned, depressed curbing shall be installed. The surface of the pavement where the curbing is to be constructed shall be cleared of all loose and foreign materials, shall be dry and shall be coated with an RC-2 or other bitumen just before placing the material. The material shall be properly compacted to the required cross section by use of a suitable machine specifically designed for the purpose. After completion of the curbing, traffic shall be kept at a safe distance for a period of not less than 24 hours and until the curbing has set sufficiently to prevent injury to the work. The requirements of C.G.S. § 7-118a shall be complied with wherever applicable.
- G. Slopes. Cut or fill slopes beyond the sidewalk areas shall not exceed one foot of rise or fall for each three feet of horizontal distance, but the Board of Selectmen may require a variation in the degree of slope to whatever extent is necessary to maintain the stability of the bank under the particular conditions. All earth surfaces of slopes, and areas that have been disturbed in any way due to grading and construction of the streets, shall be covered with a minimum of four inches of topsoil and suitably seeded or planted to prevent soil erosion. The Board of Selectmen may require the removal or lowering of embankments adjacent to street intersections in order to assure adequate sight distances at the intersection. No cut or fill sections beyond the right-of-way shall extend into property outside the subdivision or property not owned by the applicant, unless appropriate slope rights are obtained for the Town; in the absence of such slope rights, appropriate retaining walls shall be constructed within the subdivision to prevent encroachment upon adjoining property.
- H. Guide rail. A guide rail system in the form of metal beam rail shall be installed along all streets where there will be an embankment with a depth of four feet or more within 20 feet of the proposed pavement. The guide rail shall meet the requirements of Article 9.10 of Form 816. Alternate forms of guide rail may be approved at the sole discretion of the Board of Selectmen.
- I. Site cleanup. All large rocks, boulders, felled trees, stumps and brush shall be removed from the street right-of-way and shall be deposited and suitably covered at an approved location on the property.

§ 195-23. Storm drainage design.

Storm drainage for streets shall be planned and designed in accordance with the Colebrook Stormwater Management Standards and the following standards:

- A. General. Sufficient pipe shall be installed to carry existing watercourses in the street right-of-way and to drain both the proposed street or streets, and extensions thereof, or other streets which, based on topography, will be served by the same drainage system. No open ditches or channels shall be provided in the street right-of-way unless sufficient additional right-of-way in excess of the minimum standard width is provided so as to maintain the standard cross section and proper provision is made for protective guideposts or guide rails. Street drainage systems shall take into account the effects upon downstream systems, shall be coordinated with general drainage requirements for the use and development of the abutting land and shall provide for the following:
- (1) Use and protection, and improvement if needed, of the natural drainage system;
 - (2) Interception of channel drainage coming from any adjoining property or street;

- (3) Protection of locations in use or proposed necessary for on-site sewage disposal and water supply facilities; and
 - (4) Prevention of flooding and soil erosion.
- B. Runoff calculations. Runoff calculations shall be prepared in accordance with the Colebrook Subdivision Regulations and the Colebrook Stormwater Management Standards. The applicant's consultant shall provide the Planning and Zoning Commission and the Board of Selectmen with drainage computations to determine the adequacy of stormwater systems, including the design of all swales, the spacing of catch basins and the need for double basins in roadway sags.
- C. Pipe design. The minimum size of stormwater pipe shall be 15 inches in diameter. Coefficients used in design for reinforced concrete pipe shall be N equals 0.015 and for asphalt-coated corrugated metal pipe N equals 0.021; also acceptable, ADS N-12 in-line bell drain pipe, solid or perforated. The minimum slopes of pipes shall be 0.5%. Pipe size and slope shall be such that the head on the invert will not exceed 1.5 diameters at design storm, and this head shall be contained without damage to any adjacent property. Pipe, except for underdrains, shall be laid on straight alignments, both horizontally and vertically, with manholes spaced no more than 400 feet apart, providing access at all deflection points or at the junction of two or more lines. The open end cover over the top of the pipe shall be 24 inches. Culverts under streets shall extend to the edge of the right-of-way. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- D. Discharge. Discharge of stormwater shall be designed in accordance with the Colebrook Stormwater Management Standards. The discharge of all stormwater that has been collected or otherwise artificially channeled shall be into Town or state drainage systems or other areas with adequate capacity to carry the discharge. Otherwise, there shall be no discharge onto or over private property within or adjoining the street unless proper easements and discharge rights have been secured by the applicant, such easements and rights are transferable to the Town and there will be adequate safeguards against soil erosion and flood danger. Easements shall be at least 30 feet in width, offset 10 feet and 20 feet, respectively, on the storm drain or an adequate natural watercourse. Greater easement width may be required for swales or unusual site conditions. No stormwater shall be diverted from one watershed to another. Discharge shall be made in a manner that protects inland wetlands and watercourses (as defined by the Colebrook Inland Wetlands and Watercourse Regulations) from pollution.

§ 195-24. Drainage construction.

Storm drainage shall be constructed in accordance with the following standards:

- A. Pipe. All storm drainage pipe shall be either Class 4 reinforced concrete pipe (RCP); asphalt-coated corrugated metal pipe (ACCMP); or corrugated aluminum pipe; also acceptable, ADS N-12 in-line bell drain pipe, solid or perforated; and shall conform to the requirements of Form 816, Section 6.51. The minimum cover over all storm drainage within the right-of-way lines shall be two feet. Where water is encountered in the pipe trenches or where the Selectmen shall direct, storm drainage shall be either slotted RCP, perforated ACCMP or perforated aluminum pipe; also acceptable, ADS N-12 in-line bell drain pipe, solid or perforated, and shall conform to the requirements of Form 816, Section 7.51. In general, underdrain shall be installed on the uphill side of the road. Reinforced concrete pipes (RCP) Class IV shall normally be specified for storm drainage systems except when fill heights require Class V. Asphalt-coated corrugated metal pipe (ACCMP) with paved inverts should be used where clearance is limited by utilities, on grades over 10%, and where uneven support is expected. Gauges for corrugated metal pipe shall be as suggested by the manufacturers and approved by the

Public Works Department depending on fill heights above top of pipe. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

- B. Methods. Storm drainage pipe shall be laid in accordance with the following procedures:
- (1) Prior to laying pipe, the trench shall be excavated to the required depth, the bottom of which shall be graded to afford a uniformly firm bearing for the pipe throughout its length. Where rock is encountered, it shall be excavated to not less than six inches below the bottom of the trench, and this depth shall be refilled with crushed stone and thoroughly tamped and shaped. Where the nature of the foundation material is poor, it shall be removed and backfilled with gravel or crushed stone approved by the Board of Selectmen or its agent.
 - (2) All pipe shall be carefully laid, true to the lines and grades given, hubs up and with the ends fully entered into adjacent hubs.
 - (3) Line and grade stakes shall be set by a Connecticut licensed land surveyor or professional engineer and shall be maintained in good order until the work has been inspected and approved by the Board of Selectmen. Where necessary, three batter boards shall be maintained in place at all times when laying pipe and shall not be spaced more than 30 feet apart. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (4) In sandy, silty or other soil in which there is a danger of washing or cave-ins, the joints of concrete pipe shall be thoroughly wetted and caulked.
 - (5) All metal pipe shall be carefully joined and firmly clamped together by approved connecting bands which shall be properly bolted in place before any backfill is placed.
 - (6) The backfill around the pipe and to a depth of at least eight inches on top of pipe shall consist of crushed stone; where the drainage pipe is necessary to serve as an underdrain for the street or to control the water table, the remainder of the trench may be backfilled with bank run gravel upon approval of the Board of Selectmen.
 - (7) Riprap conforming to the requirements of Form 816, Sections 7.03 and M.12.02-3, shall be placed at inlets, outlets, in channel beds at bends and curves as required to prevent scouring, erosion and/or siltation of streams and culverts. Computations shall be submitted for sizing riprap.
 - (8) The inlets and outlets of all exposed drainage culverts shall be protected by concrete or mortared stone headwalls, end walls, and, where necessary, appurtenant wing walls. All end walls shall conform to the requirements of Form 816, Section 5.06.
 - (9) Catch basins, manholes, drop inlets, end walls and other related drainage structures shall be constructed in accordance with Form 816, Section 5.07.

§ 195-25. Sidewalks.

Where sidewalks are to be installed, as determined by the Board of Selectmen and the Planning and Zoning Commission, they shall be constructed of portland cement, concrete or bituminous concrete as follows:

- A. Width and location. Sidewalks shall be a minimum of four feet in width and shall be located within the street lines with one edge abutting the property line. The requirements of C.G.S. § 7-118a shall be complied with wherever applicable.

- B. Bituminous sidewalks. Bituminous concrete sidewalks shall be laid on a six-inch gravel base, tamped and rolled, and three inches thick after compaction. The bituminous materials used shall conform to Form 816, Section M.04.10, and the construction shall conform to Section 9.22.
- C. Concrete sidewalks. Portland cement concrete sidewalks shall be laid on a six-inch bank run gravel base tamped and rolled and shall be constructed of concrete four inches in thickness. Materials shall conform to Form 816, Section M.03.02, for Class "A" concrete and shall be constructed in accordance with Form 816, Section 9.12.

§ 195-26. Street signs, monuments and pins.

- A. Street signs. Street name signs provided by the contractor shall be installed at all street intersections in locations approved by the Board of Selectmen. Such signs shall be of a design and material approved by the Board of Selectmen.
- B. Monuments and pins.
 - (1) Monuments may be provided on both street right-of way lines at the beginning and termination of each street and at each deflection or tangent point in between. Monuments shall be made of prestressed concrete or granite and shall be not less than five inches square by 30 inches in length with a suitably marked top. Each monument shall be set in place, after all street construction is completed, with the marked point set in a manner conforming to standards of the Connecticut Association of Land Surveyors.
 - (2) In addition to the required monuments, iron pins, not less than 3/4 inch in diameter and 36 inches in length consisting of a suitable rod or pipe, shall be placed at each point of intersection of a lot line and the right-of-way line of a street and at all other lot corners and shall be installed in a manner conforming to standards of the Connecticut Association of Land Surveyors. Monuments may be substituted for iron pins. Pins, however, are not required at each change in direction of an irregular lot line such as along a stream or stone wall.

COLEBROOK CODE

Chapter 200

STREET NAMING AND PROPERTY NUMBERING

[HISTORY: Adopted by the Town Meeting of the Town of Colebrook 5-15-1990. Amendments noted where applicable.]

§ 200-1. Authority; highway designations changed.

Notice is hereby given, pursuant to C.G.S. § 7-148(c)(6)(C), that the Board of Selectmen of the Town of Colebrook proposes the enactment of an ordinance changing the following highway designations for the purposes of promoting public safety and convenience by providing a street numbering system. The effective highways and proposed changes are as follows:

- A. Route 8, to be known as "Colebrook River Road."
- B. Route 182A, to be known as "Rockwell Road."
- C. Route 183, to be known as "Colebrook Road."
- D. Route 44, to be known as "Norfolk-Winsted Road."
- E. Route 182, to be known as "Stillman Hill Road."

§ 200-2. Street numbers.

- A. Purpose. The purpose of this section is to promote public safety and convenience by providing a street numbering system whereby addresses may be identified with ease and speed essential to a quick response of emergency services, such as firefighting, police and emergency medical care.
- B. Affixing of numbers. Each owner, agent or occupant shall affix to said building or part thereof or to some object appurtenant thereto, being visible from a public way, the street number or numbers assigned by the Board of Selectmen. Said numbers shall be no less than four inches in height. All numbers shall be affixed within 60 days of receipt of notice from the Board of Selectmen.
- C. Penalties for offenses. Anyone in violation of this section shall be fined not more than \$100 per month.

TAXATION

Chapter 215

TAXATION

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

ARTICLE I
Exemption for Solar Energy Systems
[Adopted 10-4-1976]

§ 215-1. Exemption authorized. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Town of Colebrook does hereby authorize the property tax exemption for active solar energy heating or cooling systems set forth in C.G.S. § 12-81(56)(a), (b) and (c).

ARTICLE II

**Building Applications for Property With Delinquent Taxes
[Adopted 10-21-1996]**

§ 215-2. Authority of Town.

Notwithstanding any other act of the Connecticut General Statutes or ordinance enacted by the Town of Colebrook, the Town can assess, levy and collect taxes for general or special purposes on all properties, subjects or objects which may be lawfully taxed and regulate the mode of assessment and collection of the taxes and assessments not otherwise provided for.

§ 215-3. Authority of Town Building Official.

The Town hereby authorizes the Town Building Official or other responsible Town official to withhold the approval of a building application when taxes are delinquent for the property for which said application was made until such time as delinquent taxes, interest and other charges are paid in full or a payment schedule, satisfactory to and approved by the Tax Collector for the Town of Colebrook, has been implemented.

§ 215-4. Payment schedule.

In the event that a payment schedule is proposed, at least 50% of the past-due taxes, interest, charges, etc., must be paid in advance prior to the Tax Collector approving the proposed payment plan or schedule.

§ 215-5. Other requirements to be met. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The payment of the delinquent taxes, interest and other charges does not entitle the applicant to the approval or the issuance of a building permit unless all other requirements set forth by the applicable agency or enforcement officer are complied with.

ARTICLE III

Assessment of Open Space Land**[Adopted 10-18-1999; amended in its entirety 10-20-2008]****§ 215-6. Findings.**

After a public meeting, the Colebrook Planning and Zoning Commission has found that it is in the public interest to prevent the conversion of open space land to more intensive uses as the result of economic pressures caused by the assessment thereof for purposes of property taxation at values incompatible with its preservation as open space land, and has amended the Colebrook Town Plan of Development to designate that all parcels of land in the Town of Colebrook be approved for designation and classification as open space for tax assessment purposes pursuant to and in accordance with the authority provided in C.G.S. § 12-107e, provided it shall satisfy the conditions provided herein.

§ 215-7. Conditions for classification as open space.

All real property located within the Town of Colebrook shall be eligible for treatment as open space land for tax assessment purposes provided that the following conditions shall be satisfied:

- A. The parcel must be located in a residential zone as determined by the Colebrook Zoning Regulations.
- B. Each parcel of record, as recorded in the Town of Colebrook Assessor's records, shall be treated as a separate parcel for these purposes.
- C. If the parcel is vacant or unimproved, as determined by the Town of Colebrook's Assessor's records, only that portion of the land in excess of 160,000 square feet (3.68 acres) for parcels established prior to May 28, 2008, or 174,250 square feet (four acres) for parcels established after May 28, 2008, and vacant will be eligible for open space assessment. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- D. No property for which the assessment is determined pursuant to the terms of C.G.S. § 12-76, as it shall be amended from time to time, shall be eligible.

§ 215-8. Determination of value.

- A. The present true and actual value of land classified as open space land pursuant to this article shall be based upon its current use without regard to neighborhood land use of a more intensive nature, provided that in no event shall the present, true and actual value of open space land be less than it would be if such open space land comprised a part of a tract or tracts of land classified as farmland under the Connecticut General Statutes.
- B. Open space land shall be assessed at the same rate as the PA 490 classification of "Farmland, Tillable B, statewide value" for the given year. The assessed value of the open space acreage will be calculated at 100% value. This rate will update every five years as shown in "PA 490 Summary Grid — Land Values Per Acre Statewide." **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (1) Example: Tillable B value \$1,280 (years 2020 to 2024) x 100% assessed value = \$1,280.
 - (a) \$1,280 assessed value x .0332 (mill rate for 2022-23 budget year) = \$42.50 per acre annual property tax.

§ 215-9. Application for classification.

The property owner must make application to the Town of Colebrook Assessor as provided in C.G.S. § 12-107e, as it may be amended from time to time.

ARTICLE IV

**Delinquent Motor Vehicle Tax
[Adopted effective 6-5-2004]**

§ 215-10. Payment of taxes.

All delinquent property taxes applicable with respect to a motor vehicle assessed in the Town of Colebrook shall be paid only in cash or by certified check or money order.

§ 215-11. Administrative fee. [Added 10-17-2016]

Pursuant to C.G.S. § 14-33, as amended, the Tax Collector shall charge an administrative fee in addition to the tax levied on each motor vehicle when a motor vehicle tax is delinquent and a report concerning the vehicle subject of the delinquent tax is generated to the Connecticut Department of Motor Vehicles (DMV). The purpose of the fee is to defray the Tax Collector's administrative costs relative to participation in the DMV program. The amount of this administrative fee shall be established and may be changed from time to time by the vote of the Board of Selectmen upon the recommendation of the Tax Collector.

ARTICLE V

Waiver of Tax Bills

[Adopted effective 6-7-2006; amended 10-21-2024, eff. 11-9-2024]

§ 215-12. Waiver authorized.

Pursuant to the provisions of C.G.S. § 12-144c, the Tax Collector is hereby authorized and directed to waive any tax bill for \$5 or less.

ARTICLE VI

**Retention of Excess Property Tax Payments
[Adopted effective 6-7-2006]**

§ 215-13. Authorization to retain excess payment.

Pursuant to the provisions of C.G.S. § 12-129, the Tax Collector is authorized to retain payments made for any property tax in excess of the amount due, provided the amount of the excess payment is less than \$5.

ARTICLE VII

**Volunteer Fire Department Tax Abatement Program
[Adopted 2-24-2009 by referendum]****§ 215-14. Statutory authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

This article is adopted pursuant to C.G.S. § 12-81w, Municipal option to abate or exempt a portion of property taxes of local firefighters and certain emergency and civil preparedness personnel.

§ 215-15. Definitions.

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

ACTIVE MEMBER — A member in good standing of the Colebrook Volunteer Fire Department and EMS First Responders, in accordance with their bylaws.

ELIGIBLE MEMBER — An active member who meets the criteria as defined in § 215-18.

INCENTIVE — Each eligible member and senior member shall be eligible for a real estate and/or motor vehicle property tax abatement up to but not to exceed \$1,000 or amount of their property tax for the fiscal year immediately following the certification date.

QUALIFYING PERIOD — Town of Colebrook calendar year beginning January 1 through December 31.

RECORD CERTIFICATION DATE — February 1 of each year, commencing February 1, 2009, and each fiscal year thereafter.

SENIOR MEMBER — An active member who has served a minimum of 25 years, has reached the age of 60 as of December 31 of the calendar year and continues to reside or own real estate or personal property in the Town of Colebrook.

§ 215-16. Incentive approval.

- A. The Fire Chief of the Colebrook Fire Department shall certify and submit a list of eligible members, showing points earned, to the Colebrook Board of Selectmen for approval by January 31 to be eligible for a tax credit for the following fiscal year.
- B. The aggregate amount of the incentive as determined in this article shall be incorporated in the Town budget for the fiscal year beginning on July 1 following the certification period.
- C. The aggregate incentive amount will be presented for approval each fiscal year as part of the Town budget at the Town Meeting held for that purpose in May.
- D. Upon the Board of Selectmen's approval of the aggregate amount to be included in the Town budget, the First Selectman shall provide the Assessor's office a list of eligible members and their incentive amounts.
- E. Abatements will be applied to real estate tax bills first and personal property second.

§ 215-17. Incentive limitations.

- A. An active member must have reached their 18th birthday by December 31 of the calendar year in order to be eligible.

- B. Members who qualify but are not current in their taxes shall have the abatement credited to the oldest tax liability outstanding. Property must be owned by the qualifying member and not by a corporation, LLC, partnership or other family member.
- C. A new member of the Colebrook Volunteer Department or EMS First Responders may not participate in this incentive program until they have completed six months of membership in one of these two organizations.
- D. The maximum incentive amount will be available only to eligible members who have reached their fourth consecutive or nonconsecutive qualifying years as defined under § 215-15. A reduced incentive will be available to new eligible members with fewer years as follows: **[Amended 5-21-2020⁹]**

Qualifying Year	Incentive	Dollar Amount
1 year	25%	\$250
2 years	50%	\$500
3 years	75%	\$750
4 years	100%	\$1,500**

NOTES:

** Increases to \$2,000 as of July 1, 2021

- E. A former member who rejoins (per bylaw reinstatement) after a break in service shall receive credit for their prior active membership for the purposes of Subsections C and D above.
- F. Only one eligible member per household may receive a tax abatement.

§ 215-18. Eligibility criteria.

- A. Active members will become eligible members upon meeting point eligibility criteria as outlined in Exhibit I and Exhibit II attached and approved in writing by the Chief of the Colebrook Volunteer Fire Department or their designee.¹⁰
- B. No incentive shall be provided to a member who does not own property in Colebrook, and no interlocal agreements will be entered into for nonresidents.
- C. The eligibility criteria will be based on attendance at meetings, calls, successful completion of training, service as an officer or other criteria in accordance with Subsection A.
- D. The eligibility requirements for the Colebrook Volunteer Fire Department and the EMS First Responders are attached hereto as Exhibits I and II, respectively. These requirements may be modified by a two-thirds vote of the active membership, followed by approval by Board of Selectmen and Board of Finance and at a Town Meeting. However, no such modification may retroactively affect an incentive amount that has been approved at a Town Meeting.

9. Editor's Note: This amendment was adopted by the Board of Selectmen.

10. Editor's Note: Exhibits I and II are included as attachments to this chapter.

- E. The Chief of the Colebrook Volunteer Fire Department is responsible to ensure that written records are maintained for each active member to document their participation in this program.
- F. Supporting records shall be available for review by the Town's auditors and other persons authorized to examine the financial records of the Town within 30 days.
- G. Senior members.
 - (1) Senior members who are active members who have served a minimum of 25 years and have reached the age of 60 as of December 31, 2008, and continue to reside or own real estate or personal property in the Town of Colebrook will be eligible for tax abatement for half of their years accrued with the Colebrook Volunteer Fire Department. Benefit does not carry over to spouse.
 - (2) Senior members who are active members who have served a minimum of 25 years and have reached the age of 60 after December 31, 2008, will receive credit for half of their years that they accrued up to December 31, 2008, and also will be credited for half of their years that they qualified for the tax abatement after December 31, 2008. Benefit does not carry over to spouse.

§ 215-19. When effective.

- A. This article shall take effect 15 days after approval at a Town Meeting called for this purpose and publication as required by Connecticut Statutes. The tax abatement program as outlined here will become effective for applicable taxes due on the Grand List 2008.
- B. This abatement is wholly discretionary and is not an entitlement. By ordinance, the Town may choose to suspend this abatement at any time at a legally called Town Meeting and by vote of the legislative body.

ARTICLE VIII
Additional Exemption for Veterans
[Adopted 7-22-2015]

§ 215-20. Additional exemption for veteran.

Pursuant to C.G.S. § 12-81f(a)(2), as amended, any veteran entitled to an exemption from real or personal property tax in accordance with C.G.S. § 12-81(19) shall be entitled to a municipal option additional exemption applicable to the assessed value of real or personal property in the amount of \$10,000, provided such veteran's qualifying income does not exceed, by more than \$25,000, the applicable maximum amount as provided under C.G.S. § 12-811, as the same may be amended from time to time.

§ 215-21. Additional exemption for veteran's surviving spouse.

Pursuant to C.G.S. § 12-81f(c)(2), as amended, any veteran's surviving spouse entitled to an exemption from real or personal property in accordance with C.G.S. § 12-81(22) shall be entitled to a municipal option additional exemption applicable to the assessed value of real or personal property in the amount of \$10,000, provided such surviving spouse's qualifying income does not exceed, by more than \$25,000, the applicable maximum amount as provided under C.G.S. § 12-811, as the same may be amended from time to time.

§ 215-22. Conditions for continued exemption for surviving spouse.

The surviving spouse of any such person who at the time of such person's death was entitled to and had the exemption provided under this article shall be entitled to the same exemption:

- A. While such spouse remains a widow or widower; or
- B. Upon the termination of any subsequent marriage of such spouse by dissolution, annulment or death and while a resident of this state, for the time that such person is the legal owner of and actually occupies a dwelling house and premises intended to be exempted hereunder.

§ 215-23. Application for exemption. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any veteran or any veteran's surviving spouse shall be required to submit a claim for such municipal option additional exemption on a form prepared for such purpose by the Town's Assessor, not later than the assessment date with respect to which such additional exemption is claimed, provided that when an applicant has filed for such exemption and received approval for the first time, such applicant shall be required to apply for such exemption biennially thereafter. Each application shall include a copy of the veteran's or veteran's surviving 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 Town's Assessor, for the tax year of such veteran or veteran's surviving spouse ending immediately prior to the assessment date with respect to which such additional exemption is claimed.

ARTICLE IX
Ambulatory Vehicle Exemption
[Adopted 10-15-2018]

§ 215-24. Statutory authority.

Pursuant to the authority granted to municipalities by C.G.S. § 12-81c, the Town of Colebrook hereby enacts an ordinance to exempt from personal property taxation any specially equipped motor vehicle owned by a person with disabilities or owned by the parent of a person with disabilities.

§ 215-25. Definitions.

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

MOTOR VEHICLE — A vehicle as defined in C.G.S. § 14-1(107).**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

PERSON WITH DISABILITIES — Any owner of a motor vehicle who has a physical impairment and whose physical impairment requires the special adaptive equipment referenced in the definition of "specially equipped motor vehicle" in order to adapt the use of such vehicle to the physical impairment of the owner or to the physical impairment of the owner's child or ward. Persons with physical impairments of a limited duration shall not be considered as a person with disabilities.

SPECIALLY EQUIPPED MOTOR VEHICLE — A motor vehicle which has undergone a permanent modification to its frame or other structural member by the bolting or welding of special equipment for the purpose of adapting its use to the physical impairment of the owner of such motor vehicle or to the physical impairment of the owner's child or ward. Such equipment shall include raised roofs with a roll-bar system, raised doors, special control stations, dropped floors, kneeling systems, wheelchair lift, ramp, hand controls, cart lift and any other device or mechanism necessary to permit its operation by the owner of such motor vehicle or to permit its accommodation for the owner's child or ward.

§ 215-26. Exemptions. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any specially equipped motor vehicle, as defined in § 215-25, owned by a person with disabilities or owned by the parent or guardian of such person shall be exempt from personal property taxation.

§ 215-27. Medical documentation and expiration of exemption.

The Assessor shall require written and signed documentation verifying that the installation of the special equipment is directly related to the physical impairment of the person with disabilities in order to adapt the operation or the accommodation of the specially equipped motor vehicle to such person. A physician licensed to practice in the State of Connecticut shall provide such documentation. Any such exemption shall expire when the vehicle is sold.

§ 215-28. Applications. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Applications to establish eligibility for the exemption permitted by this article shall be filed annually with the Assessor not later than December 31 following the assessment date with respect to which such exemption is claimed. For motor vehicles purchased on or after October 2 and on or before July 31 of the assessment year for which such exemption is claimed, said applications shall be filed no later than 60 days after such purchase. Applications for exemption relative to the assessment year which commences on

October 1, 2018, may be made any time prior to the expiration of such assessment year.

§ 215-29. Applicability.

This article shall be first applicable to the assessment year which commences on October 1, 2018.

ARTICLE X

**Tax Exemption for Farm Buildings.
[Adopted 5-1-2023]****§ 215-30. Statutory authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

This article is adopted pursuant to the provisions of C.G.S. § 12-91(c), providing for a tax exemption for buildings used actually and exclusively in farming as defined in C.G.S. § 1-1.

§ 215-31. Purpose.

The purpose of this article is to provide a property tax exemption for certain buildings of an assessed value of not more than \$50,000 per building.

§ 215-32. Qualifications.

Buildings qualified for an exemption under this article are as follows:

- A. Any building(s) used actually and exclusively for farming, as defined in C.G.S. § 1-1;
- B. Such exemption shall not apply to the residence of any farmer.
- C. The owner of the farm building requesting the exemption must also be the owner of the qualified farm business using it; no subrenting or subleasing. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- D. Farm buildings used for cannabis production or sales do not qualify. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 215-33. Requirements and provisions.

The following requirements and provisions shall apply:

- A. To qualify for the property tax exemption, such farmer must apply annually within 30 days of the assessment date to the Assessor on the forms prescribed by the Commissioner of Agriculture and include therewith a notarized affidavit certifying that such farmer derived at least \$15,000 in gross sales from such farming operation, or incurred \$15,000 in expenses related to such farming operation, with respect to the most recently completed taxable year of such farmer prior to the commencement of the assessment year for which such application is made. In addition, the Assessor may require a copy of the applicant's Schedule F, "Profit and Loss from Farming," or other supporting IRS documents.
- B. Failure to file such application in said manner and form within the time lime prescribed shall be considered a waiver of the right to such exemption for the assessment year.

§ 215-34. Applications.

Applications to establish eligibility for this article shall be filed annually with the Assessor. Applications for exemption relative to the assessment year which commences on October 1, 2023, may be made any time prior to the expiration of such assessment year.

§ 215-35. Applicability.

This article shall be first applicable to the assessment year which commences on October 1, 2023.

COLEBROOK CODE

Chapter 223

TOWN MEETINGS

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

ARTICLE I
Warning of Special Town Meetings
[Adopted 10-7-1957]

§ 223-1. Application for meeting. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Special Town Meetings shall be warned by the Selectmen on application of at least 20 inhabitants qualified to vote at Town Meetings, such meetings to be held within 21 days of the date such application is received by the Selectmen.

Chapter 240

ZONING BOARD OF APPEALS

[HISTORY: Adopted by the Town Meeting of the Town of Colebrook 10-5-1959. Amendments noted where applicable.]

§ 240-1. Membership.

There shall be a Zoning Board of Appeals consisting of five regular members and three alternate members, also referred to as the "Panel of Alternates."

§ 240-2. Appointment.

The regular members of the Zoning Board of Appeals and the alternate members shall be appointed by the Town Meeting.

§ 240-3. Terms of office of regular members.

- A. Three members of said Zoning Board of Appeals shall be appointed to serve until the Annual Meeting of the Town in October 1961 and until their successors are chosen; and at said Annual Town Meeting in October 1961 and at the Annual Meeting each two years thereafter, three members of said Zoning Board of Appeals shall be appointed for terms of two years each and until their successors are chosen.
- B. Two members of said Zoning Board of Appeals shall be appointed to serve until the Annual Meeting of the Town in October 1960 and until their successors are chosen; and at said Annual Town Meeting in October 1960 and at the Annual Meeting each two years thereafter, two members of said Zoning Board of Appeals shall be appointed for terms of two years each and until their successors are chosen.

§ 240-4. Terms of office of alternate members.

One alternate member of the Zoning Board of Appeals shall be appointed to serve until the Annual Meeting in October 1960, one alternate member to serve until the Annual Meeting in 1961 and one alternate member to serve until the Annual Meeting in 1962 and until their successors are chosen; and at each Annual Town Meeting thereafter, one alternate member of said Board shall be appointed for a term of three years and until their successor is chosen.

Disposition List

Chapter DL**DISPOSITION LIST**

The following is a chronological listing of legislation of the Town of Colebrook reviewed for codification, indicating for each item its location in the Code or the reason for exclusion. The last legislation reviewed for the 2025 publication of the Code was adopted October 21, 2024.

§ DL-1. Disposition of legislation.**KEY:**

- NCM = Not Code Material (legislation is not general or permanent in nature).
 REP = Repealed effective with adoption of Code; see Ch. 1, Art. I.
 NI = Not included in Code but saved from repeal.

Adoption Date	Subject	Disposition
10-4-1943	Camps	Ch. 22
2-6-1950	Fires and Fire Prevention: Fire Protection	Ch. 70, Art. I
10-3-1955	Finance: Board of Finance	Ch. 66, Art. I
10-3-1955	Planning and Zoning Commission: Appointment and Terms of Office	Ch. 150, Art. I
10-7-1957	Town Meetings: Warning of Special Town Meetings	Ch. 223, Art. I
10-6-1958	Forge Fire Company Agreement	NCM
10-5-1959	Zoning Board of Appeals	Ch. 240
10-5-1959	Planning and Zoning Commission: Appointment and Terms of Office Amendment	Ch. 150, Art. I
5-13-1963	Historic Districts	Ch. 88
10-5-1964	Street Construction and Acceptance	Superseded 4-18-2011
10-5-1964	Zoning Commission Designated as Planning and Zoning Commission	Ch. 150, Art. I
6-28-1965	Peddling and Soliciting	Ch. 144
10-3-1966	Streetlights for Town Center	NCM
10-2-1967	Recreation Board	Superseded 8-3-1978
8-18-1970	Officers and Employees: Retirement Pension	Superseded 5-18-1982
8-18-1970	Building Construction	Ch. 15
10-5-1970	Public Performances	Ch. 157
10-4-1971	Snow Removal: Deposit of Snow on Highway	Ch. 182, Art. I

Adoption Date	Subject	Disposition
12-4-1973	Officers and Employees: Retirement Pension Amendment	Superseded 5-18-1982
1-16-1974	Inland Wetlands Agency: Inland Wetlands Commission	Ch. 95, Art. I
12-17-1974	Officers and Employees: Town Clerk Salary	Ch. 133, Art. I
4-8-1976	Flood Damage Prevention: Land Use and Control Measures	REP
4-8-1976	Flood Damage Prevention: Review of Development Proposals	REP
10-4-1976	Taxation: Exemption for Solar Energy Systems	Ch. 215, Art. I
6-13-1977	Education, Board of	Ch. 50
8-3-1978	Recreation Board	Superseded 12-16-2009
4-11-1979	Bicentennial Celebration	NCM
2-17-1981	Inland Wetlands Agency: Inland Wetlands Commission Amendment	Ch. 95, Art. I
2-17-1981	Building Construction Amendment	Ch. 15
5-18-1982	Officers and Employees: Retirement Pension	NI; see Ch. 133, Art. II
5-17-1983	Heavy Vehicles and Equipment	Ch. 84
5-17-1983	Excavations: Excavations in Highways	Ch. 59, Art. I
10-15-1984	Planning and Zoning Commission: Alternate Members	Ch. 150, Art. II
5-20-1986	Litchfield Hills Council of Elected Officials	REP
10-19-1987	Swimming Pools	REP
4-20-1988	Finance: Long-Range Capital Improvements Committee	Ch. 66, Art. II
4-20-1988	Finance: Municipal Reserve Fund for Capital and Nonrecurring Expenditures	Ch. 66, Art. III
4-20-1988	Planning and Zoning Commission: Fees	Superseded 5-19-1998
3-29-1989	Scenic Roads	Ch. 174
5-25-1989	Work on Pine Wood Road	NCM
5-15-1990	Street Naming and Property Numbering	Ch. 200
10-15-1990	Building Construction Amendment	Ch. 15
10-15-1990	Historic Districts Amendment	Ch. 88
6-22-1992	Justices of the Peace	Ch. 105
6-22-1992	Solid Waste Disposal and Recycling	Ch. 188
10-19-1992	Solid Waste Disposal and Recycling Amendment	Ch. 188

Adoption Date	Subject	Disposition
5-17-1994	Officers and Employees: Retirement Pension Amendment	Ch. 133, Art. II
5-21-1996	Justices of the Peace Amendment	Ch. 105
10-21-1996	Taxation: Building Applications for Property with Delinquent Taxes	Ch. 215, Art. II
5-20-1997	Officers and Employees: Assessors	Ch. 133, Art. III
5-19-1998	Planning and Zoning Commission: Fees	Superseded 6-5-2004
5-19-1998	Inland Wetlands Agency: Fees	Superseded 6-5-2004
10-18-1999	Taxation: Assessment of Open Space Land	Ch. 215, Art. III
5-15-2001	Building Construction Amendment	Ch. 15
5-18-2004	Citations: Zoning Violations	Ch. 28, Art. I
6-5-2004	Taxation: Delinquent Motor Vehicle Tax	Ch. 215, Art. IV
6-5-2004	Planning and Zoning Commission: Fees	Ch. 150, Art. III
6-5-2004	Inland Wetlands Agency: Fees	Ch. 95, Art. II
11-5-2005	Conservation Commission	Ch. 34
6-7-2006	Taxation: Waiver of Tax Bills	Ch. 215, Art. V
6-7-2006	Taxation: Retention of Excess Property Tax Payments	Ch. 215, Art. VI
12-18-2007	Fires and Fire Prevention: Open Burning	Ch. 70, Art. II
10-20-2008	Taxation: Assessment of Open Space Land Amendment	Ch. 215, Art. III
2-24-2009	Taxation: Volunteer Fire Department Tax Abatement Program	Ch. 215, Art. VII
10-19-2009	Historic Districts Amendment	Ch. 88
12-16-2009	Recreation Board	Ch. 165
9-14-2010	Animals: Bears	Ch. 7, Art. I
4-18-2011	Street Construction and Acceptance	Ch. 195
4-18-2011	Driveways	Ch. 43
10-21-2013	Northwest Hills Council of Governments	Ch. 126
7-22-2015	Taxation: Additional Exemption for Veterans	Ch. 215, Art. VIII
10-17-2016	Taxation: Delinquent Motor Vehicle Tax Amendment	Ch. 215, Art. IV
10-15-2018	Taxation: Ambulatory Vehicle Exemption	Ch. 215, Art. IX
5-21-2020	Taxation: Volunteer Fire Department Tax Abatement Program Amendment	Ch. 215, Art. VII

Adoption Date	Subject	Disposition
10-18-2021	Finance: Supplemental Appropriations and Budget Variances	Ch. 66, Art. IV
5-1-2023	Taxation: Tax Exemption for Farm Buildings	Ch. 215, Art. X
10-21-2024	Taxation: Waiver of Tax Bills Amendment	Ch. 215, Art. V