

Ordinances and Special Acts

Town of Deep River



**State of Connecticut
County of Middlesex**

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Section 1 - ADMINISTRATION

RESCINDING ORDINANCES AND SPECIAL ACTS

RESOLUTION: That all ordinances and special acts of the Town of Deep River, violation of which carry criminal penalties, dated October 4, 1925 or prior thereto be rescinded.

October 20, 1960
Vol. 6 Pg. 103

ANNUAL TOWN MEETING DATE

To permanently amend the Town resolution to specify the date of the Annual Town Meeting on the third (3rd) Monday of the month of May, starting in Fiscal Year 1990-91, and henceforth.

The original resolution may be found in the Town Acts Book, Vol.5, Page 204.

May 23, 1990
Vol. 7, Pg. 185

History: Original Resolution dated 1-25-46, Vol. 5, Pg. 204 & 205 designates 4th Monday of May, 1946, and every year thereafter.

RESOLUTION ADOPTING BOARD OF FINANCE PLAN

Be it resolved that the Town of Saybrook adopt the Board of Finance Plan as provided for in the General Statutes of the State of Connecticut, Sections 413-422. Revision of 1930; and of Sections 85c and 87c on the 1935 cumulative supplement thereto.

May 6, 1940
Vol. 5, Pg. 139

ORDINANCE - CONTRACT WORK OVER FIVE THOUSAND DOLLARS

All work or services performed or done by or for the Town of Deep River, requiring an expenditure in excess of Five Thousand (\$5,000.00) Dollars, shall be, pursuant to a contract awarded to the lowest financially responsible bidder, by the proper municipal authority. This ordinance shall not apply to duly appropriated expenditures by authorized political commissions, agencies, boards, or bodies in the performance of personal services related to their ordinary administrative function.

Bidding shall require publication of a general notice in a newspaper having a general circulation in the community, stating in general terms, the nature of the work to be performed, the time within which bids must be submitted, and the proper party to whom and the place to which bids must be submitted.

Any person, commission, agency or other governmental body violating this ordinance, or any of its provisions, shall be subject to a fine of not more than \$100.00 for each person authorizing such expenditures without public bidding.

March 11, 1980.
Vol. 7 Pg. 29A

History: Replaces ordinance dated 8-20-70, Vol. 6 Pg. 179. Amount changed from \$1,000 to \$5,000.

ORDINANCE TO PERMIT PUBLICATION OF SUMMARIES

Whenever the Town shall be required to publish any ordinance, except for an ordinance which makes or requires an appropriation, the Town Clerk may publish a summary of such ordinance in lieu of publishing the full text of such ordinance, provided that when such a summary is published, the Town Clerk shall make a copy of such ordinance available for public inspection and shall mail a copy of such ordinance to any person requesting the same at no cost to such person. Any summary published shall bear the following disclaimer. "This document is prepared for the benefit of the public, solely for purposes of information, summarization and explanation. This document does not represent the intent of the legislative body of the Town of Deep River for any purpose.

August 25, 1989
Vol. 7 Pg. 150

RESOLUTION ESTABLISHING DEEP RIVER VISITING NURSES

RESOLVED: To authorize the Board of Selectmen to vest in the Board of Directors of the Deep River Visiting Nurses authority to act as the single legal entity responsible for all aspects of the Deep River Visiting Nurses, including the administration, service, employment of personnel and finances.

March 2, 1976
Vol. 5, Pg. 99

History: Original Resolution Vol. 5, Pg. 98, March 2, 1936 established Deep River Public Health Nursing Association; Vol. 5, Pg. 105, March 1, 1937, appropriated a sum for the hiring of a Public Health Nurse and added requirement for room and paid utilities; amended 3-4-75, Vol. 6, Pg. 230, to vest authority in Deep River Public Health Nursing Service Board of Directors. Resolution amended 3-31-00, Vol. 8, Pg. 87, to change name to Deep River Visiting Nurses. This Resolution was dissolved at a Special Town Meeting dated September 28, 2010, Vol. 8, Pg. 394.

RESOLUTION GRANTING AUTHORITY TO DEEP RIVER TOWN HALL RESTORATION ASSOCIATION INCORPORATED

RESOLVED: To adopt a resolution giving the Deep River Town Hall Restoration Association, Incorporated, authorization for restoration of the Deep River Town Hall in substantial conformity with plans prepared by Luchs, Beckerman & Bird of Glastonbury, Connecticut, to the extent that funds become available for such purpose, and the authority to monitor the maintenance, upkeep, restoration and alteration of said building.

February 25, 1981
Vol. 7 Pg. 40
This Resolution was dissolved at a Special Town Meeting dated November 22, 2011
Vol. 8 Pg. 434

AN ACT CHANGING THE NAME OF THE TOWN OF SAYBROOK

SECTION 1. The name of the Town of Saybrook is changed to Deep River.

SECTION 2. This act shall not affect the keeping of the records of said town, its representation in the general assembly nor the provisions of any special act passed prior to the effective date of this act.

SECTION 3. This act shall take effect July 1, 1947.

January 17, 1947

Vol. 5 Pg. 220 Town Meeting
Vol. 5 Pg. 229 House Bill No. 199
Approved June 2, 1947

AN ACT CONCERNING A PROBATE DISTRICT FOR THE TOWN OF DEEP RIVER

The Town of Deep River shall, on and after the Wednesday following the first Monday of January, 1949, constitute a probate district by the name of the Probate District of Deep River. In 1948, and biennially thereafter, a Judge of Probate for such district shall be elected at the time and in the manner provided by law for election of Judges of Probate. From and after the Wednesday following the first Monday of January, 1949, the probate court for the District of Deep River shall have jurisdiction of all probate business arising in the Town of Deep River, but all business previously entered or begun in the Probate Court for the District of Saybrook shall be completed in the same manner as if this section had not been passed.

January 17, 1947
Vol. 5 Pg. 220 & 230

Constituted, January 5, 1949, from Saybrook.
An Agreement was entered into on January 12, 2011 to comply with the mandates of Public Act 09-01 which establishes a consolidated probate district serving the towns of Chester, Clinton, Deep River, Essex, Haddam, Killingworth, Lyme, Old Saybrook and Westbrook.

TOWN SEAL

RESOLVED: Under the authority of Section 7-101 of the Connecticut General Statutes to amend the Seal of the Town of Deep River to conform to that prepared by Nils Akervall.



October 9, 1973
Vol. 6, Pg. 215

ORDINANCE PROVIDING FOR PARTICIPATION IN THE CONNECTICUT RIVER VALLEY COUNCIL OF ELECTED OFFICIALS

- I. Authorization to form and join the Connecticut River Valley Council of Elected Officials.

To authorize the Board of Selectmen pursuant to Section 4-124c of the Connecticut General Statutes, to form and join a regional organization known as the Connecticut River Valley Council of Elected Officials with whose powers and for those purposes set forth in Sections 4-124c through 4-124h of the Connecticut General Statutes as the same may, from time to time, be amended.

II. Representation

The representative to the Connecticut River Valley Council of Elected Officials shall be the First Selectman.

January 23, 2003
Vol. 8 Pg. 165

RESOLUTION PROVIDING FOR THE ESTABLISHMENT OF THE LOWER CONNECTICUT RIVER VALLEY COUNCIL OF GOVERNMENTS

RESOLVED:

“That the Town Meeting of the Town of Deep River hereby ratifies the action of the Connecticut River Valley Council of Elected Officials to become a council of Governments at their meeting of July 27, 2011, toward that end, the Connecticut River Valley Council of Elected Officials formally adopted section 4-124i to 4-124p, inclusive, of the Connecticut General Statutes, in accordance with the procedures set forth in section 4-124j of the Connecticut General Statutes, and that this newly established Council of Governments be called the Lower Connecticut River Valley Council of Governments.”

February 28, 2012
Vol. 8 Pg. 439

ORDINANCE TO ESTABLISH COMMUNITY HEALTH COMMITTEE

RESOLVED: The Deep River Board of Selectmen shall be authorized to create a Community Health Committee for the following purposes:

RESOLVED: The Deep River Board of Selectmen shall be authorized to create a Community Health Committee for the following purposes:

- A. Advise the Board of Selectmen on all matters related to public health nursing;
- B. Act as liaison between the Deep River community and our contracted nursing service;
- C. Administer the Memorial Fund as a special segregated town fund for charitable purposes;
- D. Develop eligibility criteria for the Memorial Fund;
- E. Develop eligibility criteria for other special purpose funds;
- F. Assume other duties or responsibilities assigned to that Community Health Committee by the Board of Selectmen or a town meeting.

To accomplish these purposes, the Community Health Committee shall be authorized to:

- A. Advise the Board of Selectmen as deemed necessary and keep abreast of the town’s public health nursing program;
- B. Establish, maintain liaison and oversee the town’s contracted nursing service with designated Community Health Committee members sitting on the contracted nursing service Board of Directors where appropriate;
- C. Administer the Memorial Fund;

- D. Create and administer additional special service funds and solicit funds for same. _ Apply for, receive, and administer grants that are consistent with the stated or assigned purposes of the Community Health Committee;
- E. Exercise additional authority granted to the Community Health Committee by the Board of Selectmen or a town meeting.

To accomplish these purposes, the Community Health Committee shall comply with all federal and state laws, and court orders. The initial membership of the Community Health Committee shall be five, but may be modified by the Board of Selectmen to a maximum of nine members. Deep River representatives on the board of directors of our contracted nursing service will be members of our Community Health Committee.

All members of the Community Health Committee shall be appointed by the Board of Selectmen, with confirmation by a town meeting, for terms of 2 years. The initial Community Health Committee will have 3 members appointed for 2 years, with the remaining 2 members serving 1-year terms. Thenceforth, all appointments shall be for two year terms.

The Board of Selectmen shall develop, or cause to be developed, suitable by-laws, fiscal procedures, objectives, and policies that will serve to govern the operation and functioning of the Community Health Committee. The Board of Selectmen shall have the authority to amend and/or rescind any of those by-laws or operating procedures.

Adopted September 28, 2010
Vol. 8 Pg. 393-395

History: terms were changed to begin on 12/1 at a Town Meeting dated 12/09/2014.

ORDINANCE TO ESTABLISH DEEP RIVER TOWN HALL AUDITORIUM RESTORATION COMMITTEE

RESOLVED: The Deep River Board of Selectmen shall be authorized to create an administrative structure to replace the Deep River Town Hall Restoration Association, Incorporated, which will include:

1. Creation of a committee to be called the Deep River Town Hall Auditorium Restoration Committee (DRTHARC). The DRTHARC is authorized to oversee, and to arrange for the completion of the restoration of the Deep River Town Hall Auditorium, to the extent that funds are available.
2. DRTHARC membership will consist of a maximum of eleven (11) members who shall be appointed by the Board of Selectmen, with each to serve a two-year term. Approximately half of the initial members shall have one-year terms.

Section 2 - ALCOHOL

TOWN ORDINANCE OF THE TOWN OF DEEP RIVER PERTAINING TO SALE OF ALCOHOLIC LIQUOR

The following ordinance is hereby adopted under the authority of Section 30-91 of the Connecticut General Statutes as amended:

- In addition to times and days authorized under said Section 30-91 for such permits, the sale of alcoholic liquor shall be permitted on Sunday between the hours of 12 noon and 11:00 p.m. in hotels, restaurants, cafes, bowling establishments, clubs, golf country clubs, and places operating under charitable organization permits, a university permit, a coliseum permit, coliseum concession

- permit, a special sporting facility restaurant permit, a special sporting facility employee recreational permit, a special sporting facility guest permit, a special sporting facility concession permit or a special sporting facility bar permit.
- The sale or dispensing or consumption or the presence in glasses or other receptacles suitable to permit the consumption of liquor by an individual of alcoholic liquor in places operating under night club permits is not permitted during the hour immediately following the closing time established under said Section 30-91 for the other permits listed in Section 30-21a of the Connecticut General Statutes as amended and on the days allowed under such other permits.
 - Except as set forth above in sections (a) and (b) the sale or the dispensing or consumption or the presence in glasses or other receptacles suitable to permit the consumption of liquor by an individual shall be in accordance with the hours and days set forth in said Section 30-91 of the Connecticut General Statutes as amended.

November 19, 1979
Vol.7 Pg. 25

History: Resolution adopted 3-2-36, Vol. 5, Pg. 98 & 99, allowed for sale of beer on Sunday between 12 noon and 9 p.m. in restaurants and clubs provided they have complied with provisions of the Liquor Control Act of State of Connecticut as amended.

Section 3 - BUILDING REGS

STATE BUILDING CODE

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

August 20, 1970
Vol. 6 Pg. 178

BUILDING AND SANITATION DEPARTMENT ORDINANCE

SECTION I: The Deep River Building and Sanitation Department is hereby established. The Board of Selectmen shall appoint a Building Official to administer the department, and such other officials as may be necessary to perform the duties hereafter enumerated, and the qualifications, term of employment, and procedures for removal from office shall be in accordance with the requirements of the Connecticut General Statutes. The Board of Selectmen shall annually, after consultation with the Building Official, adopt a schedule of fees for permits and services of the Building and Sanitation Department.

Section II: The Building Official shall have the following powers and duties:

- To require compliance with the provisions of the state building code, of all rules promulgated thereunder, and all laws relating to the construction, alteration, repair, removal, demolition, use, occupancy, and maintenance of buildings and structures, within the Town of Deep River, except where such authority is exclusively vested in other town officials.
- To decide questions relative to the mode, manner of construction, or materials to be used in the construction or alteration of buildings or structures, pursuant to applicable provisions of the building code and in accordance with the regulations of the Connecticut Board of Materials Review.
- To enter such buildings or structures, except single family residences, for the proper performance of his duties between the hours of 9 a.m. to 5 p.m., except that in cases of emergency he may enter at any time, if entry is necessary in the interest of public safety.

- To issue permits for the construction, alteration, repair, or demolition of buildings, structures, water supply systems, electrical systems, and sanitation systems when he shall be of the opinion that the issuance of such permit would not be detrimental to the public interest, provided, however, that no permit for the construction or alteration of sanitation systems shall be issued without the approval of the Director of Health, or his authorized agent acting in his behalf.
- Upon information from the local fire marshal or other responsible person that any building within the town, due to lack of exit facilities, fire, or other cause, constitutes a hazard to any person, to inspect such building and make such orders for the repair, alteration, or demolition of the building as are necessary in the interest of safety.
- To fulfill such other responsibilities as are conferred upon the Municipal Building Official by the General Statutes or relevant codes and regulations promulgated thereunder, or by the ordinances of the Town of Deep River.
- To fulfill the statutory duties of the Municipal Sanitarian and Food Service Inspector, provided the relevant qualifications for office have been satisfied.

SECTION III: After the effective date of this ordinance no building, structure, water supply system, electrical system, sanitation system, or any part thereof shall be constructed, altered, repaired, removed, or demolished within the Town of Deep River until an application has been filed with the Building and Sanitation Department and a permit issued to the owner of the premises. In the case of minor repairs to existing buildings, structures, or systems, the Building Official shall have discretion to waive the requirements of this section after due consideration of the scope of such repairs and any risks created thereby.

SECTION IV: No provision of this ordinance shall be construed to diminish the authority of the Director of Health, as conferred by Chapter 335 of the General Statutes, nor shall any provision be construed to diminish the authority of the Deep River Water Pollution Control Authority under Chapter 102 of the General Statutes.

SECTION V: The ordinance of March 31, 1959, entitled "Building Permits," is hereby repealed.

SECTION VI: The ordinance of September 30, 1959, entitled "Sanitation Commission Ordinance," is hereby repealed.

SECTION VII: The ordinance of September 23, 1969, relating to building permits, is hereby repealed.

SECTION VIII: The ordinance of December 11, 1972, revising the schedule fees, is hereby repealed.

SECTION IX: The ordinance of December 1, 1980, amending the 1959 Building Permit Ordinance is hereby repealed.

February 26, 1981
Vol. 7, Pg. 40 & 41

History: Repealed-- Ordinance dated 3-31-59, Vol. 6 Pg. 251; ordinance dated 9-30-59, Vol. 6 Pg. 251; ordinance dated 9-23-69, Vol. 6, Pg. 166; ordinance dated 12-14-72, Vol. 6 Pg. 207 & 208; ordinance dated 12-1-80, Vol. 7, Pg. 36.

Section 4 - ELECTIONS

AMENDMENT TO ORDINANCE CONCERNING ELECTION TO THE BOARD OF EDUCATION

BE IT FURTHER RESOLVED, that the ordinance adopted May 20, 1986 concerning election to the Board of Education shall be amended to read as follows:

“Upon expiration of the term of office (6 years) of each incumbent member of the Deep River Board of Education, successor members shall be elected for terms of four years and five members elected every four years. The five-four rotation will be phased-in commencing with the election in “1989.”

BE IT FURTHER RESOLVED THAT the five-four rotation of election of Board of Education members for four year terms shall be phased-in as follows:

“In the election of 1989 one member shall be elected for a four-year term and two members shall be elected for two-year terms. In the election of 1991, five members shall be elected for four-year terms.”

See Town Acts Book, Vol. 7 Pg. 98 for original ordinance dated May 20, 1986.

March 29, 1989.
Vol. 7 Pg. 143

History: Amends ordinance dated 8-20-86, Vol. 7 Pg. 98 which changes term from 6 years to 4 years in accordance with CGS 9-206(b).

ORDINANCE LIMITING NUMBER OF JUSTICES OF THE PEACE

BE IT RESOLVED that the number of Justices of the Peace for the Town of Deep River shall be thirty, one-third of said number to be appointed by each of the two major political parties and the remaining one-third for members of minor parties and unaffiliated voters, in accordance with the provisions of Connecticut General Statutes Sections 9-183a through 9-184 inclusive, and 9-186.

Effective June 5, 1996.
Recorded in Town Acts Book Vol. 7, Page 295

History: Ordinance replaces original dated 7-26-88, Vol. 7 Pg. 134 setting the number of justices to 20, evenly split between two major parties.

RESOLUTION RE ELECTION OFFICIALS

Be it resolved that the Town of Deep River, pursuant to the provisions of Title 9, Section 258a of the General Statutes of Connecticut, revision of 1969, amended, does hereby authorize and empower each Registrar of Voters to appoint two shifts of any or all election officials, excepting moderators, for each polling place at each election, referendum and any vote under the provisions of Title 7, Section 7 of said statutes as amended. Said shifts shall serve such hours as the registrar making the appointments shall designate.

This authorization shall not be construed to prevent appointment of any or all election officials to serve for the entire voting period.

October 29, 1970.
Vol. 6 Pg. 184

ORDINANCE RELATING TO MUNICIPAL ELECTIONS

BE IT RESOLVED that, in accordance with Public Act 75-91 of the Connecticut General Statutes, the term of all elected municipal officials, unless otherwise prescribed by law, of the Town of Deep River, County of Middlesex and State of Connecticut, who are incumbent holding any elected office for said Town on the day before the Tuesday after the first Monday of November, 1975, shall continue in such office and their respective terms shall be extended until the second Tuesday next following the day of said municipal election at which any of such officials or new officials are elected or re-elected.

Such incumbents shall continue to have and exercise all the authority vested in their respective municipal offices, without further restriction or reservation, as they had on the date preceding said municipal election, which shall continue until the second Tuesday next following the day of the said municipal elections. Nothing herein contained shall in any manner effect the commencement of the officials elected at said municipal election of their terms at such times as prescribed by Public Act 75-91 of the Connecticut General Statutes.

July 8, 1975
Vol. 6 Pg. 234

History: Ordinance repealing Special Act pertaining to elections (Special Act 298) enacted in 1939, has been removed from ordinance book and may be found in Town Acts Book Vol. 6, Pg. 246, dated July 27, 1977.

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

Connecticut Special Act
Senate Bill No. 199 substitute for House Bill No. 2643

Members of the Board of Education of Regional School District Number 4 whose terms expire on June 30, 1959, shall continue in office to October 6, 1959, on which date the terms of all members of said board shall expire. Commencing at the election to be held in the towns of Chester, Deep River and Essex, on the first Monday in October, 1959, each of said towns shall elect three members of the board of education of Regional School District Number 4, one for a term of two years, one for a term of four years and one for a term of six years, from said date. At the regular town election to be held in each of said towns in October, 1961, and at each regular town election biennially thereafter, one member from each of said towns shall be elected from the day of his election for a term of six years. The Board of Selectmen in each of said towns shall be empowered, by a majority vote, to make interim appointments to fill any vacancy which occurs in their respective towns. The terms of those so appointed shall run from the time such appointment is made until the next town election at which a successor shall be elected for the unexpired portion of the term, if any. Any provision of Section 10-46 of the General Statutes inconsistent with the provisions of this act shall not apply to Regional School District Number 4.

Approved June 2, 1959.
Reference Vol. XXIX Pg. 188
(March 1958 & January 1959)

Section 5 - FIRE PROTECTION

RESOLUTION ESTABLISHING FIRE DEPARTMENT

1. That the Town of Saybrook as authorized by Section 510 of the General Statutes hereby establishes a fire department known as the Deep River Fire Department.

2. The administration of this department shall be by five commissioners to be known as the Board of Fire Commissioners; three of whom shall be appointed by the Board of Selectmen and two of whom shall be the first and second officers of the Deep River Fire Department Inc.
3. The Selectmen shall appoint one commissioner whose term shall end January 1, 1940, one commissioner whose term shall end January 1, 1942, and one commissioner whose term shall end January 1, 1944. On January 1, 1940, and biennially thereafter the Selectmen shall appoint one commissioner whose term of office shall be for six years. Should a vacancy occur in said Board of Fire Commissioners, the Selectmen shall fill the vacancy for the unexpired term of the member whose place was filled. All commissioners shall serve until their successors are appointed.
4. The Board of Fire Commissioners following their appointment shall forthwith hold a meeting, organize and elect a Chairman and Secretary and keep accurate records of their meetings.
5. The fire fighting equipment, the fire alarm system and the firehouse shall be under the direct charge and care of the Board of Fire Commissioners.
6. The members of the Deep River Fire Department Inc. shall be the volunteer fire fighting force of the Deep River Fire Department.
7. The unexpended balance of the appropriation made to the Deep River Fire Department Inc. at the annual Town Meeting in October, 1938, shall be transferred to the credit of the Board of Fire Commissioners.
8. It shall be the duty of the Board of Fire Commissioners:
 - a. To supervise the care of all fire fighting equipment, the fire alarm system and the firehouse.
 - b. To recommend the purchase of new apparatus, equipment and supplies as needed.
 - c. To purchase additional equipment and apparatus as voted by the town.
 - d. To purchase all supplies and replacements and make such repairs as are necessary to keep the property in good condition and ready to operate.
 - e. To make the following appointments as officers of the Deep River Fire Department:
 - (1) The duly elected foreman of the Deep River Fire Department, Inc. to be Chief of the Deep River Fire Department.
 - (2) The duly elected 1st assistant foreman of the Deep River Fire Department Inc. to be 1st Deputy Chief of the Deep River Fire Department.
 - (3) The duly elected second assistant foreman of the Deep River Fire Department Inc. to be second deputy chief of the Deep River Fire Department.
 - f. To make periodical inspections of the department, its equipment and building.
 - g. To make recommendations to the department and its officers, but they shall have no authority in directing either the officers, the use of the equipment and apparatus or personnel of the department at the time of any fire or drill work. Such authority is vested hereby solely in the Chief of the Department and its officers.
 - h. To authorize training of the members of the department when in their opinion it is warranted.
 - i. To use all reasonable means to see that fires and fire hazards are kept to the minimum.
 - j. To approve all bills and turn them over to the Board of Selectmen for payment.

March 6, 1939
Vol. 5 Pg. 125

History: Amendment dated 12-1-80, Vol. 7 Pg. 36 added item (k) which vested authority to supervise and maintain Deep River Emergency Communications Control Center to the Deep River Fire Department. Amendment dated 6-11-96, Vol. 7 Pg. 297 deleted Item (k) from the ordinance and vested supervision and maintenance of Deep River Emergency Communications Control Center to the Board of Selectmen and a 5-member committee.

Section 6 - MISCELLANEOUS REGS

BAZAARS AND RAFFLES

A Special Town Meeting was held in the Town Clerk's Office in the Deep River Town Hall in said Town of Deep River on December 29, 1955, for the purpose of voting on the provisions of Public Act 409, "An Act Concerning Bazaars and Raffles," passed by the 1955 session of the General Assembly.

This was adopted at a Town Meeting held on December 12, 1955.

Results of the referendum vote are as follows:

48 Yes 27 No 8 Cancelled
Provisions of Public Act 409 were ADOPTED.

December 29, 1955
Vol. 6 Pg. 29A, 30 & 31

History: PA 409 later became CGS Sec. 7-170 et seq.

ORDINANCE RELATING TO JUNK YARDS

- (1) No motor vehicle junk yard or motor vehicle junk business shall be established in the following described areas. The limits and territory defined and established as follows: All property abutting the following roads in Winthrop Section of Deep River:

Cedar Lake Road, Cedar Swamp Road, Route 80 from the westerly boundary line of the Town of Deep River to the intersection of Route 80 and Bahr Road, Westbrook Road, Horse Hill Road, Bushy Hill Road, Stevenstown Road, Bahr Road and Hoop Pole Hill Road, and all property in the Town of Deep River south, west or north of the following roads: Bushy Hill Road, Westbrook Road, Cedar Swamp Road and Hoop Pole Hill Road.

- (2) Violation of the above shall be punished by a fine of \$25.
- (3) Each day's operation of said motor vehicle junk yard or motor vehicle junkyard business shall constitute a separate violation.

May 13, 1960
Vol. 6 Pg. 98

ORDINANCE REGULATING LOITERING

SECTION I: Definitions for purposes of this Ordinance

9. "Loitering" shall mean remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory, to linger; to stay, to saunter, to delay, to stand around and shall include the colloquial expression "hanging around."
10. "Public place" shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose and shall also include the front or immediate areas of any store, shops, restaurants, taverns or other place of business and also public grounds, areas or parks.
11. "Alcoholic liquor and beer" shall be defined as in Chapter 545 of the Connecticut General Statutes.

SECTION II: It shall be unlawful for any person to loiter, loaf, wander, stand, remain idle or drink any alcoholic liquor or beer either alone and/or in consort with others on public property within the Town of

Deep River or upon private property within said Town where the owner has given said Town permission to regulate loitering or drinking thereon, in such manner as to: (1) obstruct any public street, public highway, public sidewalk or any public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or (2) commit in or upon any public street, public highway, public sidewalk to any public place or building, any act or thing which is an obstruction or interference to the free and uninterrupted use of the property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress and egress and regress therein, thereon and thereto; and it shall be unlawful to refuse to leave such property when so requested by a peace officer or other officer having the power of arrest.

SECTION III: Any person who violates any provision of this ordinance shall be fined not more than fifty (\$50.00) dollars for each offense.

August 29, 1978
Vol. 7 Pg. 5 & 6

History: Original ordinance dated 5-13-74, Vol. 6, Pg. 222 has been replaced with the amended ordinance.

ORDINANCE PROHIBITING MASSAGE ESTABLISHMENTS, MASSEURS AND MASSEUSES

SECTION I: Whereas the Legislature of State of Connecticut has recognized the need to license massage establishments, masseurs and masseuses and has enacted legislation directing the Commissioner of Health Services of Connecticut to adopt such regulations; and

Whereas the Town of Deep River concurs with the Legislature in the need for the licensing of such facilities and persons; and whereas the regulations as required by Statute have not yet been adopted;

Therefore, the Town of Deep River enacts the following sections.

SECTION II: DEFINITIONS

- k. Massage shall mean any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without any such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice.
- l. Massage establishment shall mean any establishment having a fixed business where any person engages in or carries on or permits to be engaged in or carried on any of the activities mentioned under "massage" and shall also include any massage business operated on a house call basis.
- m. Masseur and masseuse shall mean any person, who, for any consideration whatsoever, engages in the practice of massage as herein defined.
- n. Person shall mean any individual, firm, partnership, syndicate, company, trust or corporation, which owns, leases, operates, or has an interest in a massage establishment.

SECTION III: PROHIBITION

Until such time as the Commissioner of Health Services has adopted regulations under Section 19-49b of the Connecticut General Statutes of Connecticut as amended, no person shall allow a massage establishment to be conducted in Deep River and no masseur and/or masseuse shall engage in the practice of massage as defined herein in Deep River.

SECTION IV: EXEMPTED PERSONS AND ORGANIZATIONS

This ordinance shall not apply to the following individuals while engaged in the personal performance of the duties of their respective professions.

- (4) Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the State of Connecticut.
- (5) Nurses who are registered under the laws of the State.
- (6) Barbers and beauticians who are duly licensed under laws of this state, except that this exemption shall apply solely to the massaging of the neck, face, scalp, and hair of the customer, or client for cosmetic or beautifying purposes.
- (7) Hospitals, nursing homes, clinics or rehabilitation facilities operating or licensed under other provisions of the law of the State of Connecticut or to the employees working under the direction of such facilities.

SECTION V: PENALTY

Any person who violates this ordinance shall be subject to a fine not to exceed one hundred dollars (\$100.00). Each day such violation continues, shall be considered a separate offense.

December 11, 1981
Vol. 7 Pg. 49

TRAILER ORDINANCE

AN ORDINANCE CONCERNING THE REGULATION AND LICENSING OF TRAILERS, TRAILER PARKS AND MOBILE HOME PARKS WITHIN THE LIMITS OF THE TOWN OF DEEP RIVER, CONNECTICUT.

Statement of Purpose: The purpose of this ordinance is to preserve the public health, add to the public safety from fire and enhance the public welfare by bettering living conditions and increasing the general prosperity of the Town of Deep River.

SECTION 1. As used in this ordinance, the word person shall be construed to include persons, partnerships, firms, companies, corporations, owners, lessees or licensees or their agents; licensee means any person licensed to operate and maintain trailer parks or mobile home parks under this ordinance; licensing authority means the Board of Selectmen of the Town of Deep River; a trailer is a trailer coach which is not equipped with sanitary facilities, bath and toilet; a mobile home is a home which is mobile, a unit similar to a trailer, which is equipped with running water, sanitary facilities, bath facilities and toilet; a trailer park is land upon which 2 or more trailers are parked and occupied for camping or living purposes, and which has provided within the limits of the so-called trailer park running water, sanitary, toilet and bathing facilities, all to conform to the regulations hereinafter stated, and to be approved by the Health Officer; and a mobile home park is land upon which two or more mobile homes are parked and occupied for living purposes, which has provided proper running water connections, sewage and sanitary connections, all to conform to regulations hereinafter stated.

SECTION 2. No person shall maintain or operate within the limits of the Town of Deep River, any trailer park or mobile home park unless such person shall first obtain from the licensing authority a license therefor. All trailer parks or mobile home parks in existence upon the effective date of the ordinance shall, within ninety days thereafter, obtain such license, and shall comply with the requirements of this ordinance, except that the licensing authority shall, upon written application of a park operator, waive such requirements that in his opinion require prohibitive reconstruction costs, provided such waiver does not alter the sanitary requirements herein provided.

SECTION 3. The Board of Selectmen shall be the licensing authority, and shall be the inspector, except that within the discretion of the Board, the duties of the inspector may be delegated. The Board of Selectmen may appoint a clerk, and said clerk may be appointed the inspector. Any two of the three Selectmen may act as a Board. Funds for the facilities, forms, stationery, postage and expenses will be

provided by the Town of Deep River, and the expenses so contracted shall be taken from the funds derived from the licensing fees charged.

SECTION 4. The licensing authority shall charge an annual licensing fee for each separate trailer park or mobile home park according to the following schedules: For each separate trailer park or mobile home park which has space and facilities for 2 to 50 units an annual fee of \$150.00; for each separate trailer park or mobile home park which has space and facilities for 50 to 100 units, the annual fee of \$300. In case space and facilities for more than 100 units the annual fee will be at the rate of \$3.00 for each space and facilities provided. The effective date governing the annual fee shall be the same as the dates of the fiscal year of the Town of Deep River. The annual fee charged does not in any way waive or relieve the licensee of the regular property or personal taxes which may be assessed by the Town of Deep River. No licensee shall be prorated for less than a full year.

SECTION 5. Original application for a trailer park or mobile home park shall be filed with the licensing authority and said application shall be in writing and signed by the applicant. This application must contain the following information:

1. Name and address of the applicant.
2. Designation whether trailer park, mobile home park or both.
3. The location and legal description of the trailer park or mobile home park and trade name, if any.
4. A detailed plan and layout of the trailer park or mobile home park, including number, location and dimensions of all trailer and mobile home spaces; the location, grade, width, drainage and construction of roadways and walks; and location and construction of utilities and sanitary facilities.

SECTION 6. Each mobile home park shall conform to the following minimum requirements:

1. The park shall be located on a site graded to insure proper drainage of surface water, subsurface water, sewerage and freedom from stagnant pools.
2. The space for each mobile home shall be not less than 40,000 square feet as determined by the licensing authority. All mobile home spaces shall abut upon a suitable roadway, which roadway shall not be less than 40 feet in width.
3. Each mobile home space shall have running water connection, sewage connection, electrical outlet and sufficient garbage and rubbish cans with tight fitting covers which meet the approval of the inspector and Health Officer. Adequate garbage and rubbish collection must be provided.

SECTION 7: Each trailer park shall conform to the following minimum requirements:

- 2 The park shall be located on a site graded to insure drainage of surface water, subsurface water, sewage and freedom from stagnant pools.
- 3 The space for each trailer shall be not less than 40,000 square feet as determined by the licensing authority.
- 4 All trailer spaces shall abut upon a roadway, which roadway shall not be less than 40 feet in width. There shall be provided on the site, easily accessible, running water in a quantity of not less than 100 gallons of water per occupant per day, toilet and bathing facilities of sufficient capacity to be determined by the inspector and the Health Officer. Sufficient garbage and rubbish cans with tight fitting covers must be provided or incinerator or other means of disposal as determined by the inspector. Adequate garbage and rubbish collection must be provided.

SECTION 8. No open fires shall be permitted except in specified areas approved by the inspector and/or local authorities.

SECTION 9. It shall be the duty of the Board of Selectmen or of an inspector appointed by them to inspect all trailer park sites and mobile home sites for the granting of licenses, and they shall either grant or reject the application for a license within 60 days after the date of filing the application for a license. They shall, from time to time make inspections to determine whether or not the provisions herein are being carried out. Any compensation of a clerk or inspector for carrying out such duties shall be determined by the licensing authority.

SECTION 10. The licensee shall keep a register of trailers and mobile homes in his park showing the serial number or some identifying mark of each trailer or mobile home, with name of each occupant, or in the case of more than one occupant, the person assuming the responsibility for the occupants may register designating the number of occupants and their relationship. This register shall be available at all times to the inspector, law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall be maintained for a period of three years following date of registration.

SECTION 11. The local health authority or the licensing authority may revoke any license to maintain a trailer park or mobile home park when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this ordinance. After such conviction the license may be reissued if the circumstances leading to the conviction have been remedied and the park is being maintained and operated in compliance with this ordinance. A fee of \$5.00 shall be charged for the reissuing of the license.

SECTION 12. It shall be unlawful for any person to occupy a trailer or mobile home in a park for more than 90 consecutive days in Deep River and no licensee shall permit any trailer, mobile home, or any occupant thereof, to remain in a park for more than 90 consecutive days; nor shall a licensee permit any trailer, mobile home, or any occupant thereof to re-enter the park for parking for 180 days after the expiration of the former occupancy; and it shall be unlawful for occupants of any trailer or mobile home who have already occupied a trailer park or mobile home park in Deep River, to park or occupy a trailer or mobile home in a park for 180 days after the expiration of any former occupancy in any other park within the town limits.

SECTION 13. Where less than two trailers or mobile homes are parked on private property there will be no license required but in the event that the trailers or mobile homes are to be occupied, the provisions of this ordinance regarding sanitation and facilities shall apply. The inspector shall be notified if occupancy is intended and an inspection shall be made by him. An inspection fee of \$10.00 shall be charged for this service.

SECTION 14. No person shall park a trailer or mobile home off the public highways within the limits of Deep River except in a licensed trailer park or mobile home park except as set forth below.

- 4 Any person who owns a trailer or mobile home may park it and occupy it if such trailer or mobile home is located either on land owned by him or by his own spouse, children or direct descendants, parents or grandparents, and such use is in conformity with this ordinance.
- 5 Such person shall apply for a license from the licensing authority by written application setting forth the following information.
 - a. Owner of land, owner of trailer and relationship to owner.
 - b. Description of trailer or mobile home.
 - c. Location, legal description and plan of land showing proposed location of trailer or mobile home and distances to highway and adjoining land owners.
 - d. Water, sewage and other utilities planned.

Said license shall be approved or disapproved within 30 days of date of filing of application.

- 6 No trailer or mobile home shall be approved for parking and occupancy in Deep River unless the following minimum conditions are met.
 - a. The plot upon which it is parked shall be two acres or more in area and said trailer shall be parked at least 150 feet distant from any public street or highway and at least 50 feet from land of any adjoining property owner.
 - b. The trailer or mobile home shall be provided with a sewage disposal outlet connected with a septic tank or other method of sewage disposal approved by the Health Officer.
 - c. The trailer space shall be provided with an adequate supply of potable water with a water connection.
- 7 A trailer or mobile home may be parked and occupied in the Town of Deep River by a person for a period not in excess of 14 days in any calendar year without a license; and one trailer owned by a

landowner, his or her spouse, or descendants, may be parked on the land of the landowner without a license, provided it is not occupied while in Deep River. Occupied trailers and mobile homes located in Deep River as of November 1, 1965, may remain in the same location as they were on November 1, 1965, without necessity of a license, except that the requirements set forth in subsections "c(2) and c(3)" of this section shall apply.

SECTION 15. Any person found guilty of violating this ordinance or any provision thereof shall be deemed guilty of a misdemeanor and shall be fined not less than \$5.00 nor more than \$100.00 and each day such violation exists shall be constituted a separate offense and shall be punished as such hereunder.

SECTION 16. The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision hereof.

November 16, 1965
Vol. 6, Pg. 134

AN ORDINANCE CONCERNING ITINERANT VENDORS, HAWKERS AND PEDDLERS

SECTION I: ITINERANT VENDORS

- a. Each itinerant vendor, as defined in Section 21-27 of the General Statutes of Connecticut, Revision of 1958, as amended, not a resident of the Town of Deep River, shall, before selling in the Town of Deep River under the State license issued to him, apply for a license to the First Selectman. The fee for such license to be paid to the Town of Deep River at the time of application shall be \$15.00. Such license shall be issued by the Town Clerk as provided in Section 21-29 of said statutes and shall expire upon the expiration date of applicant's state license or on October 1 next succeeding the issue date of the Town of Deep River license, whichever date shall be the earlier.

SECTION II: HAWKERS AND PEDDLERS

- a. Each hawker or peddler as defined in Section 21-36 of the General Statutes of Connecticut, Revision of 1958 as amended, not a resident of the Town of Deep River, shall, before vending, hawking or peddling goods, wares or other merchandise within the Town of Deep River, make application for license to the First Selectman. The fee for such license, to be paid at the time of application, shall be \$100.00 for each vehicle used in connection with such vending, hawking or peddling. No more than four persons shall engage in such business from each such vehicle and each person shall obtain a license from the First Selectman, to be issued free of charge. The First Selectman shall not issue any license hereunder until the expiration of five days after the date of application.
- b. Such license shall expire two months after the issue date thereof, provided the license fee for any one vehicle shall not exceed \$100.00 in any calendar year and licenses for a vehicle previously licenses during a calendar year shall be issued free of charge.

SECTION III: House to house sales by hawkers, peddlers or itinerant vendors after sunset of each day, prevailing time, are prohibited.

SECTION IV: The use of bells, horns, loudspeakers or other devices creating noise in connection with the sale of goods, wares and merchandise in the Town of Deep River is prohibited.

SECTION V: Any person who violates this ordinance or any provision thereof shall be fined not more than \$100.00 and each day of violation shall constitute a separate offense and shall be punished as such hereunder.

SECTION VI: The Hawkers, Vendors and Peddlers Ordinance voted at Town Meeting on September 27, 1929, is hereby repealed.

April 9, 1973.

History: Ordinance was amended on 12-19-79, Vol. 7, Pg. 26 to change fee in Section II & penalty in Section V from \$25 to \$100. Ordinance dated 9-27-29, Vol. 5 Pg. 42 and ordinance dated 4-19-57, Vol.6, Pg. 53 designating fee of \$10 are repealed.

AN ORDINANCE REGULATING VENDORS, HAWKERS AND PEDDLERS ON THE DAY OF THE ANNUAL MUSTER IN THE TOWN OF DEEP RIVER

SECTION I: The purpose of this ordinance is to provide for the public safety, including uninterrupted access of marchers, participants and spectators of the parade and festivities held on the day of the annual Muster in the Town of Deep River and to provide for the preservation and maintenance of public order and to facilitate the opening of avenues and free access for fire apparatus and emergency vehicles.

SECTION II:

- (1) From 11:00 a.m. unto 4 p.m. on the day of the annual Muster in the Town of Deep River, no person shall vend, hawk or peddle any goods, wares or merchandise or permit his or her cart, wagon, sled or other vehicle or container to be placed on the paved portion of any public highway which delineates, follows, adjoins or abuts the route of the parade on said day.
- (2) No person shall refuse to leave any location when so requested by a police officer, constable, special constable or other officer having the power of arrest, provided that such officer has exercised his discretion reasonably under the circumstances in order to promote the purpose of this ordinance contained in Section I herein.

SECTION III: Each violation of this ordinance shall constitute a separate offense.

SECTION IV: Any person who violates any provision of this ordinance shall be fined not more than \$100 for each offense.

June 16, 1981
Vol. 7 Pg. 43

Section 7 - PARK AND RECREATION

ORDINANCE FOR THE ESTABLISHMENT OF A PARK AND RECREATION COMMISSION

- (1) The Town of Deep River hereby establishes a Park and Recreation Commission. Said Commission shall consist of nineteen (19) members who shall be electors of the Town.
- (2) The members of the Park and Recreation Commission shall be appointed by the Board of Selectmen. The Board of Selectmen shall appoint members for a three (3) year term beginning December 1. Vacancies shall be filled by appointment for the unexpired portion of the terms in the manner above provided.
- (3) Members of the Commission may be removed from office by the Board of Selectmen for cause, PROVIDING HOWEVER that charges shall be presented to such member in writing and he shall be given a reasonable opportunity to be heard in his own defense.
- (4) The members shall annually elect a chairman and such other officers as may be necessary.

- (5) The Commission shall hold regular meetings at a designated time and place and shall have the power to adopt rules and regulations for the conduct of business within its jurisdiction. Five (5) members shall constitute a quorum.
- (6) The Commission shall maintain accurate records of its work and include minutes of all meetings, rules and regulations, procedures and accounts. Such records shall be filed annually in the office of the Town Clerk to become a part of the permanent town record.
- (7) The powers and duties of the Park and Recreation Commission shall be exercised and performed as herein provided, and in conformity with the Town Ordinances.
 - (a) The Commission shall establish, maintain and conduct parks, playgrounds, public gardens and recreation places, including bathing and boating facilities and shall have the power to expend funds appropriated by the Town for such purposes.
 - (b) The Commission shall have the power to conduct outdoor and indoor recreation activities on the grounds and in the buildings in charge of the Board of Education, subject to the Board's consent.
 - (c) The Commission shall have the power to conduct at reasonable charges such facilities for amusement, refreshment or transportation of the public as are suitable for park and recreational purposes and may let privileges therefor; PROVIDED that such privileges shall be subject to the supervision and control of the Commission.
 - (d) The Commission subject to approval of the Board of Selectmen and law, shall have the power to employ a Director of Parks and Recreation who is properly qualified in experience and education and such other personnel as may be necessary and proper.
 - (e) The Commission may make all contracts to carry out the objectives and purposes of the Commission and shall have such other duties as may be necessary or proper for the orderly administration of the affairs of the Commission.
- (8) The Park and Recreation Commission shall submit at the regularly designated time to the Board of Finance an estimate of anticipated expenditures for the coming fiscal year. The Commission shall operate within the budget as approved.
- (9) The Commission shall make the annual written report of its activities to the First Selectman at a time designated by the First Selectman. The Commission shall submit such other reports as may be requested from time to time.

March 25, 1969.

Vol. 6 Pg. 160, 161 & 162.

History: Amended 11-30-70, Vol. 6 Pg. 187 to increase membership to five, and increase quorum to three; amended 12-14-71, Vol. 6 Pg. 198 to change terms of members to December 1 instead of November 1st and to add alternates; amended 5-19-76 vol. 6 Pg. 238 to increase membership to 12 and quorum to 5; amended 12-11-81 Vol. 7 Pg 49 to increase membership from 12 to 16; amended 3-8-90 Vol. 7 Pg. 183 to change membership from 16 to 19 and eliminate alternates.

ORDINANCE RESTRICTING USE OF DEEP RIVER LANDING AND DOCK

SECTION 1. No vehicle shall be parked in the parking area of the Deep River Town Landing and Dock unless said vehicle displays a landing/dock decal on left windshield.

SECTION 2. Landing/Dock decals must be obtained from the Deep River Town Clerk's office and shall be available, without charge, to residents and real property owners of the town. Decals shall be valid for the calendar year when issued.

SECTION 3. Boat docking shall be limited to two hours in any twenty-four hour period except by special permission of Harbor Master or First Selectman.

SECTION 4. Use of ramp area by any boat or vehicle shall be limited to fifteen minutes.

SECTION 5. Any person who violates the provisions of this ordinance and subsequent amendment shall be fined not more than seventy-five dollars (\$75.00) for each offense.

June 12, 1987
Vol. 7 Pg. 112

History: Amended June 9, 1988, Vol. 7 Pg. 132. Sections 3 and 4 added. Section 5 amended to include revision.

ORDINANCE RESTRICTING THE USE OF PLATTWOOD PARK AND BEACH

SECTION I: No vehicles shall be parked in the parking area of Plattwood Park unless said vehicle displays a beach pass decal on the left windshield.

SECTION II: Beach pass decals must be obtained from the Deep River Town Clerk's office and shall be available to residents and real property owners of the town. Decals shall be valid for the calendar year when issued.

SECTION III: Any person who violates the provisions of this ordinance shall be fined not more than twenty-five (\$25.00) dollars for each offense.

July 5, 1983.
Vol. 7 Pg. 67

Section 8 - PLANNING

ORDINANCE PROVIDING FOR PARTICIPATION IN THE CONNECTICUT RIVER ESTUARY PLANNING REGION

SECTION I: ADOPTION OF STATUTORY PROVISIONS AND ELECTION

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

SECTION II: APPOINTMENT OF MEMBERS AND TERMS OF OFFICE

The Town of Deep River, having a population of 2,968 according to the Federal Census of 1960, shall have two representatives, one to be appointed by the Deep River Planning Commission, the other to be appointed by the Board of Selectmen, both appointees shall serve for terms of two years, and until their successors shall have been appointed. Terms of office shall commence when the appointments are made or from the first organization meeting of the Agency, whichever is later.

SECTION III: VACANCIES

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

Effective November 14, 1967
Vol. 6, Pgs. 144 & 145

ORDINANCE FOR THE ESTABLISHMENT OF A CONSERVATION COMMISSION

1. The Town of Deep River hereby establishes a Conservation Commission for the exercise of the powers and the performance of duties, all set forth in Section 7-131a of the General Statutes of the State of Connecticut, Revision of 1959, and amended.
2. The Conservation Commission shall consist of seven members who shall be electors of the Town of Deep River.
3. The members of the Conservation Commission shall be appointed by the Board of Selectmen for a three-year term beginning December 1. Two alternate members shall be appointed by the Board of Selectmen. Alternate members shall serve for three year terms, except that their first terms shall be staggered so that their terms do not expire at the same time.
4. 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 shall be given reasonable opportunity to be heard in his own defense.
5. Any vacancies in the Conservation Commission shall be filled by appointment by the Board of Selectmen for the unexpired term within thirty (30) days after vacancy occurs.

September 28, 1968.
Vol. 6 Pg. 155.

History: Amendment of 1-29-73, Vol. 6 Pg. 209, changes membership from 5 to 7; amendment 9-27-76 adds two alternate members. Resolution 1-29-73, Vol. 6 Pg. 209, grants authority to commission.

CONNECTICUT RIVER GATEWAY PLAN

RESOLVED: To approve and adopt the provisions of Public Act 73-349 of the Connecticut General Statutes also known as the Connecticut River Gateway Plan.

May 13, 1974
Vol. 6 Pg. 222
C.G.S. 25-102a through 102j.

ORDINANCE AUTHORIZING THE CONSERVATION COMMISSION TO CARRY OUT THE PROVISIONS OF THE INLAND WETLANDS AND WATERCOURSES ACT

1. The Town of Deep River hereby authorizes the Conservation Commission duly established in said Town, in addition to its statutory duties under Section 7-131a, to carry out the provisions of Sections 22a-36 to 22a-45 inclusive of the Connecticut General Statutes and as it may hereafter be amended from time to time.
2. The name of said commission shall hereafter be known as the Conservation and Inland Wetlands Commission.

July 9, 1992.
Vol. 7, Pg. 231

ORDINANCE GRANTING TO THE CONSERVATION AND INLAND WETLANDS COMMISSION REGULATORY AUTHORITY OVER CANFIELD WOODS

The legislative body of the Town of Deep River hereby grants authority to regulate the use and management of Canfield Woods (DEP 09-00256) to the Conservation and Inland Wetlands Commission in accordance with guidelines established for the management and said use of said property by federal and state authority.

July 30, 1992.
Vol. 7, Pg. 232

ORDINANCE CONCERNING ESTABLISHMENT OF THE ECONOMIC DEVELOPMENT COMMISSION

Pursuant to Sec. 7-157 of the Connecticut General Statutes, Revision of 1958, the Town of Deep River enacts the following ordinance.

1. The Town of Deep River hereby establishes an Economic Development Commission in accordance with Section 7-136 and 7-137 of the 1958 Revision of the General Statutes.
2. The commission shall be known as the ECONOMIC DEVELOPMENT COMMISSION.
3. The number of members of such commission shall be seven and shall be appointed by a majority of the Board of Selectmen.
4. Terms of said members shall be as follows.
 - a. One member for a term of two years
 - b. Two members for a term of three years.
 - c. Two members for a term of four years
 - d. Two members for a term of five years.

As the terms of the original members expire all subsequent appointments shall be for a period of three years.

5. Any vacancy in the membership of the commission shall be filled for the unexpired portion of the term by a majority of the Board of Selectmen.
6. The members of the commission shall receive no compensation except for their necessary expenses incurred in the performance of their official duties. The commission may appoint employees necessary for the discharge of its duties.
7. The commission shall conduct researches into business and industrial conditions in its municipality and shall seek to coordinate the activities of unofficial bodies organized for such purposes, may advertise and may prepare, print, and distribute books, maps, charts, and pamphlets which in its judgment will further its official purposes.
8. No more than four members of such commission shall be from the same political party.
9. The annual appropriation which may not exceed one-twentieth of one per cent of the last completed grand list of taxable property, for the expenses of the commission is to be applied for from the Board of Finance who upon approval shall present same to the voters at the annual Town Meeting called to act upon the annual budget.

Effective September 11, 1964
Vol. 6 Pg. 140 & 141

History: Amendment dated 12-23-03, Vol. 8 pg. 202, changes name of commission from Deep River Development and Industrial Commission to the Economic Development Commission, and membership is

changed from twelve (12) members to seven (7); Amendment dated 1-18-84, Vol. 7 Pg. 73 changes membership from 7 to 12 and length of terms from 5 years to three years.

AN ORDINANCE ESTABLISHING THE PLANNING AND ZONING COMMISSION AND ZONING BOARD OF APPEALS

1. The Planning Commission of the Town of Deep River shall be herewith designated as the Planning and Zoning Commission of the Town of Deep River, and such commission shall have all the powers and duties granted under the provisions of Chapter 124 and 126 of the Connecticut General Statutes, as amended.
 - a. The Planning and Zoning Commission shall consist of seven members and three alternate members who shall be electors of the Town of Deep River, shall not be members of the Zoning Board of Appeals and who shall not hold any salaried office within said town.
 - b. Upon the expiration of each of the said terms of the present members of the Planning Commission, and upon the expiration of the terms of the two additional members hereinbefore stated; all members and alternates shall be appointed annually for the term of three years, commencing on December 1, of each year. Such appointments shall be made by the Board of Selectmen incumbent at the time of the Town Meeting, hereinafter required, and such appointments shall become effective upon consent and approval of the Town Meeting, to be held during the month of November of each year, on or after the third Monday thereof. If such approval is not granted at said Town Meeting, the Board of Selectmen shall forthwith make another appointment or appointments and call a Town Meeting to be held within 30 days from the prior Town Meeting for the consent and approval of the appointment or appointments.
 - c. In the event of any vacancies created in said Commission for any reason, including but not limited to disapproval by the Town Meeting of a new appointment(s), then such vacancy shall be filled by the incumbent Board of Selectmen and approved at a duly called Town Meeting forthwith.
2. A Zoning Board of Appeals is hereby created for the Town of Deep River. The regular members and the alternate members, of which shall have all the powers and duties set forth in the General Statutes relating to the Zoning Board of Appeals and their members.
 - a. The Zoning Board of Appeals shall consist of five (5) members and three (3) alternate members all of whom shall be electors of the Town of Deep River and shall not be members of the Planning and Zoning Commission, and shall not hold any salaried office of said Town.
 - b. The regular members of the Zoning Board of Appeals shall be appointed by the Board of Selectmen for the terms hereinafter specified. Alternate members of the Zoning Board of Appeals shall be appointed by the Board of Selectmen for the term of three years. All such appointments must be approved and consented to in the same manner and procedure in which members of the Planning and Zoning Commission are consented to and approved; and such appointments shall be effective only upon the consent and approval of a Town Meeting duly called within 15 days after such appointments are made.
 - c. Thereafter, subsequent members shall be appointed annually for three (3) year terms commencing on December 1 of each year. Such appointments shall be made by the Board of Selectmen incumbent at the time of the Town Meeting hereinafter required, and such appointments shall become effective upon the consent and approval of a Town Meeting to be held within the month of November of each year on or after the third Monday thereof. If approval is not granted at the Town Meeting, the Board of Selectmen shall promptly make another appointment and call another town meeting to be held within thirty (30) days of the prior meeting for the consent and approval of the appointment or appointments.
 - d. In the event of any vacancies created in said Board, for any reason, including but not limited to disapproval by Town Meeting of a new appointment, then such vacancy shall be filled by the incumbent Board of Selectmen and approved at a duly called Town Meeting forthwith.

September 9, 1970.
Vol. 6 Pg. 180, 181 & 182

History: Original ordinance dated 4-27-66, Vol. 6 Pg. 136 established Planning Commission consisting of 5 members appointed by the Board of Selectmen. Alternates were added per ordinance dated 12-14-71, Vol. 6 Pg. 198.

ORDINANCE ESTABLISHING PROCEDURE FOR FEE SCHEDULES IN PROCESSING LAND USE APPLICATIONS

RESOLVED that the Planning and Zoning Commission, Zoning Board of Appeals and Conservation and Inland Wetlands Commission are each authorized to establish a schedule of fees for the processing of various land use applications by the Commission. In exercising the authority granted herein and determining its schedule of fees, each commission may consider the reasonable cost of reviewing and acting upon applications, including, by way of example and not of limitation, the cost of mailings, publication of notices, decisions, consultant fees and the monitoring of compliance with permit conditions or commission order.

Such schedule shall be established by each commission at a meeting duly called for such purpose, and may be revised from time to time, in the same manner, to reflect changing costs.

Each schedule shall become effective upon filing with the Town Clerk after adoption by the commission. (Adopted at the August 17, 1989, Planning and Zoning Commission meeting.)

August 25, 1989
Vol. 7 pg. 150

MUNICIPAL PROPERTY EXEMPT FROM PLANNING AND ZONING REGULATIONS

A resolution was approved to exempt property owned by the Town of Deep River and property leased by the Town for use by its agencies, from zoning regulations prescribed by the Planning and Zoning Commission of the Town of Deep River, pursuant to Section 8-2 of the Connecticut General Statutes.

July 26, 1984
Vol. 7 Pg. 82

History: Amends ordinance dated 4-07-82, Vol. 7 Pg. 55 by adding, "property leased by the Town for use by its agencies."

DEEP RIVER PLANNING AND ZONING FEE ORDINANCE

SECTION 1: Authorization and Purpose

- 1.1 The provisions of Connecticut General Statutes Section 8-1c are hereby adopted and are set forth herein.
- 1.2 To establish a schedule of reasonable fees for the processing of applications by the Town of Deep River Planning and Zoning Commission pursuant to Connecticut General Statute 8-1c;
- 1.3 To provide for the adequate review of Planning and Zoning Commission applications in accordance with the size and complexity of the proposed land use development; and
- 1.4 To establish an amended schedule of fees for land use applications in order to fund the municipal administrative costs of reviewing, evaluating and processing land use applications, and to insure that fees do not cause applicants to subsidize municipal expenses which are not related to reviewing, evaluating and processing such applications.

SECTION 2: Definitions

- 2.1 Commission – Shall mean the Deep River Planning and Zoning Commission.
- 2.2 Planning or Zoning Application – any application to the Planning and Zoning Commission, including but not limited to any of the following: amendment to the zoning map or text of the zoning regulations; special permit; special exception; site plan approval; zoning compliance certificate; certification of nonconformity; certification of soil erosion and sediment control plan; flood hazard area permits; coastal site plan reviews; rear lot; subdivision or re-subdivision.
- 2.3 Review, evaluation and processing shall include all functions performed in connection with or association with an application by the Planning and Zoning Commission.

SECTION 3: Fee Schedule

- 3.1 The fees set forth herein shall supersede any specific fees set forth in the Connecticut General Statutes, any special act, municipal ordinance and any fee set forth in the regulations of Planning and Zoning Commission.
- 3.2 Fees as set forth in this Ordinance are due and payable to the Town of Deep River upon submission of a land use application.
- 3.3 Schedule of Fixed Fees:

The Planning and Zoning Commission is authorized to collect fees in accordance with the following schedule of fixed fees:

Applications requiring a simple Administrative Review only	\$ 50.00
Applications for: Home Occupations	\$ 50.00
Minor Subdivision	\$ 50.00/per lot
Major Subdivision	\$200.00/per lot
Re-subdivision	\$200.00/per lot
Special Permit	\$100.00/per lot
Site Plan	\$100.00
Rear Lot	\$100.00
Coastal Site Plan	\$100.00
Telecommunications Tower	\$200.00
Zoning Compliance Certificate for each existing structure or use	\$100.00
Copy of Planning and Zoning Regulations with small zoning map	\$ 25.00
Copy of Plan of Conservation and Development	\$ 20.00
Copy of Large Zoning Map	\$ 20.00

- 3.4 In addition to the fixed fees set forth in Section 3.3, the commission may charge and collect payment from an applicant for costs of materials and services performed as requested by the Planning and Zoning Commission in order to adequately review an application and later inspect the work; including but not limited to costs for third party professional or other specialized reviews, inspections and certifications, commission staff time, planning review, engineering review, legal review and consultation, publication of legal notices, stenographic and transcription services associated with any type of application to the Planning and Zoning Commission, where the fixed fees set forth in Section 3.3 are not anticipated to cover, or do not in fact cover, such costs or expenses.

The expense of these charges shall be estimated by the commission, based on a preliminary estimate prepared by a qualified party(s) or expert(s) as determined by the Planning and Zoning Commission; and the estimated cost of reviewing the application times one hundred-fifty percent (150%) shall be paid by the applicant and deposited with the Commission or its designated agent. Such deposit shall be made prior to review of the application and/or submission as set forth in the Planning and Zoning Commission Regulations.

Upon completion of the technical review and final action by the Commission on the application, the Town shall determine the costs incurred for the review and refund any and all excess monies to the applicant. Such monies, if any, shall be returned to the applicant no later than one month after the completion and

final approval of the project by the Commission or its agent. Applicants shall not be responsible for costs incurred for technical assistance which exceed one hundred-fifty (150%) of the Commission's estimate. No interest on funds held by the Commission or the Town of Deep River shall be owed to the applicant.

3.5 Fees Not in Lieu of Bonds

The payment of fees shall not prohibit the Planning and Zoning Commission from requiring performance or forfeiture bonds to ensure the successful completion of all work as may be prescribed in the Commission's regulations.

SECTION IV: When Fee Not Required

The commission may by resolution determine that an application fee is not required in particular cases of resubmission of a disapproved application or an application to revise an approved subdivision. In cases where the plan changes are minor, insignificant or only technical in nature, the fee may be waived. In cases where the changes are major or significant, or require further technical and professional review of the plan, a fee will be charged. In all cases a fee will be charged when a public hearing on the application is held by the Commission as required by law or at the Commission's discretion.

Boards, Commissions and Departments of the Town of Deep River are exempt from fee requirements. In addition, the commission shall be authorized, by majority vote, to reduce or waive application fees where (1) the application does not appear, upon initial examination, to require intensive staff review and (2) the applicant is a non-profit entity, + which qualifies for tax-deductible charitable contributions under Regulations of the U. S. Internal Revenue Service.

Town Meeting October 14, 2003
Vol. 8 Pages 194-197
Effective November 4, 2003

**DEEP RIVER PLANNING & ZONING COMMISSION REVISED
FEE SCHEDULE 2006**

Administrative Fees:

Zoning Regulations	\$20.00
Subdivision Regulations	\$20.00
Zoning Map	\$15.00
Plan of Conservation and Development	\$20.00

Application Fees:

Administrative Zoning Permit:	\$50.00 up to \$5,000 value plus \$1 for each additional \$1,000 in value plus the State D.E.P. fee.
Minor Subdivision:	\$200.00 per lot plus the State D.E.P. fee.
Major Subdivision/Resubdivision:	\$300.00 per lot plus \$5 per linear foot of road construction. A \$450.00 fee will be assessed on subdivisions/resubdivisions of three or more lots to cover Attorney's fees plus the State D.E.P.
Special Permit:	\$100.00 plus \$50.00 per acre impacted and \$10.00 per 100 sq. ft. of new construction plus the State D.E.P. fee. Re-notice of Public Hearing at the applicants request will double the initial \$100.00 fee.
Site Plan:	\$100.00 plus \$50.00 per acre impacted and \$10.00 per 100 sq. ft. of new construction plus the State D.E.P. fee.
Rear Lot Approval:	\$200.00 plus the State D.E.P. fee.
Amendments to the Regulations:	\$100.00 plus \$100.00 printing fee for all approved changes.

Telecommunication Towers: \$1,000.00

Permits applied for after construction has commenced will be double the stated fee.

Town Meeting April 13, 2006
Vol. 8 Pgs. 267-270
Effective May 5, 2006

Section 9 - PUBLIC SAFETY

ORDINANCE PERTAINING TO APPOINTMENT OF CONSTABLES

SECTION I: Under the authority of Section 9-185 of the General Statutes of the State of Connecticut, Revision of 1958 as amended, a constable or constables shall henceforth be appointed by the Board of Selectmen.

SECTION II: The number of constable or constables to be appointed, the qualifications and the terms of office thereof, shall be determined by the Board of Selectmen, from time to time; except that no term shall exceed one year. A person may serve consecutive terms as a constable.

SECTION III: The Board of Selectmen shall have the right, with or without cause, to terminate the term of office of any constable irrespective of the length of term of his appointment.

SECTION IV: The maximum number of constables who may be members of the same political party shall be the same as set forth in the schedule provided in Section 9-167a of the General Statutes of the State of Connecticut Revision of 1958 as amended.

October 9, 1973
Vol. 6 Pg. 215

ORDINANCE PERTAINING TO DEEP RIVER EMERGENCY COMMUNICATIONS CONTROL CENTER

BE IT RESOLVED that the supervision and maintenance of the Deep River Emergency Control Center, as stated above, be vested in the Board of Selectmen and a five (5) member committee appointed by the Board of Selectmen.

Effective July 3, 1996.
Recorded in Town Acts Book Vol. 7 Pg. 297

History: Full text of ordinance repeals Item (k) of Deep River Fire Department Ordinance dated March 6, 1939, and amended December 1, 1980, which gives supervision of the Deep River Emergency Communications Control Center to the Board of Fire Commissioners. See Town Acts Vol. 7, Pg. 297.

EMERGENCY ALARM ORDINANCE

SECTION I. PURPOSE

To provide minimum standards for the use, installation and maintenance of emergency alarm systems installed and utilized in buildings or structures within the Town of Deep River.

SECTION II: DEFINITION

- 2.1 Alarm Device--any device which, when activated, summons emergency personnel and/or agencies
- 2.2 Emergency Dispatch Center--dispatch agencies for the Deep River Fire Department, Deep River Ambulance Association, and Deep River Police Department.
- 2.3 False Alarm--activation of an alarm device through mechanical failure, malfunction, improper installation/testing, or negligence on the part of the property owner/agent. Excludes weather related problems, municipal power failures, and telephone utility failures.

SECTION III: GENERAL PROVISIONS

- 3.1 All alarm systems shall be registered with the Deep River Fire Marshal's Office, in accordance with established procedures.
- 3.2 Automatic dialers are prohibited.
- 3.3 All educational related facilities and convalescent facilities are considered critical response centers and all such alarms are to be monitored by the Deep River Emergency Dispatch Center
- 3.4 Exterior alarm signals of the audible type, are to be restricted to thirty (30) minutes duration, without reset, unless otherwise restricted by Code or Law.

SECTION IV: FALSE ALARMS

A third false alarm within a twelve (12) month period would be considered a violation of this ordinance. The twelve-month period is to be established by calendar year.

SECTION V: MAINTENANCE AND TESTING

- 5.1 Owner/agent is responsible to properly maintain the alarm system and for proper record keeping.
- 5.2 Alarms to be tested periodically. Prior to testing, the emergency dispatch center is to be notified. All testing will be limited to normal business hours.

SECTION VI: ENFORCEMENT

- 6.1 Administration and enforcement of this ordinance shall be the responsibility of the Deep River Fire Marshal's Office.
- 6.2 Alarm systems which have malfunctions must be taken off line until proper maintenance has been performed and the Deep River Fire Marshal's Office notified.

SECTION VII: PENALTIES

Any person who violates any of the provisions of this ordinance shall be subject to a fine of one hundred dollars (\$100) for each violation. Each day such violation continues shall constitute a separate violation.

December 9, 1993.

Vol. 7 Pg. 253

CONCERNING NATIONAL DEFENSE

SECTION I: In order to further National Defense and safeguard and protect life and property within the city (or town) of Saybrook (Deep River) in case of enemy air raids or attacks or threatened air raids or attacks or for the purpose of trial blackouts or other trials or tests to prepare to meet such air raids or attacks, all persons within the city (or town) are required to comply with the rules, regulations and orders pertaining thereto promulgated by the Army, Navy, or State Defense Council, or by any person or organization, acting by lawful authority of them or any of them, provided, however, that warnings of the beginning and termination of the period of such eventuality shall be given throughout the city (or town) by audible signals.

SECTION II: All police and firemen and all members of the auxiliary police and fire forces of the city (or town) are hereby authorized and directed to enforce blackout plans and defense measures and the said rules, regulations and orders pertaining thereto during such periods and summarily to compel compliance therewith. In cases of immediate threat of enemy action, they may abate conditions dangerous to the public safety.

SECTION III: The Mayor (or Board of Selectmen) is authorized to establish, promulgate and enforce such local rules, regulations and orders with respect to such periods not inconsistent with the rules, regulations and orders referred to in Section I thereof, as he (or they) shall deem necessary or appropriate to effect the spirit and intent of this ordinance.

SECTION IV: Any person violating any of the provisions of this Ordinance, or during any period of blackout and defense, any of the said rules, regulations and orders pertaining thereto or who shall fail or refuse during any such period to comply with any instructions lawfully given by any police or fireman or any member of the auxiliary police or fire forces of the city (or town), or who shall obstruct or interfere with any such officer in the performance of his duties, shall be fined not exceeding \$100 or imprisoned not more than 3 months or both.

March 4, 1942.
Vol. 5 Pg. 159

EMERGENCY MANAGEMENT ORDINANCE

SECTION I: DEFINITIONS

The definitions of Emergency Management and related terms used in this ordinance shall be the same as the definitions provided in Section 28-1, Chapter 517 of the Connecticut General Statutes.

SECTION II: EMERGENCY MANAGEMENT ORGANIZATION

A. Authority, Established Supervision

1. By authority of Section 28-7 of the Connecticut General Statutes, an organization of town government to be known as the Office of Emergency Management is hereby established.
2. The established Office of Emergency Management to be under the direction and supervision of an Emergency Management Director assisted by a Deputy Director. The Director shall be responsible for the organization, administration and operation of said local organization. The Deputy Director shall assume the duties of the Office in the absence of the Director.

B. Appointment, Powers and Duties of the Director and Deputy Director

1. The Emergency Management Director and Deputy Director shall be appointed by the Chief Executive Officer of the Town, and shall serve at the will of the Chief Executive Officer. The Director and/or Deputy Director may be removed from office at any time by the Chief Executive Officer.
2. The Emergency Management Director shall report directly to the Chief Executive Officer. The Deputy Director shall report to the Director.
3. The Director shall advise the Chief Executive Officer on all Emergency Management matters and related laws, rules, regulations and requirements of Title 28 and Public Act 87-535 of the Connecticut General Statutes, the Federal Civil Defense Act of 1950, and the Federal Natural Disaster Relief Act of 1974.
4. The Emergency Management Director shall develop, organize, direct and coordinate the Town's Emergency Management Program with the goal of saving lives and protecting property by maintaining emergency operational capabilities that mitigate, prepare for, respond to, and recover from any emergency or disaster.
5. The Director shall develop and organize the Emergency Management Program in accordance with local, state and federal emergency management requirements.
6. The Emergency Management Director shall coordinate the activities of all town departments, agencies and offices and the activities of all volunteer organizations, but in no instance shall

assume direction and control of any town department, agency or office unless directed by written authority from the Chief Executive Officer.

7. The Director shall be responsible for the development and maintenance of the Town's Emergency Operations Plan. The Emergency Operations Plan shall become effective upon the signature of the Chief Executive Officer.
8. The Emergency Management Director shall be responsible for the coordination of training and exercises required to maintain adequate emergency management and emergency response capabilities in town.
9. The Director shall be responsible for the recruitment and training of volunteer Emergency Management Personnel.
10. The Director shall maintain continuous contact with the State Office of Emergency Management, and shall prepare and submit reports and all paperwork necessary to ensure that the town qualifies and receives all possible funding, equipment and other benefits or assistance available from the State and/or Federal Emergency Management Program. All requests for outside funding and/or assistance shall be in accordance with established local procedures.

C. Responsibilities of Departments, Agencies and Offices of Town Government

1. Each department, agency and office of the town government required to have an annex to the Town's Emergency Operations Plan shall develop and maintain such annex in accordance with local, state and federal emergency management requirements.
2. Each department, agency and office of town government shall cooperate with the Emergency Management Director to the fullest extent possible in the development and maintenance of the local Emergency Management Program.

D. Emergency Management Responsibilities and Power of the Chief Executive

1. The Chief Executive Officer of the town is responsible for the protection of the health and safety of all residents and all people in town, the protection of property, and the preservation of the local government organization and structure.
2. The Chief Executive Officer of the town shall ensure that the local Emergency Management Organization develops and maintains the capability of local government necessary to respond to any emergency or disaster that may affect the town.
3. During emergency or disaster situations, the Chief Executive Officer has the power and authority to issue emergency and/or disaster declarations and exercise any and all powers granted by the Connecticut General Statutes deemed reasonable and necessary for the protection of residents and people in town, the protection of property, and the preservation of local government.

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Effective August 18, 1995.

Recorded in Town Acts Book Vol. 7 Pg. 280 & 281.

Section 10 - SOLID WASTE

DEEP RIVER SOLID WASTE FACILITIES

BE IT RESOLVED that the Board of Selectmen of the Town of Deep River are hereby delegated authority and empowered to promulgate and enforce rules and regulations governing the operation and use of all Deep River Solid Waste Facilities.

February 7, 1985
Vol. 7, Page 85

RESOLUTION DESIGNATING ESSEX TRANSFER STATION

BE IT RESOLVED THAT THE LEGISLATIVE BODY OF THE Town of Deep River hereby designates the Essex Transfer Station as the area where solid waste generated within its boundaries, except hazardous waste, bulky waste and liquid sanitary system waste, shall be disposed. The legislative body hereby gives notice of its intent to designate said Essex Transfer Station to all collectors hauling refuse of and within the municipality. Such designation shall become effective on June 21, 1988, after notice of the designation has appeared in a newspaper of general circulation in the Town of Deep River not less than sixty days after the adoption of this resolution and after a public hearing has been held concerning the designation, all as required by Section 22a-220a of the Connecticut General Statutes.

February 9, 1988
Vol. 7, Pg. 129

LITTER ORDINANCE

RESOLVED: No person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon the highway, streets or other real property owned by the Town of Deep River, or upon private property in the town not owned by him or in the waters of the Town of Deep River, whether from vehicle or otherwise. Any person, partnership, company, corporation or other legal entity who violates this ordinance or any provision thereof shall be fined not more than \$100.00 for each offense.

May 19, 1980.
Vol. 7 Pg. 31

History: Amended ordinance replaces original dated 8-20-70, Vol. 6 Pg. 179. Amended version includes original in its entirety.

AN ORDINANCE REGULATING THE STORAGE, COLLECTION, TRANSPORT, RECYCLING AND DISPOSAL OF SOLID WASTES GENERATED IN THE TOWN OF DEEP RIVER

SECTION I: Declaration of Policy

Regulation of the storage, collection, transport, recycling and disposal of solid waste generated in the Town of Deep River is necessary for the protection of the public health, the safety and the welfare of the residents of the town. It is, therefore, found and declared that:

- a. The Town of Deep River is authorized to regulate solid waste generated within its boundaries, and to license refuse collectors; and
- b. The Town of Deep River is authorized to designate an area where solid waste generated within its boundaries shall be disposed; and
- c. The Town of Deep River is committed to preserving air and water quality as well as limited landfill space by separating recyclable material from the waste stream and providing for its delivery to parties who can prepare it for re-use whenever possible; and

SECTION II: Definitions

- a. "Authority" means the Connecticut Resources Recovery Authority established pursuant to Chapter 446e of the General Statutes.
- b. "Bulky Waste" means used furniture and similar bulky material, stumps and wood waste from construction, demolition or land clearing.
- c. "Contractual Standards" for solid waste delivered to the Mid-Connecticut System (the System) are as follows:
 - (1) The waste must emanate from within the boundaries of the Town of Deep River or from other towns with contractual arrangements with the Town of Deep River.
 - (2) The waste must not be of such a quantity, quality or other nature as to materially impair the operation or capacity of the System;
 - (3) The waste must not materially impair the strength or the durability of the structures, equipment or works of the System;
 - (4) The waste must not create flammable or explosive conditions in the System;
 - (5) The waste must not contain chemical or other properties which are deleterious, as determined by the Authority, or capable of damaging the System or personnel; and
 - (6) Such waste must not contain hazardous waste as defined below.
- d. "Designated Disposal Site" means the location or facility designated by the Town for disposal of solid waste, bulky waste and/or recyclables generated within the town, including any other site as may be temporarily substituted or required by the Authority.
- e. "Director" means the First Selectman of the Town of Deep River or his appointee.
- f. "Disposal Charge" means the amount to be charged for each ton of Solid Waste Delivered to the System.
- g. "Essex Transfer Station" means that facility constructed by the Authority as part of the System.
- h. "Generator" means any party who creates solid waste or bulky waste.
- i. "Hazardous Waste" means waste which, according to federal, state or local rules, require special handling in their collection, treatment or disposal.
- j. "Mid-Connecticut System," the System, shall mean the system for processing solid waste and recovery of energy therefrom, constructed by the Authority pursuant to the Municipal Service Agreement.
- k. "Municipal Service Agreement" means the contract between the town and the Authority.
- l. "Recyclables" means discarded materials which may be reclaimed, such as corrugated cardboard, storage batteries, glass, metal food containers, newspapers, office paper, waste oil, scrap metal, leaves and any other material designated as such by regulation adopted by the Commissioner of Environmental Protection or by local regulation or ordinances.
- m. "Refuse Collectors" means any person, firm or corporation engaged in the business of collecting and transporting Solid Waste within the Town of Deep River.
- n. "Regulations" means rules developed by the Director to carry out the terms of this ordinance, which rules shall have the same binding effect on generators and collectors as this ordinance.
- o. "Residential Waste" means waste generated by persons living in residences containing one or more dwelling units but excluding hospitals, nursing homes, motels or hotels.
- p. "Scrap metal" means used or discarded items which consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, nickel, or alloys thereof, including white goods.
- q. "Solid Waste" means unwanted or discarded materials more completely defined at Connecticut General Statutes, Sec 22a-260(7), PA 89-386(s), but excluding (1) "Hazardous waste," (2) semi-solid or liquid materials which are collected and treated in a sewerage system and (3) "bulky waste," defined above.
- r. "Waste Stream" means material that has been placed at curbside or at any designated collection or pickup site or designated disposal site.

GENERAL RULES

SECTION 1: Solid Waste Collection

- All solid waste originating within the limits of the Town of Deep River shall be collected, transported and disposed of either by the town or by refuse collectors licensed jointly by the town and the Authority in accordance with the provision of this ordinance. No other person or business entity shall collect, transport or dispose of solid waste, except that individual generators of solid waste or owners of property upon which solid waste has accumulated may collect, transport and/or

dispose of such waste in conformity with the provisions of this ordinance or such regulations as the Director may from time to time adopt.

- No solid waste collected from outside the boundaries of the Town of Deep River shall be disposed of under a license or registration issued pursuant to this ordinance, except as may be provided by contract with other towns.
- No person may enter the Deep River Transfer Station unless he is a resident of Deep River, a licensed Refuse Collector, has permission from the Director, or is specifically covered by an inter-town agreement approved at a town meeting.

SECTION 2: Prohibition Against Removing Recyclable Materials from Designated Disposal Site; Ownership of Recyclables; Scavenging Prohibited.

- a. No person shall remove recyclable materials, including but not limited to scrap metal, newspapers, unbroken glass, bottles, cans, tires and other collectibles from the designated disposal site without authorization from the Director.
- b. Once recyclable materials are placed at curbside or other designated areas, it shall be a violation of this ordinance for any person or entity, other than those authorized under this ordinance, to collect or remove recyclable materials from said area.
- c. Each violation of sections 2a or 2b shall constitute a separate and distinct offense, punishable by a fine not to exceed \$500 for each offense.
- d. At the option of the Director, anyone who violates sections 2a or 2b of this ordinance may be required to make restitution to the Town of Deep River for any materials illegally removed.
- e. Nothing in this ordinance shall limit the right of anyone to dispose of his own recyclables in any other lawful manner, provided that such materials have not been set out on the curb or placed in any designated collection or disposal site.

SECTION 3: Refuse Containers and Containers for Recyclables.

- a. The owner of each premise in which solid waste is generated or accumulated shall provide suitable receptacles or containers for storing solid waste until it is removed. Solid waste containers shall be equipped with securely fitting covers and shall be replaced when no longer in such condition.
- b. The standard container for commercial solid waste shall be a watertight, vermin proof, galvanized or plastic receptacle, with a tight lid of not less than twenty (20) nor more than thirty (30) gallon capacity; except that commercial establishments may provide for a large covered container that is designed to be emptied into a refuse truck. For the purpose of this subparagraph (b), "commercial solid waste" is any solid waste arising from any source other than residential.

SECTION 4: Storage and Handling of Solid Waste and Recyclables.

- a. No person, firm or corporation shall store or accumulate solid waste in any location in the Town of Deep River unless it is stored in a manner which will not constitute a hazard to the public health and safety.
- b. Any accumulation of solid waste that is not stored as set forth above is deemed a nuisance and is prohibited. In such cases the director may notify the owner of such premises, or any other party responsible for the prohibited accumulation. Failure to remove such accumulation within ten (10) days of notification is a violation of this ordinance.
- c. Littering. Solid waste shall not be transported, cast, placed or deposited in such manner that it may be carried or deposited by the elements upon any public place or upon the property of another person.
- d. Hazardous Waste. It is unlawful to place hazardous waste or similar dangerous substance into any solid waste or recyclables container or to deliver such substance to the Transfer Station or the Mid-Connecticut System.
- e. Bulky waste and scrap metal must be separated from solid waste by both residential and commercial generators, and shall be delivered to a specified location, at such time as the director may designate. Scrap metal will be collected at the disposal site in containers and will be recycled in accordance with a plan approved by the director.

RECYCLING

SECTION 1. Recyclable Material

Recyclable material may be deposited at the transfer station without charge so long as the material is separated according to type and is clean and placed in the designated area. The director shall be authorized to determine whether particular materials meet the requirements of this section, whether or not a charge shall be levied, and to prepare a detailed list of recyclables.

SECTION 2. Source Separation for Recycling.

- a. **Duties of the Refuse Collector.** Refuse collectors are required to collect separated recyclables in the manner specified by this ordinance. Refuse collectors are required to notify the director of any customers who do not separate recyclables, and must assist the director by identifying those parties responsible for mixing the recyclables with solid waste that has been placed in the waste stream. Refuse collectors shall provide warnings to residential violators upon request of the director.
- b. **Separation of Materials. Collection.** Recyclable materials shall be separated from solid waste and placed at the curb or other designated location on the days designated by the refuse collector. Refuse collectors shall provide public notice of their schedule for collecting recyclables.
- c. **Separation at Dumpster.** Owners of non-residential property, including multi-family dwellings and other properties that do not use curbside service, shall make provisions for separating recyclables. Owners of property described in this subsection are required to draft a plan indicating the type, location, number, and method of identifying containers for each recyclable, which plan shall be submitted to the director for his approval. Property owners must provide an additional container for each recyclable material in accordance with said plan. Failure to have an approved plan within sixty (60) days of the effective date of this ordinance shall be deemed a violation of this ordinance.
- d. Recyclables shall be separated and prepared for pickup or disposal at the transfer station in accordance with the director's regulations.
- e. All solid waste entering the waste stream is subject to inspection to insure compliance with the terms of this ordinance.
- f. Refuse collectors must separate recyclables during transportation from the source to the disposal site, either by transporting in a separate vehicle or in a separate compartment within a truck. Such compartment must have a separate floor, walls and lid.
- g. Refuse Collectors must deliver recyclable bottles and cans to the Groton Intermediate Processing Center or such other site as may be designated by the director.

REFUSE COLLECTORS

SECTION 1: Licensing. Registration of Vehicles and Containers

- a. **Licensing.** All refuse collectors shall apply to the director for a license to collect solid waste in the Town of Deep River. Such application shall be on a form provided by the director and shall comply with the requirements contained in the "regulations."
- b. Any of the following shall be deemed sufficient ground for denial or nonrenewal of a license:
 - (1) The applicant has been irresponsible in the conduct of solid waste collection, hauling or separation as evidenced by prior suspension and/or separation as evidenced by prior suspension and/or revocation of a license; or
 - (2) The applicant does not have suitable equipment; or
 - (3) The applicant has not complied with licensing requirements and/or has not paid required fees to either the Town of Deep River, or a participating municipality, or the Authority; or
 - (4) The applicant has demonstrated a lack of cooperation or good faith effort to carry out the terms of this ordinance or the regulations.
 - (5) The applicant's license for collecting, hauling or disposing of solid waste has been previously suspended or revoked.
 - (6) If the director denies the application for a license, the applicant shall be entitled to a hearing before the Board of Review for a final determination. The Board of Review may reverse the decision of the director and issue a license, or it may uphold the decision of the director.
- c. **Licenses.** Non-transferable licenses shall be issued for the term of one fiscal year, which shall begin on July 1. No refuse collector shall engage in the business of collecting solid waste in the Town of Deep River without a valid license.

- d. **Registration of Vehicles, Containers.** Each licensee shall obtain a separate registration for each vehicle and container he uses to transport solid waste and/or recyclables within this municipality. Vehicles shall be subject to such inspection as the director may require. Registrations may not be transferred from one vehicle to another without permission of the director.
- e. **Registration term; Fee; Renewal.** Registrations are issued for a period not to exceed one year, commencing on the first of July. Registration fees may be prorated in accordance with the regulations if application is made after that date. The registration fee shall be determined in accordance with the regulations.
- f. **Reinspection.** In the event that a registered vehicle or container is sold or transferred to another licensee during the registration year, it shall be reinspected within seven (7) days of the transfer; however, no additional registration fee will be required.
- g. **Display of Registration.** Registration numbers shall be conspicuously displayed on the left front of the body of each vehicle or container or as otherwise required by the director.
- h. **Vehicle Identification.** Each licensee shall prominently display its business name, address and telephone number on the door of each registered vehicle or container in letters at least four (4) inches high.
- i. **Availability of Rate Information.** Upon request, each refuse collector shall furnish a list of rates for the services he provides to either the director or any of his present or prospective customers.

SECTION 2. Revocation or Suspension of License or Registration.

- a. Generally, failure to comply with the provisions of this ordinance or with state regulations regarding the collection, transport and/or disposal of waste shall be ground for revocation, suspension or nonrenewal of any license or registration issued under its provisions.
- b. **Notice of revocation.** Revocation or suspension shall become effective five (5) calendar days after written notice is mailed or delivered by the director unless a lesser time is indicated in the notice.
- c. **Agent for Notice.** Licensees must provide the director with the name and address of a person who will be available at all times, in person or by designee, to receive notice either by mail or in-hand delivery. Lack of availability on the part of such person shall be deemed a waiver of required notice.
- d. **Request for review.** Upon receipt of a notice of nonissuance, nonrenewal, suspension or revocation, the licensee may file a written request for review. Such request must be filed within five days of receipt of the notice. Failure to file within such time shall waive the licensee's right to review, making the nonissuance, nonrenewal, suspension or revocation final and binding upon the refuse collector.
- e. **Timely filing.** If such request is filed within five (5) days of receipt of notice, such request shall stay the revocation or suspension, pending review by the Board of Review as set forth below, excepting such cases where, in the opinion of the director or the Authority, a stay would present substantial risk of harm to the health, safety and welfare of the public.
- f. **Loss of Permission to Use Transfer Station.** The director shall have the authority to deny any refuse collector admission to the transfer station when in his opinion such refuse collector has violated this ordinance or the regulations.

ADMINISTRATION

SECTION I: Director

- a. The director shall administer the licensing and registration of any refuse collector engaged in collecting and transporting solid waste and recyclables within the Town of Deep River.
- b. The director shall not issue a license until the refuse collector provides proof of adequate liability insurance which shall include an obligation on the part of the carrier to notify the Town if coverage is terminated.
- c. In order to carry out the terms of this ordinance the director may from time to time promulgate rules and regulations, which rules shall have the same binding effect as this ordinance.

- d. The director, in conjunction with the Authority, is authorized to establish such procedures as may be appropriate to protect the transfer station, the system, and their operators and employees from injury or damage arising from deliveries of solid waste.

Section II: Licensee's Responsibilities and Obligations.

- a. Each licensee collector shall deliver all solid waste collected within the Town of Deep River to the Essex transfer station and pay the disposal charge to the Authority. All other solid waste shall be delivered to such location as the director may designate and any required charge shall be paid by the licensee. All residential recyclables shall be delivered to such place as the director designates.
- b. **Failure to Pay.** Any licensee who fails to pay any disposal charge to the Town of Deep River or the Authority within thirty (30) days of the date of the bill shall pay, in addition to such bill, interest at the rate of 1.5 percent per month, or fraction thereof, accruing from the date of the bill to the date of payment, together with all costs of collection, including reasonable attorney's fees. Failure to pay shall be grounds for revocation or suspension of the license.
- c. No licensee shall deliver solid waste meeting the contractual standards to any place other than the site designated by the director.
- d. All registered vehicles and containers shall be automatic unloading vehicles of watertight construction and shall be maintained free of noxious odors and accumulations of solid waste. Any vehicle with a capacity greater than ten (10) cubic yards shall be of closed construction. Containers used for non-liquid solid waste need not be watertight, but must be completely enclosed. A vehicle of less than ten (10) cubic yards may have an open top, provided that it is covered when in motion.
- e. Licensees shall report to the director the name and address of any customer to whom collection service has been refused or discontinued and the reason therefore.
- f. Licensees of the Town of Deep River are hereby made jointly responsible for providing collection service to any resident of the Town who is in compliance with this ordinance and contractual obligations for payment of licensee's fee.
- g. **Designation of Licensee to provide service.** In the event that refuse collection is not provided in a geographical area of the Town of Deep River, the director may designate a licensee to provide service to such geographical area. The designee is required to comply with the director's order.
- h. **Licensees shall leave their customer's containers off the highway, in a neat and upright position, with lids replaced.**
- i. Licensees shall clean up any solid waste or recyclables that spill while being collected or hauled.

SECTION III: Board of Review

- a. The Board of Review of the Town of Deep River shall consist of the Town Sanitarian, a member designated annually by the Water Pollution Control Authority and the members of the Board of Selectmen, but shall not include the First Selectman if he is the director.
- b. The Board of Review shall meet when necessary to review the decisions of the director regarding non-issuance, non-renewal, suspension or revocation of licenses. At a hearing called for such purpose, the applicant shall be permitted to respond to each reason given by the director for non-issuance, non-renewal, non-suspension or revocation and to present such other evidence and testimony as the board may deem necessary to their proper determination of the matter. Written notice of the time and place of the hearing shall be given at least five (5) but not more than fourteen (14) days prior to the hearing, to the applicant at the address shown on the application. The Board of Review shall render a decision within fourteen days after the conclusion of the hearing and notice thereof shall be mailed to the applicant.
- c. Three members present of the Board of Review shall constitute a quorum sufficient for the hearing and determination of any matter and a majority of those present must vote to overturn the decision of the director, otherwise the director's decision shall stand.
- d. Any refuse collector who dumps more than one cubic foot in volume of solid waste at one time in an area not designated for such disposal by the Town of Deep River or the director, or who knowingly mixes other solid waste with recyclables shall for a first violation be liable for a civil penalty of one thousand dollars (\$1,000) for each violation and five thousand dollars (\$5,000) for a subsequent violation. Any refuse collector who violates any other part of this ordinance or any regulations implementing the same shall be fined not more than one hundred dollars (\$100.00) for each offense, in addition to any other penalty that may be imposed by law.

- e. **Residential Violator.** In the event that a residential generator fails to separate recyclables from other solid waste he will receive a written warning for the first offense. After that he may be fined one hundred dollars (\$100.00) for each subsequent offense and may lose the right to use the town disposal facilities until fine is paid.

ENFORCEMENT, PENALTIES

SECTION 1: Penalties

- a. Any commercial generator who fails to separate recyclables from other solid waste shall be fined not more than five hundred (\$500.00) dollars for each offense, in addition to any other penalty that may be imposed by law, provided notice has been timely filed as required in Part III, Section 2d and 2e.
- b. A refuse collector shall be required to pay civil penalties of not less than \$1,000.00 and not more than \$5,000.00 for knowingly mixing recyclables with solid waste.
- c. **Residential Violator.** In the event that a residential generator violates this ordinance, or the regulations he will receive a written warning for the first offense. After that he may be fined \$25.00 for each subsequent offense and may lose the right to use the town disposal facilities until such fine is paid.

SECTION 2: Enforcement

- a. Except as otherwise specified in this ordinance, the director shall enforce all provisions of the ordinance and the regulations as they apply both to solid waste that is transported to the system or designations outside of the municipality, and that which is deposited in town at the Deep River transfer station or bulky waste disposal area.

SECTION 3: Security

The authority and/or the director may require any licensee to post a letter of credit, bond or such other security as may reasonably be required to protect the Town of Deep River or the Authority, as the case may be, from the non-payment of any money owed to either the town or the Authority.

SECTION 4: Damages

- a. By accepting a license issued under this ordinance or the regulations, the licensee agrees to hold the Town of Deep River and the Authority harmless from loss, damage, or injury arising from the delivery of unacceptable or hazardous wastes to the Transfer Station.
- b. Any person entering the town waste disposal facilities shall be construed to be on the premises at his own risk and the town shall not be legally liable for any injuries or damages occurring to such person or his property while on said premises.

SECTION 5: Saving Clause

If any section of the ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this ordinance nor the context in which such section or part thereof so held invalid may appear, except to the extent that an entire section or part of a section to which such holding shall directly apply. Any provision of any ordinance of the Town adopted prior to this ordinance which is inconsistent with the terms of this ordinance is hereby repealed.

January 24, 1991
Vol. 7, Pg. 199 thru 204

ORDINANCE ESTABLISHING FEES FOR TRANSFER STATION

To allow the Board of Selectmen to establish the following fees for the Transfer Station.

Refrigerator/Air Conditioners	\$10.00/unit
Tires: Automobile	1.50/each
Truck	5.00/each
Propane Tanks	5.00/each
Mattresses	3.00/each

Rugs (over 8' x 10')	3.00/each
Bulky Waste (fill, wood, land-clearing, brush, etc.):	
Rack Body/Mason Dump	
2 cubic yards	\$20.00/load
Up to 6 cubic yards	\$40.00/load

NO ROLL-OFFS ACCEPTED

Fees to take effect July 1, 1993

June 3, 1993
Vol. 7 Pg. 249

REMOVAL OF ANIMAL WASTE

RESOLVED:

1. It shall be unlawful for any person owning, keeping, walking or in control of any dog or other animal to allow or permit that animal to defecate upon any private property owned by another person, condominium common elements, town property, including, but not limited to, parks and school grounds, unless such person shall, before leaving the immediate premises, remove all feces so deposited by such animal and dispose of the feces in a proper manner.
2. The provisions of this section shall not apply to a guide dog accompanying any blind person.
3. Any violation of this section shall be punishable by a fine of Fifty Dollars (\$50).

Adopted 2-9-2010
Vol. 8 Pg. 372-373

Section 11 - STREET, SIDEWALKS

ORDINANCE CONCERNING OBSTRUCTION OF SIDEWALKS

SECTION 1: Displays of merchandise, signs or other obstructions placed by abutting property owners on public sidewalks in a manner which interferes with free and safe passage for pedestrians are prohibited.

SECTION 2: Deleted in adoption of ordinance.

SECTION 3: Any person who violates any provision of this ordinance shall be fined no more than twenty-five dollars (\$25.00) for each offense and each day such violation exists shall be considered a separate offense.

Published in the Middletown Press February 27, 1988.
Vol. 7 Pg. 130.

History: Ordinance was approved by motion deleting Section 2 which allowed commercial and business establishments to display merchandise conforming to noted restrictions. See Vol.7 Page 130 of Town Acts Book.

RESOLUTION REPEALING SIDEWALK ORDINANCE AND AMENDMENT

BE IT RESOLVED that the legislative body of the Town of Deep River hereby votes to repeal the ordinances entitled, "Sidewalk Ordinance," and "Amendment to Sidewalk Ordinance," regarding abutting landowners' responsibility for payment of one-half the expense of construction or repair of sidewalks.

February 9, 1988.
Vol. 7 Pg. 129

History: Repealed Ordinance dated 10-12-72, Vol. 6 Pg. 204 & 205 and ordinance dated 5-13-74, Vol. 6 Pg. 222.

TOWN HIGHWAYS AND SIDEWALKS

1. No town highway, street, sidewalk or other real property of the Town may be altered, opened, repaired or the surface broken or materially changed in any manner, by any individual, partnership, company, corporation, without first making written application and obtaining a permit from the First Selectman of the Town of Deep River.
2. Such applications shall be on a form prescribed by said First Selectman.
3. Such application shall be submitted to the First Selectman with a fee of \$2.00.
4. The applicant and permittee shall provide the First Selectman with an insurance policy from a qualified insurer to be approved by said First Selectman, which policy will indemnify the Town of Deep River, its officials, employees, agents and servants from any and all liability incurred or that might be incurred as a result of the performance of the work described in said application and permit. Said insurance policy shall specifically, by its terms, indemnify the said Town, its officials, employees, agents and servants and shall be in an amount satisfactory to said First Selectman; but in no event shall said First Selectman require liability insurance in excess of one million dollars per permit.
5. The First Selectman shall also require a bond with surety satisfactory to the First Selectman, an amount deemed by said First Selectman, sufficient to fully perform the work described in said permit, in the event that said Town is required to have said work performed or completed by a private contractor.
6. Said bond described in paragraph five hereof shall remain in full force and effect until final approval of said work is rendered by the proper authority.
7. All such permits granted shall specifically state:
 - a. The location of the work to be performed;
 - b. The time in which the work must be completed;
 - c. The amount of the bond, if any, to insure compliance with the conditions of the permit;
 - d. The time that said work is to be completed, inspected and approved by said First Selectman;
 - e. The certificate number of the liability insurance policy, the name of insurance company, and the face amount of liability insurance carried;
 - f. The nature of the work to be performed.
8. Reasonable extensions shall be granted by the First Selectman of the work to be performed as described in any single permit, provided said extensions are authorized in writing by said First Selectman on the original permit.
9. Any persons, partnership, company, corporation or other entity violating this ordinance or any of its provisions or materially misrepresenting the facts stated in the application for a permit shall be fined not more than \$100.00 for each offense.

August 20, 1970.
Vol. 6, Pg. 178 & 179.

ORDINANCE PERTAINING TO DRAINAGE ON TOWN ROADS

SECTION I: No abutting owner shall alter the grade of his property in such manner as to increase the drainage of water onto town highways, unless written permission is granted by the Board of Selectmen before work is commenced, or install, maintain and/or replace pipes, tiles, drains or other conduits in such manner as to direct water onto town highways.

SECTION II: Any person who violates the provision of this ordinance shall be subject to a fine of Fifty Dollars (\$50.00).

April 9, 1973.
Vol. 6, Pg. 212

History: Ordinances relating to the taking over of Town Roads (Vol. 6, Pg. 37 & 38, dated 6-22-56 and Vol. 6, Pg. 68 & 69, dated 9-3-58) have been rescinded per Town Meeting held 10-18-67, Vol. 6, Pg. 145, and provisions for the acceptance of Town Roads are contained in the Planning & Zoning Regulations of the Town of Deep River.

Section 12 - TAXATION

ORDINANCE PERTAINING TO ELIMINATION OF BOARD OF ASSESSORS AND APPOINTMENT OF PART-TIME ASSESSOR

RESOLVED, that the present Board of Assessors of the Town of Deep River be eliminated and a part-time assessor be appointed as follows:

- (a) In accordance with Section 9-198 of the Connecticut General Statutes the Board of Assessors of the Town of Deep River shall be eliminated as of June 30, 1979, and the terms of the members of the present Board of Assessors shall expire June 30, 1979.
- (b) The Board of Selectmen shall appoint a qualified part-time assessor, who shall perform the statutory duties of the assessor. Said appointment shall be for not less than one but not more than three (3) years and shall be made on or before July 1, 1979. Compensation for said assessor shall be within the limits of the appropriation therefor.
- (c) The assessor may engage clerical and other assistance within the limits of the appropriation therefor.

March 5, 1979.
Vol. 7 Pg. 10

ORDINANCE PERTAINING TO EXEMPTION OF SOLAR ENERGY HEATING OR COOLING SYSTEMS

BE IT RESOLVED that Solar Energy Heating and Cooling Systems as defined in Section 12-81(56)(b) of the Connecticut General Statutes Revised 1958 as amended be exempt from taxation for the time period, to the extent provided and under the conditions set forth in Section 12-81(56) of the Connecticut General Statutes Revised 1958 as amended.

October 31, 1977
Vol. 6 Pg. 248

**ORDINANCE PERTAINING TO EXEMPTION OF SOLAR ENERGY
ELECTRICITY GENERATING SYSTEMS**

RESOLVED: That Solar Energy Electricity Generating Systems as defined in Section 12-81(57) (a) of the Connecticut General Statutes Revised 1958 as amended be exempt from taxation for the time period, to the extent provided and under the conditions set forth in Section 12-81(57) of the Connecticut General Statutes Revised 1958 as amended.

November 2, 1978
Vol. 7 Pg. 8

MOTOR VEHICLE AND PROPERTY TAXES

*BE IT RESOLVED that Real Estate and Personal Property Taxes in excess of \$100.00 shall be due and payable in two installments, July 1 and January 1; all Motor Vehicle Taxes are due and payable in one installment July 1, subject to the provisions of Connecticut General Statutes Sec. 7-383. *NOTE: Per Town Attorney vote to create the ordinance was contradictory to C.G.S. 12-142. Must vote on this each year.

May 21, 1984
Vol. 7 Pg. 76

**ORDINANCE EXEMPTING CERTAIN AMBULANCE-TYPE MOTOR
VEHICLES FROM PROPERTY TAX ASSESSMENT**

Any ambulance-type motor vehicles which is used exclusively for the purpose of transporting any medically incapacitated individual, except any such vehicles used to transport any such individual for payment, shall be exempt from personal property taxation as set forth in Section 12-81c of the Connecticut General Statutes.

February 9, 1988.
Vol. 7 Pg. 115

ADDITIONAL TAX EXEMPTION FOR VETERANS

RESOLVED: To adopt an act to allow certain veterans an additional exemption from property tax (Public Act 82-318).

August 23, 1982
Vol. 7 Pg. 59

History: Public Act 82-318 now known as C.G.S. 12-81f.

EXEMPTION FOR DEEP RIVER AMBULANCE ASSOCIATION, INC.

RESOLVED: To exempt from taxation any property, real or personal, including motor vehicles, owned by the Deep River Ambulance Association, Inc., commencing with the Grand List of October 1, 2000, and all years subsequent.

May 3, 2001
Vol. 8 Pg. 107

AN ORDINANCE REGARDING FEES DUE FOR MOTOR VEHICLE TAX DELINQUENCIES

BE IT RESOLVED, pursuant to the authority granted by Connecticut General Statutes 12-146 as amended by Section 58 of Public Act 03-06 (June Special Session), the Tax Collector shall receive from each taxpayer whose motor vehicle taxes were delinquent and whose delinquency was reported to the Commissioner of Motor Vehicles pursuant to Connecticut General Statutes 14-33, a fee of \$5.00 for each such reported delinquency, in addition to the delinquent taxes and all interest thereon.

December 23, 2003
Vol. 8 pg. 202

EXEMPTION FOR FIRST CONGREGATIONAL CHURCH OF DEEP RIVER

RESOLVED: To exempt from taxation vacant real property owned by the First Congregational Church of Deep River which borders Main Street and Union Street and runs parallel with Church Street, provided such property is actually and exclusively used for the purposes of such nonprofit organization, commencing with the Grand List of October 1, 2003, and all years subsequent. Such property is identified as Map 57, Lot 86 on the Assessor's records and contains 1.32 acres, more particularly described in Volume 60, Page 473 of the Deep River Land Records.

April 13, 2004
Vol. 8 pg. 213

VOLUNTEER FIREFIGHTER AND AMBULANCE PERSONNEL TAX ABATEMENT ORDINANCE

Under the authority granted by Connecticut General Statutes Section 12-81w, the Town of Deep River establishes a program to provide property tax relief for individuals who volunteer their services as firefighters or ambulance personnel to the Town of Deep River and who meet the criteria set forth herein. Such tax relief shall provide an abatement of up to one thousand dollars (\$1,000.00) in property taxes due for any fiscal year as follows:

1. Eligibility Criteria: Individuals shall meet all of the following criteria for the full calendar year which includes the assessment date:
 - a. Be and remain an active member in good standing of the Deep River Volunteer Fire Department or a regular active member in good standing of the Deep River Ambulance Corps;
 - b. Be and remain a resident of the Town of Deep River;
 - c. Be and remain the owner of, either solely or in conjunction with a spouse, real or personal property in the Town of Deep River;
 - d. Have real and/or personal property taxes due the Town of Deep River paid no later than the date on which interest for late payment begins to accrue. Even if otherwise eligible under the terms of this ordinance, the abatement hereunder shall not apply to any portion of any tax bill which is delinquent.
 - e. With respect to members of the Deep River Volunteer Fire Department:
 1. Be and continue to meet the eligibility requirements for the Department's Pension Plan as of 10/26/04; and
 2. Not have earned points for any activity for which the member is compensated.
 - f. With respect to members of the Deep River Ambulance Corps:
 1. Fulfill a minimum of three twelve-hour shifts, or the equivalent;

2. Attend at least fifty percent (50%) of the regular crew meetings and training drills during the calendar year as set forth in the Standard Operating Guidelines of the Deep River Ambulance Association, Inc.
 3. Receive no compensation for any of the activities which fulfill the above eligibility requirements.
 - g. In the event that there is any amendment to the Fire Department's Pension Plan eligibility or to the Deep River Ambulance Association's Standard Operating Guidelines which could result in an increase in the number of individuals eligible for tax abatement under this ordinance, said amendment shall not be effective as to this ordinance until its fiscal impact is considered and approved by both the Deep River Board of Selectmen and the Deep River Board of Finance. The Fire Department or Ambulance Association shall provide any requested information to either Board as to the potential fiscal impact of the amendment prior to their decision-making. Nothing herein shall guarantee that this ordinance shall apply to any individual who becomes eligible only as a result of amendments with effective dates after the initial adoption of this ordinance.
2. The amount of tax abatement will depend on the number of individuals meeting all eligibility criteria set forth in (1) above and the appropriation made for this purpose each year by the legislative body:
 - a. Individuals meeting all criteria for periods of one (1) full year shall be entitled to receive a property tax abatement of up to \$1,000.00 per year.
 - b. The actual amount of the tax abatement shall be the amount appropriated for this purpose divided by the number of individuals certified by the First Selectman or the Board of Selectmen as set forth in (4) below and as limited by (d) and (e) of the Section. Any unused appropriation shall be returned to the general fund or appropriated for other purposes through the Board of Finance.
 - c. Eligibility criteria must continue to be met each year in order to receive an abatement in the year following.
 - d. A member's abatement shall be no greater in any year than the tax owed to the Town of Deep River. Said abatement shall not be carried over from one tax year to another.
 - e. If the property is transferred during the year following the assessment of that property, the abatement shall be prorated for the balance of the assessment year.
3. The first implementation of this program shall be for the property tax assessment year of October 1, 2004.
4. The Chairman of the Incentive Committee of the Deep River Volunteer Fire Department, the Crew Chief of the Deep River Ambulance Association, Inc., and a member of the Board of Selectmen appointed each year for this purpose by the First Selectman, shall meet in February of each year to certify those persons who have met the eligibility requirements set forth in (1) above by delivering a list signed by them to the First Selectman on or before March 1st with regard to the calendar year just concluded. The First Selectman shall promptly forward the list to the Tax Collector unless he or she shall have cause to dispute any such person's eligibility, in which case the First Selectman shall deliver only those names which are undisputed. Any dispute shall be resolved by vote of the Board of Selectmen in consultation with the respective department chief, including an opportunity afforded to the person affected to make a presentation to the Board. Upon resolution of the dispute, the name (s) of any additional eligible individuals shall be forwarded to the Tax Collector. Determination of eligibility by vote of the Board of Selectmen shall be final.
5. Upon receipt of the list as set forth above, the Tax Collector will review the tax assessment records of each eligible individual and shall apply an abatement to the bill which is to be sent out for the Grand List just completed so as to reduce the individual's real or personal property tax liability for that list by the amount set forth in (2) above. The abatement shall apply first against real property and the balance against personal property, if necessary. Any unused abatement for the year may be applied against any supplemental bill which relates to that assessment year only.

ORDINANCE--TOWN OF DEEP RIVER

Effective for Grand List: October 1, 2007 to October 1, 2010

Optional Property Tax Relief for Certain Homeowners Age 65 or over or Permanently and Totally Disabled Pursuant to Connecticut General Statutes 12-129n

The Town of Deep River hereby establishes a Supplemental Property Tax Relief Program for elderly and permanently disabled residents in accordance with the authority granted in and subject to the limitations of Connecticut General Statutes 12-129n, and subject to the further limitations enumerated herein:

1. Both (i) Any individual, married couple or partners in a civil union who apply for and qualify for property relief benefits from the State of Connecticut in accordance with Sections 12-129b to 129d, inclusive and Section 12-170aa of the Connecticut General Statutes (hereinafter "The State Programs") and who meet the requirements set forth in Section 12-129n(a) and this ordinance, may apply for and qualify for an additional property tax reduction equal to 50% of the reduction received pursuant to The State Programs, subject to the following:

And (ii) Any individual, married couple or partners in a civil union who, if he, she or they applied for property relief benefits from the State of Connecticut in accordance with The State Programs would qualify for said benefits but for the fact that his, her or their income exceeds the limits established under The State Programs, but whose income is within the limit set forth in subparagraph (d) (2) below, and who meet the requirements set forth in Section 12-129n(a) and this ordinance, may apply for and qualify for an additional property tax reduction equal to 50% of the smallest reduction received pursuant to The State Programs, subject to the following:

a. Any surviving spouse of a homeowner who was approved for the program provided in this section prior to his or her death, shall not be eligible for the additional tax reduction provided herein unless such surviving spouse shall have attained the age of at least sixty (60) at the time of his or her spouse's death.

b. At the time of application, such person(s) shall have owned and resided in a principal residence located in the Town of Deep River for a continuous period of five (5) years and shall have paid real estate taxes on a principal residence to the Town of Deep River for a period of five (5) years. A surviving spouse is not required to have had an ownership interest in the property prior to the applicant's death, but must be the record owner of the property within 12 months thereafter and meet the other requirements set forth in this ordinance.

c. The additional tax reduction provided in this program, together with the tax relief benefit provided in The State Programs, shall not exceed seventy-five percent (75%) of the total amount of real property tax which would otherwise have been assessed against the applicant(s), but for the state and local programs referenced herein.

d. (1.) Any such applicant(s) described in (1)(i) above shall meet the qualifying income limitations established annually by the State of Connecticut for the Elderly and Totally Disabled Tax Relief Program as administered by the State.

(2.) Any such applicant(s) described in (1)(ii) above shall have individually, if unmarried, or jointly if married or a partner in a civil union, no more than \$45,000.00 combined total annual gross income (including Social Security benefits and non-taxable income), during the calendar year preceding the filing of his or her application. "Annual gross income" for purposes of this ordinance shall be established by the presentation to the Assessor of the applicant's federal income tax return, signed under penalty of perjury, whether filed or unfiled, and by the addition of the amounts properly entered on lines 7, 8a, 8b, 9a, 10

through 14, 15a, 16a, 17, 18, 19, 20a and 21 thereon (referring to the lines on 2007 Form 1040 and comparable lines on subsequent forms). If the applicant's spouse files separately and in cases of partners in civil union, both tax returns shall be presented and the totals combined. The Assessor may request any other documentation he or she may deem necessary to verify income and shall have the final determination as to whether or not the income limit has been met.

e. The additional property tax reduction provided in this ordinance shall apply only to the fractional interest in the principal residence actually owned by the qualified applicant(s).

f. In addition, all taxes (real and personal) due and payable to the Town of Deep River must be paid and not in arrears as of January 31st of the preceding Grant List in order to be eligible and to maintain eligibility under this ordinance.

2. Any such additional tax reduction provided in this ordinance shall not disqualify any individual, married couple or partners in a civil union with respect to any benefits for which he, she or they might be eligible under The State Programs.

3. For the Grand List of October 1, 2007 and thereafter for all years during which this ordinance shall be in effect, the additional tax reduction provided herein shall be applied to both payment installments in the same manner that the tax relief benefit is provided under The State Programs.

4. The total tax benefits granted under this ordinance in any tax year shall not exceed the sum of \$50,000.00 or the limitation set forth in Section 12-129n(c), whichever is smaller. If such a cap is exceeded, all benefits otherwise to be received hereunder shall be proportionately reduced to meet the cap.

5. Both occupancy and ownership of the principal residence in the Town of Deep River shall be a continuing obligation and requirement of receiving benefits under this ordinance. The Assessor shall prorate the benefit for the period the requirements are met and reinstate the full tax amount for the period when the requirements are not met.

6. A resident property owner, or his or her authorized agent, believing that he or she is entitled to tax relief under this program shall complete an application form in person, in the Deep River Assessor's Office between February 1st and May 15th. The Assessor shall determine all filing requirements and shall administer the program as an adjunct to The State Programs, following, where appropriate, the same administrative procedures. The Assessor may require the filing of additional information to establish ownership, residency and occupancy requirements to his or her satisfaction. Any person aggrieved by the decision of the Assessor may appeal to the Board of Assessment Appeals in accordance with the provisions of Section 12-111 and 12-112 of the Connecticut General Statutes.

7. Unless reapproved and extended by the legislative body of the Town of Deep River, this ordinance shall expire automatically for Grand List years after 2010. It may also be rescinded or amended by the legislative body on recommendation of the Board of Finance without complying with the requirements of Section 12-129n(b) of the Connecticut General Statutes applicable to the ordinance's initial approval.

Adopted February 12, 2008 - Effective Feb. 29, 2008 - Vol. 8 Pg. 336-339

On April 12, 2011 the Board of Selectmen voted to extend the life of this ordinance through the Grand List year ending October 1, 2013- Vol. 8 Pg. 415.

On June 20, 2016 this ordinance was updated and approved at a Special Town Meeting to be in effect from October 1, 2016 to September 30, 2019- Vol. 9 Pg. 56

Section 13 - TRAFFIC AND MV

ORDINANCE RELATING TO REGULATION OF TRAFFIC

Under the authority set forth in Section 7-148 of the Connecticut General Statutes, Revised 1958, as amended, the Board of Selectmen are designated as the "Traffic Authority," with authority to make rules relating to the regulation of traffic, parking of automobiles, designation of one-way streets, and other powers set forth in Chapter 249 of the Connecticut General Statutes as amended, in the Town of Deep River.

August 14, 1972
Vol. 6, Pg. 204

ORDINANCE PERTAINING TO PARKING OF MOTOR VEHICLES ON PRIVATE PROPERTY AND ON SIDEWALKS

Be it enacted under the authority of Section 7-148(a) of the Connecticut General Statutes Revised 1958 as amended.

SECTION 1: For purposes of this ordinance, "parked vehicle" shall mean a motor vehicle in a stationary position.

SECTION 2: No motor vehicle shall be parked or permitted to be parked on the private property of any other person within the Town of Deep River without the express consent of the owner of the private property, or on any sidewalk located in the Town of Deep River.

SECTION 3: Any motor vehicle so parked or permitted to be parked may be removed from said property by or under the direction of a constable in the Town of Deep River or a state police officer, and stored in a suitable place. Said suitable place may be in an authorized public parking place or at a private or public garage. Any expenses incurred in such removal and storage shall be borne and paid for by the owner. The constable or officer shall use reasonable efforts to notify the owner of the motor vehicle prior to the removal thereof and as to its location after removal.

SECTION 4: Any person who violates any provision of this ordinance may be fined not more than \$100 for each offense.

November 19, 1979
Vol. 7 Pg. 24 & 25

AN ORDINANCE REGULATING THE PARKING OF MOTOR VEHICLES ON THE PUBLIC HIGHWAYS OF THE TOWN OF DEEP RIVER

SECTION I: From November 1 to April 1 of each year, no motor vehicle shall remain parked within the limits of any public highway of the Town of Deep River between the hours of 12 midnight and 7 a.m. on any date when local snow, sleet, or icing weather conditions, or U. S. Weather Bureau predictions of the previous 12 hours, indicate any reasonable probability of Town operations to plow or sand public highways between such hours, for the safety and convenience of the public; nor shall any motor vehicle remain so parked between such dates, on any public highway during any hours such highway is posted by the Town with temporary "No Parking" signs.

SECTION II: The operator or owner of any motor vehicle parked on any public highway of the Town shall promptly remove such vehicle whenever so ordered by authorized Town personnel for the purpose of facilitating snow removal.

SECTION III: For the purposes of construction and maintenance of public highways, for traffic control and safety considerations during public events and for the preservation of open avenues and free access for fire apparatus and emergency vehicles, no motor vehicle shall park or remain parked on any public highway of the Town of Deep River during any time when such highway is posted by the Town with temporary "No Parking" signs.

SECTION IV: Any public officer, constable, special constable or peace officer acting under authority of the Town of Deep River and any representative authorized by same may summarily order the removal, by any reasonable means, of any motor vehicle parked in violation of this ordinance, and in such event, shall impound such vehicle until the owner thereof shall pay the actual cost of removal, impounding and storage.

SECTION V: Any person who violates any provision of this ordinance shall be fined no more than \$25.00 for each offense.

June 16, 1981
Vol. 7 Pg. 43

AN ORDINANCE CONCERNING PARKING IN FIRE LANES

BE IT RESOLVED that the following ordinance is hereby enacted: Parking in any area designated by the Board of Fire Commissioners as a fire lane is hereby prohibited. Any person, partnership, company or corporation or other entity who violates this ordinance shall be fined not more than \$100.00 for each offense.

May 9, 1985
Vol. 7 Pg. 89

Section 14 - UTILITIES

ORDINANCE ESTABLISHING SEWAGE COMMISSION

The following ordinance is hereby enacted:

1. The provisions of Chapter 103 of the Connecticut General Statutes, as amended, in regards to the establishment of a municipal sewerage commission is hereby adopted.
2. A municipal sewerage commission is hereby created for the Town of Deep River for the exercise of the powers granted under Chapter 103 of the Connecticut General Statutes as amended, which shall be referred to as the Deep River Water Pollution Control Authority (WPCA).
 - a. The WPCA shall consist of seven members, all of whom shall be electors of the Town of Deep River and appointed for three year terms. Upon the date on which this ordinance becomes effective, the members of the WPCA shall be the persons duly appointed as members under Sections 2(a) and (b) of the ordinance repealed herein whose terms have not expired, and the persons duly appointed as alternate members under the prior ordinance amendment dated 29 March 1977 whose terms have not expired; and each said member shall fulfill the latest term for which they were appointed under the prior ordinance or amendment.
 - b. Upon the expiration of the term of any member, the Board of Selectmen shall appoint a member for a term of three years expiring on November 30. In the event of a vacancy, the Board of Selectmen shall appoint a new member to fill the unexpired term of the member whose office is vacant. Members of the WPCA shall serve without compensation.

- c. Members of the WPCA may be removed from office by the Board of Selectmen for cause. Before removal, charges shall be presented to such member in writing and he shall be given reasonable opportunity to be heard in his own defense.
3. The Deep River Water Pollution Control Authority shall have and adopt all of the powers and provisions of Chapter 103 of the Connecticut General Statutes, as amended.

January 17, 1972.
Vol. 6 Pg. 200

History: Amended 3-29-77, Vol. 6, Pg. 243, to add alternates; amended 11-2-78, Vol. 7, Pg. 8 & 9, to change name; amended 8-5-97 to repeal ordinance dated 3-29-77 adding alternates and repeal and replace sections 2(a), 2(b) and 2(d) of ordinance dated 01-17-72, Vol. 8, Pgs. 23-30.

AMENDMENT TO ORDINANCE PERTAINING TO WATER POLLUTION CONTROL AUTHORITY (WPCA)

RESOLVED : That the Ordinance creating the Water Pollution Control Authority (formerly "Sewerage Commission") dated 17 January 1972, as amended on 29 March 1977 and 2 November 1978, is further amended, as follows :

Section 1: Repeal of Provision for Alternate Members

The prior ordinance amendment dated 29 March 1977, is hereby repealed.

Section 2: Amendment Regarding Membership, Terms and Compensation

Sections 2 (a), 2 (b) and 2(d) of the ordinance dated 17 January 1972 are hereby repealed and replaced with the following :

- A. The WPCA shall consist of seven members, all of whom shall be electors of the Town of Deep River and appointed for three year terms. Upon the date on which this ordinance becomes effective, the members of the WPCA shall be the persons duly appointed as members under Sections 2 (a) and (b) of the ordinance repealed herein whose terms have not expired, and the persons duly appointed as alternate members under the prior ordinance amendment dated 29 March 1977 whose terms have not expired; and each said member shall fulfill the latest term for which they were appointed under the prior ordinance or amendment.
- B. Upon the expiration of the term of any member, the Board of Selectmen shall appoint a member for a term of three years expiring on 30 November. In the event of a vacancy, the Board of Selectmen shall appoint a new member to fill the unexpired term of the member whose office is vacant. Members of the WPCA shall serve without compensation.

Section 3: Officers; Meetings; Quorums

Within 30 days of 1 December of each year, the WPCA shall elect from its members a chairman, vice-chairman and secretary. The WPCA shall fix the time and place of its regular meetings and provide a method for calling special meetings. The WPCA shall determine its own rules of procedure. The presence of four members shall constitute a quorum. The WPCA shall comply with the provisions of the State Freedom of Information Act.

Section 4: Auxiliary Services

The First Selectman shall provide the WPCA with such financial, clerical, appraisal and engineering assistance, and with such equipment as it shall reasonably require. The WPCA shall reimburse the Town of Deep River no less frequently than annually for the actual cost of such auxiliary services.

Section 5: Powers and Duties

In this sub-section, the use of the terms "sewerage" and "line user" shall refer to pipe-driven

sewerage and related services, whereas septage shall refer to non-pipe-driven processes and related services.

1. The specific powers granted to and the duties imposed upon the Town of Deep River by Chapter 103 of the General Statutes of Connecticut shall be implemented by the WPCA as a Town agency as follows:

- (a) Prepare and update a municipal water pollution control plan (C.G.S. section 7-256(b)), as the WPCA shall deem appropriate, from time to time, or upon written request from the Board of Selectmen.
- (b) Enforce the procedure for ownership and management of a community sewerage system (C.G.S. section 7-246(f)).
- (c) Acquire, construct and operate a sewerage system and enter upon and take and hold for the Town by purchase, condemnation or otherwise, such real estate interests determined to be necessary or desirable for use in the sewerage system (G.G.S. section 7-247); subject to availability of funding therefor, and subject to the provisions of the Ordinance dated 13 October 1984.
- (d) Establish and revise regulations for the supervision, management, control, operation and use of the sewerage system (C.G.S. section 7-247).
- (e) Enter into and fulfill contracts for a term of years with any person or other municipality to provide or obtain sewerage system service for any sewage (C.G.S. section 7-247).
- (f) Make arrangements for the provision or exchange with any person or other municipality or for any other lawful services (C.G.S. section 7-247).
- (g) Keep a record of its proceedings (C.G.S. section 7-247).
- (h) Establish rules for the transaction of its business (C.G.S. section 7-247).
- (i) Designate an officer or employee to be custodian of its books, papers and documents (C.G.S. section 7-247).
- (j) Hold hearings on proposed acquisitions or construction (C.G.S. section 7-247(a)).
- (k) Determine the compensation to be paid for property taken by eminent domain (C.G.S. section 7-248).
- (l) Establish and revise fair and reasonable charges for connection with and for the use of the sewerage system (C.G.S. section 7-255), subject to the "user charge system" provisions set forth in the United States Environmental Protection Agency Regulations contained in 40 Code of Federal Regulations Section 35.2140 (40 CFR 35.2140) and the State of Connecticut Department of Environmental Protection Regulations contained in section 22a-482-3 (DEP 22a-482-3), as the same may be amended from time to time, and which regulations are incorporated herein by reference and made a part hereof.
- (m) Whenever a town has pledged revenues to be derived from the charges for connection with or for the use of the sewerage system for the payment of principal or the interest of any bonds or notes, establish or revise such charges at rates which will provide for the punctual payment of the annual interest and amortization requirements of such bonds or notes (C.G.S. section 7-256).
- (n) Order the owner of any building to which a sewerage system is available to connect to such sewer after holding a public hearing following due notice to the property owner

(C.G.S. section 7-257).

(o) Establish service charges in instances where no assessments have been made (C.G.S. section 7-273(a)), subject to the provisions of the Ordinance dated 13 October 1984.

2. The WPCA is hereby empowered, as follows:

(a) To enter into and fulfill contracts for a term of years with any person or other municipality to provide or obtain septage service for any septage.

(b) To establish and revise fair and reasonable charges for septage service.

(c) With respect to any action requiring the acquisition of property or construction of any part of the sewerage system involving an appropriation and issuance of bonds, notes or other obligations by the Town, the WPCA shall recommend such action to the Board of Selectmen. The Town Treasurer shall keep the proceeds arising from any sale of bonds, notes or other obligations for sewerage purposes in an account separate from other funds of the Town.

(d) The WPCA shall establish three accounts, separate from the other funds of the Town. The accounts shall be designated for (A) day-to-day operating expenses as required by 40 CFR 35.2140 and DEP 22a-483-3, (B) a reasonable replacement reserve as required by 40 CFR 35.2140 and DEP 22a-482-3, and (C) capital projects.

(e) All monies received by or for the WPCA from assessments, user charges, septage process charges, grants, loans or any source shall be held by the Town Treasurer as the WPCA may direct, in the established accounts described above. At periodic intervals, but no less frequently than annually, the WPCA shall reallocate said monies received among the accounts, if necessary, using a system that accords with the applicable federal and state regulations, this Ordinance, and the WPCA by-laws.

(f) Prior to 1 July of each year, the WPCA shall determine the proportion of the sewage treatment plant facility and resources consumed by pipe-driven sewerage and by septage processing during the immediate preceding year.

(i) Revenues received from line-user charges shall be allocated only to cover the proportion of the operating expenses consumed by the line users, and to make a proportionate contribution to the reserve account. In the event that the line user charges exceed the operating expenses and reserve requirement for said year, such excess shall be applied to the following year's budget, reducing the line-user charges if appropriate.

(ii) Revenues received from septage processing charges shall be allocated to cover the proportion of the operating expenses consumed by the septage processing, and to make a proportionate contribution to the reserve account. In the event that the septage processing charges exceed the operating expenses and reserve requirement for said year, such excess shall be applied to the capital projects account.

(iii) All other revenues shall be allocated to the capital projects account.

(g) As requested by the First Selectman, the WPCA each year, prior to the annual Town meeting, shall submit to the First Selectman a detailed estimate of the annual expenditures to be made by the WPCA and the revenues to be collected in the ensuing fiscal year (hereinafter "budget"). The WPCA's budget shall be subject to approval by the Board of Selectmen and Board of Finance. The operating expenses estimated by the WPCA shall be covered by WPCA revenues estimated for the ensuing year with a reasonable replacement reserve, so that the operations of the WPCA will be self-

sustaining and not dependent upon taxes levied by the Town. Under all circumstances, the WPCA's budget need not be voted on and approved at the annual Town meeting, but a copy of the WPCA budget shall be appended to the Town budget presented to the Town meeting so that taxpayers may review the WPCA's budget and comment on it or ask questions relating to it.

(h) Prior to making any out-of-budget expenditures of \$10,000 or more from any of the WPCA's accounts, the WPCA shall submit a written notice of intent to make such expenditure (including the amount, reason for the expense and expected date of payment) to the First Selectman. Only if both the Board of Selectmen and the Board of Finance deliver written objections (containing the reasons therefor) to such expenditure, to the WPCA, within four weeks after the WPCA has submitted notice thereof to the First Selectman such expenditure shall require written approval from both said Boards; in the event that such objections are not received, the expenditure may be approved by action of the WPCA alone. For purposes of this sub-section, an expenditure shall mean a single payment and/or multiple payments to a single payee during one fiscal year. In the event of an emergency with the treatment facility or any part of the sewerage system, such expenditure may be made by the WPCA alone, without approval by said Boards, and the requirement for prior notice shall not apply; in such an event, however, the WPCA shall send written notice of its action approving such expenditure within forty-eight (48) hours after such action is taken.

3. Notwithstanding any other provision contained in this Ordinance, the WPCA shall ensure that the needs of the Town of Deep River have first priority with regard to the capacity of the treatment facility.

Effective August 27, 1997
Vol. 8, Pg. 23-30

SUMMARY OF SEWER USE ORDINANCE

The proposed Sewer Use Ordinance, as recommended by the Deep River Water Pollution Control Authority (WPCA) for adoption by the legislative body of the Town, establishes regulations and procedures governing the use of the public sanitary sewer system, and establishes specific limits for pollutant discharges into the public sewer system. The ordinance:

- (1) Sets forth the technical and administrative procedures to be followed in connecting to the public sewer system;
- (2) Prohibits the introduction of pollutants into the public sewer system which may prevent the proper functioning of the system or which may present a hazard to the public health;
- (3) Prohibits the construction, repair or use of any septic tank, cesspool or leaching system where public sewers are available for use, except as provided under such ordinance;
- (4) Empowers the WPCA to require certain owners of properties to connect their building drains to the public sewer system within specified time periods;
- (5) Provides for the acceptance by the Town of sewers constructed within subdivisions, and establishes standards for the construction of such sewers;
- (6) Empowers the WPCA to administer the provisions of the ordinance to adopt regulations and procedures, and to establish fees for permits and licenses; and
- (7) Contains other provisions regarding the elimination of water pollution within the Town of Deep River.

Complete text of Sewer Use Ordinance follows.

TOWN OF DEEP RIVER SEWER USE ORDINANCE

Approved at a Town Meeting
September 27, 1989

ARTICLE ONE: PURPOSE

- 1.1 This ordinance establishes regulations and procedures governing use of and connection to the public sanitary sewer system in the Town of Deep River. It also establishes specific limits for pollutant discharges which by their nature or by their interaction with sewage will be detrimental to the public health, cause damage to the public sewer or the Water Pollution Control Facility (WPCF), pollute the waters of the State, or otherwise create a public nuisance.

This ordinance is intended to:

- a. Inform the public as to the technical and administrative procedures to be followed in obtaining connection to the Town of Deep River's sanitary sewer system.
- b. Prevent the introduction of pollutants into the sanitary sewer system which will interfere with the collection and/or treatment system.
- c. Prevent the introduction of pollutants into the treatment system which will pass through the system, inadequately treated, into the waters of the State, or the atmosphere, or otherwise be incompatible with the system.
- d. Improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

This ordinance shall apply to the Town of Deep River and to persons outside the Town of Deep River who are users of the public sanitary sewer. Except as otherwise provided herein, the Water Pollution Control Authority (WPCA) of the Town of Deep River shall administer, implement, and enhance the provisions of this ordinance.

ARTICLE TWO: DEFINITIONS

- 2.1 Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:
- a. Act or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.
 - b. Biochemical Oxygen Demand (BOD) is the amount of oxygen required by bacteria while stabilizing decomposable organic matter under aerobic conditions for five days. The determination of BOD shall be performed in accordance with the procedures prescribed in the latest edition of "Standard Methods for the examination of Water and Wastewater."
 - c. Building Drain shall mean that part of the lowest horizontal piping of a building plumbing which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning at the outside face of the building wall.
 - d. Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal; it may also be called a house connection.
 - e. Categorical Standards shall mean the National Categorical Pretreatment Standards or Pretreatment Standards.
 - f. Combined Sewer shall mean a sewer intended to receive both surface runoff or storm water and sewage.
 - g. Commissioner shall mean the Commissioner of Environmental Protection for the State of Connecticut.
 - h. Compatible Pollutant shall mean biochemical oxygen demand, suspended solids, ph and fecal coliform bacteria, plus any additional pollutants identified in the Water Pollution Control Facility NPDES permit, where the Water Pollution Control Facility is designed to treat such pollutants, and in fact, does treat such pollutants to the degree required by the NPDES permit.
 - i. Composite Sample shall mean a mixture of aliquot samples obtained at regular intervals over a time period. The volume of each aliquot is proportional to the discharge flow rate for the sampling interval. The minimum time period for composite sampling shall be four (4) hours.
 - j. Cooling Water shall mean process water in general used for cooling purposes to which the only pollutant added is heat and which has such characteristics that it may be discharged to a natural outlet in accordance with Federal, State and Town laws and regulations.
 - k. Domestic Sewage shall mean sewage that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or nonresidential building but not wastewater from water softening equipment, commercial laundry wastewater, and blowdown from heating and cooling equipment.

- l. Engineer shall mean the Water Pollution Control Authority's engineer acting according to the duties assigned to him by the Water Pollution Control Authority and also the representatives of said engineer when acting within and limited by the particular duties and powers assigned to each.
- m. Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from sewage by treatment in an approved pretreatment facility.
- n. Garbage shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling storage and sale of produce.
- o. Grab Sample shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- p. Holding Tank Waste shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers and septage hauling trucks.
- q. Incompatible Pollutant shall mean all pollutants other than compatible pollutants as defined in Paragraph (h) above.
- r. Industrial Wastewater shall mean the liquid wastes from industrial manufacturing processes, trade, or business and distinct from domestic sewage.
- s. May is permissive (see "shall").
- t. National Pollution Discharge Elimination System (NPDES Permit) shall mean a permit issued pursuant to Section 402 of the Clean Water Act (33 U. S. C. 1342).
- u. Natural Outlet shall mean any outlet in a watercourse, pond, ditch, lake or other body of surface of groundwater.
- v. PH means the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.
- w. Person shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- x. Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- y. Pretreatment or Treatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a water pollution control facility. The reduction or alteration can be obtained by physical, chemical or biological processes, except as prohibited by Title 40, Code of Federal Regulations, Section 403.6 (d).
- z. Public Sewer shall mean a common sanitary sewer which all owners of the abutting properties have equal rights, and which is controlled by a governmental authority or public utility.
- aa. Sanitary Sewer shall mean a sewer which collects and conveys domestic sewage from residences, public buildings, commercial establishments, industries, and institutions. A sanitary sewer may also collect and convey permitted industrial wastewater and unintentionally admitted ground, storm, and surface waters.
- bb. Septage shall mean the liquids and solids which are removed from a tank used to treat domestic sewage.
- cc. Sewage shall mean human and animal excretions and all domestic and such manufacturing wastes as may tend to be detrimental to the public health.
- dd. Sewage Collection System shall mean the structures and equipment required to collect and convey sewage to the Water Pollution Control Facility.
- ee. Shall is mandatory (see "may").
- ff. Slug shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than (5) times the average twenty-four (24) hour concentration or flow during normal operation which may adversely affect the collection system and/or performance of the Water Pollution Control Facility.
- gg. Soluble Oil shall mean oil which is of either mineral or vegetable origin and disperses in water or sewage at temperatures between 0 degrees C and 65 degrees C. For the purposes of this ordinance, emulsified oil shall be considered as soluble oil.
- hh. Storm Sewer shall mean a sewer which carries storm and surface waters and drainage or groundwater.

- ii. Suspended Solids shall mean the solid matter, measured in mg/liter, which may be in suspension, floatable, or settleable and is removable by laboratory filtering as prescribed in the latest edition of “Standard Methods for the Examination of Water and Wastewater.”
- jj. Toxic Pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Federal Water Pollution Control Act, or Clean Water Act, as amended, or other acts.
- kk. User shall mean any person who contributes, causes or permits the contribution of sewage into the Town of Deep River’s sewer systems.
- ll. Water Pollution Control Authority (WPCA) shall mean the Town of Deep River acting through the duly appointed members of the Water Pollution Control Authority in the Town of Deep River.
- mm. Water Pollution Control Facility (WPCF) means an arrangement of devices for the treatment of sewage and sludge.
- nn. Watercourse shall mean a natural or artificial channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE THREE: USE OF PUBLIC SEWERS

- 3.1 It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town of Deep River, or in any area under the jurisdiction of said Town any human excrement, garbage, or other objectionable waste.
- 3.2 Where public sewers are available or except as hereinafter provided, it shall be unlawful to construct, repair or use any privy, privy vault, septic tank, cesspool, leaching system or other facility intended or used for the disposal of sewage.
- 3.3 The owners of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town of Deep River and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located a public sanitary sewer of the Town of Deep River, may at the option of the (WPCA) and at the Owner’s expense be required to install a building sewer to connect their building drain to the public sewer in accordance with the provisions of this ordinance, within ninety (90) days after the date of official notice to do so. No such connection to the public sewer shall be required where the building, houses or property intended or used for human occupancy, employment, recreation or other purposes is more than one hundred (100) feet from the sewer lateral with that measurement taken in a straight line from the lateral to the nearest point of the building.
- 3.4 When any property owner has been required to install a building sewer to connect to the public sanitary sewer, and the public sewer adjacent to such property shall be a pressurized line which shall necessitate the installation by the property owner of pressurized system, the owner may apply for an extension of the ninety day period for connection as provided in Paragraph 3.3 above. Any such application shall be made to the WPCA, and shall be accompanied by a statement certified by a qualified engineer or licensed installer of septic systems, stating that the existing system is functioning properly and is not the source of any pollution discharge. The WPCA may require the applicant to provide such other information as to the location and condition of the existing sanitary sewage system as it may deem appropriate, and after conferring with the Town Sanitarian and determining that an extension of the said time period will not cause an adverse impact upon the town, may grant an extension. Any such extension shall be conditional upon the continued operation of the existing septic system as described in the application documents.
- 3.5 Where connection to any public sewer shall not be required as set forth in Paragraph 3.3 above, the building drain shall be connected to a private disposal system, constructed and maintained in accordance with the provisions of the Public Health Code of the State of Connecticut, or the Owner may, at his own expense, connect the building drain into the public sewer system, provided, however, that the owner shall have applied for and obtained a permit for such connection as hereinafter provided.
- 3.6 Within 365 days after a building sewer is connected to the public sewer, the existing septic tank, dry wells, distribution boxes and all other vaults must be pumped dry and the contents disposed of in accordance with the State of Connecticut Public HealthCode. The remaining structures shall be broken into small pieces and the excavation backfilled in such a way as to eliminate all voids to prevent future settlement. Methods of abandonment shall also be in accordance with all applicable State and local laws and regulations after procuring the required permits.

- 3.7 No statement contained in this ordinance shall be construed to interfere with any additional requirements that may be imposed by the Director of Health, or the Public Health Code of the State of Connecticut.

ARTICLE FOUR: BUILDING SEWERS AND CONNECTIONS

- 4.1 No unauthorized person shall uncover, make any connections with or opening into, use, repair, alter, or disturb any public sewer or appurtenance thereof.
- 4.2 A person intending to connect a building drain from his property to the public sewer shall first obtain a permit to connect from the WPCA or its authorized representatives. The application for sewer connection permit shall be made on forms provided by the WPCA, and it shall be accompanied by a sketch or plan showing the proposed installation and connection location in sufficient detail to enable the WPCA to determine that the proposed installation meets the requirements of this ordinance and other applicable specifications, codes, and laws. The application shall be signed by the owner of the premises to be served or his authorized agent. The applicant shall reimburse the WPCA for the costs of any necessary engineering or other consultation services prior to the issuance of such permit.
- 4.3 A separate sewer connection fee shall be paid to the WPCA at the time the application is filed for each residential, commercial, institutional or industrial service connection.
- 4.4 No permit shall be issued for the connection to the public sewer system of any building sewer or waste disposal system serving any commercial, institutional or industrial property, nor any residential property containing more than four family dwellings, until the WPCA has determined that the following conditions have been met:
- (1) The WPCA shall have determined that the anticipated discharge will not overburden the existing capacity of the public sewer system. In making such a determination, the WPCA shall require the applicant to provide information regarding the frequency, quantity and composition of the anticipated discharge.
 - (2) In the event that the WPCA has determined that the public sewer system cannot accommodate the anticipated discharge without modification and that the modification of the public sewer system is in the best interests of the Town, the applicant shall have paid a connection charge sufficient, in the judgment of the WPCA, to provide for the modification of the public sewer system to accommodate such anticipated discharge.
 - (3) In the event that the WPCA has determined that the anticipated discharge can be accommodated by the public sewer system without modification, the applicant shall have paid a connection charge sufficient, in the judgment of the WPCA, to reimburse the Town for the anticipated replacement cost of the capacity of the public sewer system which shall be utilized by the anticipated discharge, except that no such connection charge shall be payable when the applicant shall have been ordered by the WPCA to connect to the public sewer system.
- 4.5 Upon approval of the application and plan, a permit shall be issued to have the work performed by the stated contractor. In the event the premises changes ownership before the work is completed, or if another contractor is chosen to perform or finish the work, the original permit becomes void, and a new permit must be obtained by the new parties in interest. A connection to the public sewer will be made only after the building's plumbing has been inspected and approved by the Plumbing Official in order to insure that minimum standards are met for the installation. Building plumbing shall meet all applicable building and plumbing codes and shall be in good working order. No trench containing a building drain or connection to the sanitary sewer shall be backfilled until the WPCA or its authorized representative has completed an inspection of and approved the work. The water level in the trench shall be maintained at a level below the sewer connection before the cap is removed and while the connection is being made and until such time as it has been inspected, approved and backfilled. The contractor shall notify the WPCA or its authorized representative 24 hours before starting any work authorized under this permit. Permits to connect to the public sewer may be revoked and annulled by the WPCA or its authorized representatives for such cause and at such time as may be deemed sufficient. All parties in interest shall be held to have waived the right to claim damages from the WPCA or its authorized representatives on account of such revocation.
- 4.6 Any person proposing a substantial new discharge into the public sewer system or any person proposing to cause a substantial change in the quality or quantity of an existing discharge into the public sewer system shall notify the WPCA at least forty-five (45) days prior to the proposed change or connection.
- 4.7 All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner shall indemnify and hold harmless the WPCA from any

loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the WPCA.

- 4.8 A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer that provides service for any building which fronts on the public sewer may be extended to the rear building and the whole considered as one building sewer. However, the WPCA does not and will not assume any obligation or responsibility for damage caused by or resulting from any such aforementioned connection. Evidence of proper easements must be provided by the property owner or owners to the WPCA.
- 4.9 Old building sewers may be used in connection with new building only when they are found on examination and test by the WPCA or its authorized representatives, to meet all requirements of this ordinance. All costs incurred for tests shall be borne by the property owner.
- 4.10 The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town of Deep River. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications and standards of the ASTM, AWWA and the WPCF Manual of Practice No. 9 shall apply.
- 4.11 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drains shall be lifted by an approved means and discharged to the building sewer at the property owner's expense. Duplex lift systems shall be used for apartments, commercial, institutional and industrial buildings. In either case, the property owner shall submit to the WPCA for approval details of the proposed lift station installation. (See Submersible Package Grinder Pump Station Specification of this Ordinance.)
- 4.12 No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sewer. It shall be the responsibility of the contractor to locate and separate these inflow sources from the proposed building sewer connection.
- 4.13 No building sewer shall be constructed within 25 feet of a water supply well. If a building sewer is constructed within 25-75 feet of a water supply well it shall be constructed in accordance with all applicable guidelines promulgated by the Commissioner of Environmental Protection.

ARTICLE FIVE: USE OF THE PUBLIC SEWERS

- 5.1 No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- 5.2 Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers and discharged to a watercourse in accordance with all applicable Town, State and Federal laws and regulations.
- 5.3 No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the WPCF. These general prohibitions apply to all such users of the WPCF whether or not the user is subject to National Categorical Pretreatment Standards or any other Federal or State Pretreatment Standards or requirements. A user shall not contribute the following substances to the WPCF:
 - a. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WPCF or to the operation of the WPCF. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the sewage collection system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.
 - b. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the WPCF, including substances such as, but not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or

marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, lubricating oil, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

- c. Any sewage having a pH lower than (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the WPCF. The upper limit of pH for any industrial wastewater discharge shall be established under the Users State Discharge Permit.
 - d. Any sewage containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, or animals, or plant life, create a toxic effect in the receiving waters of the WPCF, or to exceed the limitation set forth in a "Categorical Pre-treatment Standard." A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.
 - e. Any noxious or malodorous sewage, gases, or solids which either singly or by interaction with other sewage are sufficient to prevent entry into the public sewers for their maintenance and repair.
 - f. Any substance which may cause the WPCF effluent or any other product of the WPCF such as residues, sludges, or scums, to be unsuitable for reclamation process where the WPCF is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the WPCF cause the facility to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Resource Conservation Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management methods being used.
 - g. Any substance which will cause a WPCF to violate its NPDES Permit or the receiving stream water quality standards.
- 5.4 The following described substances, materials, waters, or wastes shall be limited in discharges to public sewers to concentrations or quantities which will not harm either the Sewage Collection System or the WPCF, and will not have an adverse effect on the receiving stream, or will not otherwise endanger public property or constitute a nuisance. The Commissioner and the WPCA may set lower limitations if more severe limitations are necessary to meet the water quality standards of the receiving stream. The limitations or restrictions on materials or characteristics of sewage discharged to the public sewer are as follows:
- a. Sewage having a temperature higher than 150 degrees F (65 C).
 - b. Sewage containing fats, wax, grease, petroleum, or mineral oil, whether emulsified or not, in excess of one hundred (100) mg/l or with floatable oil not to exceed twenty (20) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) and one hundred-fifty (150) degrees F (0 and 65 degrees C).
 - c. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
 - d. Any sewage containing odor producing substances exceeding limits which may be established by the commissioner or the WPCA.
 - e. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commissioner in compliance with all applicable State and Federal regulations.
 - f. Materials which exert or cause:
 1. Unusual concentrations of inert suspended solids (such as, but not limited to, sodium chloride and sodium sulfate).
 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 3. Unusual BOD, chemical oxygen demand, or chlorine demand in such quantities as to constitute a significant load on the WPCF.
 4. Unusual volume of flow or concentration of wastes constituting a "slug" as defined in Article 2.1(ff) of this ordinance.
 - g. Sewage containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the WPCF effluent cannot meet the limits stipulated in the Town of Deep River's NPDES Permit.
 - h. Any sewage which, by interaction with other sewage in the public sewer releases obnoxious gases, forms suspended solids which interfere with the collection system, or creates a condition which may be deleterious to structures and treatment processes or which may cause the effluent limitations of the NPDES Permit to be exceeded.
 - i. Overflow from holding tanks or other receptacles storing organic wastes.

- j. Sewage with concentrations of pollutants in excess of the following limits:

Pollutant	Concentrations parts/million/mg/l
Barium as Ba	5.0
Boron as Bo	5.0
Cyanides as CN (amenable)	0.1
Fluoride as F	20
Chromium (Total)	1.0
Chromium (Cr +6)	0.1
Magnesium as Mg	100
Manganese as Mn	5.0
Copper as Cu	1.0
Zinc as Zn	1.0
Cadmium	0.07
Lead	0.1
Tin	2.0
Silver	0.1
Mercury	0.01

Note: All metals are to be measured as total metals, and all pollutants and concentrations are to be represented in this ordinance as may be contained in and modified by Connecticut Department of Environmental Protection.

- 5.5 If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possesses the characteristics enumerated in Paragraph 5.4 of this article, and which in the judgment of the commissioner or the WPCA, may have a deleterious effect upon the sewage collection system, the water pollution control facility, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the WPCA may:
- Reject discharge of the wastes.
 - Require pretreatment to an acceptable condition for discharge to the public sewers.
 - Require payment to cover the added cost of handling and treating the wastes.
 - Require control over the quantities and rates of discharge.

If the WPCA permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the WPCA and the State Department of Environmental Protection and subject to the requirements of all applicable codes, ordinances, and laws. No construction of such facilities shall be commenced until said approvals are obtained in writing.

- 5.6 The admission into the public sewers of any waters or wastes having:
- 5-day biochemical oxygen demand greater than 200 parts per million by weight;
 - More than 200 parts per million by weight of suspended solids
 - Having an average daily flow greater than 2% of the average daily sewage flow of the Town;
- shall be subject to the review and approval of the WPCA or its authorized representatives.

Where necessary in the opinion of the WPCA or its authorized representatives, the property owner shall provide, at his expense, such preliminary treatment as may be necessary to:

- Reduce the biochemical oxygen demand to 200 parts per million.
- Reduce the suspended solids to 200 parts per million by weight.
- Control the quantities or rates of discharge of such waters or wastes.

Plans, specifications and other pertinent information relating to any new facility or proposed preliminary treatment facility shall be submitted for the approval of the WPCA and its authorized representatives.

- 5.7 In accordance with Section 22a-430 of the Connecticut General Statutes as amended, a permit from the Commissioner of Environmental Protection is required prior to the initiation of a discharge of any of the following wastewaters to a public sewer:
- Industrial wastewater of any quantity.
 - Domestic sewage in excess of 5,000 gallons per day through any individual building sewer to a public sewer.

A potential discharger must submit a permit application to the Department of Environmental Protection not later than 90 days prior to the anticipated date of initiation of the proposed discharge.

- 5.8 The WPCA shall have the right to reject the discharge of any wastes; or, require more stringent limitations than required by the users Section 22a-430 permit, the decision of the Commissioner notwithstanding.
- 5.9 Grease, oil and gross particle separators shall be provided when, in the opinion of the Commissioner or the WPCA, they are necessary for the proper handling of sewage containing floatable grease in excessive amounts, as specified in Paragraph 5-4b, or any flammable wastes, sand or other harmful substances; except that such separators shall not be required for private living quarters or family dwellings. All separators shall be of a type and capacity approved by the Commissioner, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these separators, the property owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Commissioner. Any removal and hauling of the collected materials shall be performed by a waste disposal firm which possesses a valid permit from the Commissioner under Section 22a-430 of the Connecticut General Statutes, as amended.
- 5.10 Where pretreatment or flow-equalizing facilities are provided or required for any sewage, they shall be maintained continuously in satisfactory and effective operation by the property owner(s) at his expense.
- 5.11 When required by the commissioner or the WPCA, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the commissioner. The sampling structure shall be located at a point along the industrial waste stream where a representative sample of the industrial wastewater may be obtained prior to its being diluted by domestic sewage in the building sewer. The structure shall be installed by the property owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

In addition all industries discharging into a public sewer shall perform such monitoring of their discharge as the WPCA and its authorized representatives may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the WPCA. Such records shall be made available upon request by the WPCA to other agencies having jurisdiction over discharges to the receiving waters.

- 5.12 When required by the WPCA or its authorized representatives, flow meter(s) shall be installed to measure the flow for:
 - a. Water discharged from the commercial or industrial facility to any sewer or watercourse other than the public sewer.
 - b. Water intake from a private source and discharged to the public sewer. Installation and maintenance costs of any such meter or meters, where required, shall be the property owner's expense.
- 5.13 All measurements, tests, and analyses of the characteristics of sewage to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater." Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to the stipulations and general conditions of the dischargers State Discharge Permit.
- 5.14 No statement contained in this article shall be construed as preventing any special agreement or arrangement between the WPCA and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the WPCA for treatment, provided that such agreements do not contravene any requirements of existing State or Federal Regulations and are compatible with any User Charge System in effect.
- 5.15 No user shall increase the use of process water in an attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other specific pollutant limitations which may be developed by the Commissioner or the WPCA.
- 5.16 Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. The

Commissioner and the WPCA may require that plans showing facilities and operating procedures be submitted for review and approval prior to construction of the facilities. In the event of an accidental discharge, the user shall immediately notify the State Department of Environmental Protection and the WPCA.

Within five (5) days following an accidental discharge, the user shall submit to the WPCA and the Commissioner, a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WPCF, fish kills, aquatic plants, or any other damage to persons or property, or other liability which may be imposed by this ordinance or other applicable law.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees are advised of the emergency notification procedure.

ARTICLE SIX: PROTECTION FROM DAMAGE

6.1 No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Sewage Collection System, or WPCF. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

ARTICLE SEVEN: POWERS AND AUTHORITY OF INSPECTORS

7.1 The WPCA and its authorized representatives bearing proper credentials and identification, after giving reasonable notice to the property owner and occupant, shall be permitted to enter any property subject to this ordinance for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. On receipt of information from any responsible official that any property subject to this ordinance is the source of any discharge which might create a danger to public health or safety, the WPCA or its authorized representatives shall immediately inspect such property and may do so without having given notice to the property owner or occupants of such property.

7.2 While performing the necessary work on private properties referred to in Paragraph 7.1 above, the WPCA and its authorized representatives shall observe all safety rules applicable to the premises established by the user and the user shall be held harmless for injury or death to the Town employees and the Town of Deep River shall indemnify the user against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation except as such may be caused by negligence or failure of the user to maintain safe conditions as required in Article Five, Paragraph 5.11 of this ordinance.

7.3 The WPCA and its authorized representatives bearing proper credentials and identification shall be permitted to enter all properties through which the Town of Deep River holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE EIGHT: PENALTIES

8.1 Any person found to be violating any provision of this ordinance shall be served by the WPCA with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

8.2 Any person who shall continue any violation beyond the time limit provided for in Paragraph 8.1 above, shall be subject to citation issued by the First Selectman or Town Sanitarian and shall be fined one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

8.3 Any person violating any of the provisions of this ordinance shall become liable to the WPCA for any expense, loss, or damage occasioned the WPCA by reason of such violation.

8.4 Any person who is found to be in violation of Section 22a-430 of the Connecticut General Statutes as amended shall be subject to a monetary penalty or forfeiture under Section 22a-438 of the statutes.

ARTICLE NINE: VALIDITY

- 9.1 When other regulations for health, safety and welfare are more restrictive than those specified in this ordinance, the more rigid requirements shall apply whenever they may be in conflict.
- 9.2 The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE TEN: HEARING BOARD

- 10.1 The Town of Deep River WPCA shall act as the Hearing Board and is authorized to interpret the terms of this ordinance, and to determine the applicability of its provisions to any particular circumstances. Any person may request an interpretation or determination by filing a written request with the Secretary of the WPCA, or such other person as may be required by regulations of the WPCA. The consideration of the request shall be placed upon the agenda of the next regularly scheduled meeting of the WPCA, provided it shall have been received not less than seven days prior to such meeting. The applicant shall appear at such a meeting and shall provide such information as the WPCA shall require to render its decision. Nothing herein shall require the WPCA to render its decision upon such an interpretation or determination until it shall have had an opportunity to gather additional information and to seek the opinion of its engineer, legal counsel, or other governmental authorities.
- 10.2 The Town of Deep River WPCA is authorized to waive the specific requirements of this ordinance when, after investigation of the circumstances, it shall have determined that the granting of such a waiver will not prevent the effectuation of the purposes of this ordinance. In making such a determination, the WPCA shall act as a board and shall render its decision after an affirmative vote by not fewer than four members entitled to vote at a regular meeting, or at a special meeting when notice of the proposed action has been given. The WPCA shall require such bonding and indemnification agreements as shall be appropriate to protect the interests of the Town, and may make the granting of a waiver conditional upon the fulfillment of such requirements such as it shall deem appropriate, including engineering and construction specifications, documentation and inspection requirements. Nothing herein shall be deemed to empower the WPCA to waive the requirements of any applicable federal or state regulations, nor the applicable orders and regulations of the Town Sanitarian or Director of Health.

ARTICLE ELEVEN: LICENSES, PERMITS, FEES, BONDS AND INSURANCES

- 11.1 A permit for any connection to a sewer shall be obtained from the WPCA or its authorized representative. This permit shall specify residential, commercial, institutional or industrial wastes, the name and address of the property owner and location of the property involved, the location of the sewer connection, and the name and address of the contractor to whom it is issued. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the WPCA.
- 11.2 A permit for excavating any street shall be obtained from the designated agent of the Town of Deep River and must accompany the application for a sewer connection permit. The contractor shall comply strictly with the regulations of the Town of Deep River pertaining to excavation of public highways.
- 11.3 Where the State Highway Department is involved appropriate permits shall be obtained and their provisions complied with. When regulated activity is to be pursued in areas designated “wetlands” by the Deep River Inland/Wetlands Commission, the appropriate permits must be obtained from said Commission and their provisions complied with.
- 11.4 Fees for the permits and licenses as outlined herein, shall be reviewed annually by the WPCA and revised accordingly. Initially, fees shall be as follows:

Building Sewer Connection Permits:

Residential (less than five family dwellings)	\$25.00
Residential (more than four family dwellings)	
Commercial, Institutional and Industrial	\$50.00
Per additional Inspection for permit	
Residential	\$10.00
Commercial, Institutional and Industrial	\$30.00

Sewer Connection Fees:

Residential (less than five family dwellings)	no cost
Residential (more than four family dwellings),	
Commercial, Institutional and Industrial	no cost

- 11.5 The contractor shall be protected by, pay premium for and provide evidence for policies of insurance coverage for public liability insuring him against liability to persons outside of his employ, in the minimum amounts of \$250,000/\$500,000.

Property damage \$25,000/\$50,000 said policies to be issued by an insurance company licensed in the State of Connecticut. Special coverage for WPCA and/or its authorized representative for blasting shall be provided when needed. All insurance policies shall designate the Town of Deep River WPCA and its representatives as assured. The contractor shall also carry Workmen's Compensation insurance in the amount of statutory limits. Certificates of insurance shall be provided to the WPCA.

- 11.6 The contractor shall provide the WPCA with a performance bond for the faithful performance on the work contemplated. This shall be issued by an approved surety company licensed in the State of Connecticut. It shall be for the minimum amount of \$20,000 and may vary upwards on larger projects in an amount as required by the Town. This bond will be in force from January 1st to December 31st and shall cover any building sewer project undertaken by the contractor until the expiration of the maintenance period for that project. The maintenance period shall be for one year from completion of the connection to the sewer.

ARTICLE TWELVE: TRENCH EXCAVATION

- 12.1 Work on building sewer shall in every case proceed from the sewer toward the structure involved. Any variation in this procedure shall require written permission of the engineer.
- 12.2 Trenching shall proceed in accordance with the latest manual of safety in construction as published by the Associated General Contractors. The trench shall be of ample width at the bottom to accommodate the pipe to be placed and any work on the structure that conditions necessitate. Tunneling under existing structures may be permitted when approved in writing by the engineer; but in no case shall any tunnel exceed ten (10) feet in length.
- 12.3 When sheeting is necessary to insure proper installation and the safety of personnel, the public, or property, the contractor shall furnish and place such sheeting in accordance with good practice.
- 12.4 Where water is encountered in a trench, sufficient pumps shall be constructed and adequate pumping equipment made available so that the installation of any building sewer or appurtenance shall be done in the dry. In no event shall water be allowed to enter the sewer or building sewer from the trench.
- 12.5 If at any time during excavation the material being excavated is, in the opinion of the authorized representative of the WPCA, not suitable for backfill, such material shall immediately be removed from the site by the contractor at his expense. Unsatisfactory material shall include, but not be limited to, boulders, clay, muck and frozen ground. Where unsatisfactory material is removed it shall be replaced by sand or gravel not containing pieces larger than three (3) inches in diameter.
- 12.6 When the material at the base of a trench is unsuitable as a foundation for building sewer pipe, such material shall be removed and replaced with crushed stone or gravel not containing pieces larger than three (3) inches in diameter. If an excavation is deeper than the desired depth the trench shall be brought to grade with crushed stone or gravel not containing pieces larger than three (3) inches in diameter. In no case may loose fill from an excavation be used to bring a trench up to grade.
- 12.7 Installation of polyvinyl chloride pipe (PVC) shall be in accordance with ASTM specification D-2321. Bedding shall be of the Class B type, using sand, gravel or crushed stone.
- 12.8 Installation of cast iron pipe (CIP) and ductile iron pipe (DIP) shall be in accordance with AWWA standard C600.

ARTICLE THIRTEEN: PIPE

- 13.1 All building sewer pipe shall be standard strength cement lined cast iron (CIP) or ductile iron (DIP) pipe, AWWA C151; or polyvinyl chloride (PVC) pipe, ASTM D-3034. All designations refer to latest revisions.
- 13.2 The minimum inside diameter of CIP, DIP and PVC pipe outside of existing streetlines shall be four (4) inches for a single and two family dwelling, and six (6) inches for dwellings of three and four families. CIP, DIP and PVC pipe having an inside diameter of less than six (6) inches shall be laid

on a grade of not less than one-fourth (1/4) inch per foot. CIP, DIP and PVC pipe having an inside diameter of six (6) inches or more shall be laid on a grade of not less than one-eighth (1/8) inch per foot. All CIP, DIP and PVC pipe within existing streetlines shall be six (6) inches laid on a grade of not less than one-fourth (1/4) inch per foot.

- 13.3 CIP and DIP pipe and fitting joints shall meet or exceed the requirements of AWWA standard C111, latest revision. PVC pipe and fitting joints shall meet or exceed the requirements of ASTM Specification D3212, latest revision. The gaskets shall be of a composition and texture which is resistant to common ingredients of sewage, industrial waste, including oils and ground water, and which will endure under the conditions likely to be imposed by their use.
- 13.4 For apartment buildings of more than four family (4) dwellings, commercial, institutional or industrial buildings, the owner shall submit to the engineer, for his approval, plans of the proposed building sewer installation.
- 13.5 Jointing between dissimilar materials or dissimilar pipe sizes shall be made by the use of gasketed fittings and couplers utilizing stainless steel hardware and approved by the WPCA for the specific application.
- 13.6 When, in the opinion of the engineer, extraordinary conditions exist, or when a building sewer is to be installed under any structure, at a stream crossing, or in fill ground, the owner shall submit plans for the approval of the engineer. Suitable provisions for encasement in concrete, concrete cradles, piling, or other acceptable construction features shall be made.
- 13.7 Whenever possible, water service and building sewer pipes shall be laid in separate trenches. Where laid in the same trench, the water pipe shall be laid on a trench shelf at least eighteen (18") inches above the top of the building sewer pipe where 10'-0" horizontal separation cannot be maintained, or in accordance with the State Health Code.

ARTICLE FOURTEEN: PIPE LAYING

- 14.1 Each building sewer shall be first connected to the public sewer and may then be extended to proceed toward the structure to be served. Pipe laying shall proceed in accordance with the best accepted practices true to line and grade. Groupings of buildings on one building sewer are not permitted except by written permission of the WPCA and only when based upon sound sanitary practice.
- 14.2 Where a stub location is given in a permit, such location shall be used for the location of the connection. If a deviation from the connection location indicated on the permit is desired, and when the property owner requests a connection location other than that provided at the streetline, such deviation shall first be requested in writing by the owner of the property and shall be subject to the approval of the engineer. Where such deviation is approved, the connection to the street sewer shall be made with a gasketed sewer saddle utilizing stainless steel hardware and approved by the WPCA or its authorized representative. The connection shall be made in the upper quadrant of the sewer by cutting a neat hole to receive the building sewer at an entry angle of about forty-five (45) degrees with the spigot end cut so as not to extend past the inner surface of the street sewer. The owner shall be responsible for all ground restoration in accordance with applicable State and local requirements.
- 14.3 All pipes must be cleaned before laying. This may be accomplished by swabbing.
- 14.4 When connections are made to wyes, only one-eighth (1/8) bends shall be used to align the connection and pipe.
- 14.5 Changes in alignment of building sewers shall be made only with properly curved fittings. Alignment changes requiring greater than one-eighth (1/8) bends are prohibited.
- 14.6 Cleanouts must be provided at all changes in alignment and on straight runs at intervals not to exceed seventy-five (75) feet. An exterior cleanout shall be required approximately ten (10) feet from the structure served where the inside cleanout is less than two (2) feet above the lowest floor of the structure served.

ARTICLE FIFTEEN: BACKFILL

- 15.1 Backfilling of trenches shall be done in accordance with all street and excavation regulations of the Town of Deep River as supplemented herein.
- 15.2 Under no circumstances shall backfill be permitted around and over the building sewer pipe until the pipe, joints, alignment, elevations and workmanship have been inspected and approved by the authorized representative of the WPCA.

- 15.3 Each installed building sewer shall be covered with hand-placed sand or gravel approved by the authorized representative of the WPCA, to a depth of at least one (1) foot over the pipe prior to backfilling of the remainder of the trench.
- 15.4 The contractor shall be responsible for the satisfactory compaction of the backfill material so as to avoid excessive future settlement.

ARTICLE SIXTEEN: USE OF EXISTING BUILDING SEWERS

- 16.1 Existing building sewers may be used for new buildings provided that they are found, upon examination by the authorized representative of the WPCA, to be in good condition and to conform to the requirements of this ordinance. Only one connection per building shall be allowed.

ARTICLE SEVENTEEN: GENERAL CONDITIONS

- 17.1 The contractor or his agent shall under no circumstances start work on a building sewer project until the provisions of Article XI of this ordinance are fulfilled and the required permits are obtained. These permits are to be available at the site of the work during its continuance for inspection by authorized representatives of the WPCA.
- 17.2 At least one-way traffic shall be maintained in roads at all times. Under unusual circumstances the First Selectman may, in writing, permit the temporary closing of a road in which case the contractor shall, prior to such closing, notify the Police and Fire Departments and First Selectman of the Town of Deep River of the location and approximate duration of such closing, and shall again notify these departments when the road is reopened to traffic. A traffic man or police officer, as required by the Police Department, shall be provided at the contractor's expense when less than two lanes of traffic are maintained or when necessary or advisable in the opinion of the Police Department.
- 17.3 Adequate barricades, and when necessary in the opinion of the engineer, authorized representative of the WPCA, or any police officer, lights and red flags shall be erected and maintained in the street until all work is completed.
- 17.4 The contractor shall schedule his work so as not to allow open trench conditions on Saturdays, Sundays or holidays, not at any other time in excess of forty-eight (48) hours without special permission from the authorized representative of the WPCA.
- 17.5 The requirements of all State and local building and plumbing codes shall be observed with respect to piping and fixtures inside the outer walls of buildings and within the areas of jurisdiction of said several codes, subject only to the general requirements of this ordinance. Pipe outside the outer walls of any building or similar structures shall conform to the requirements of this ordinance as to permits, materials and workmanship.
- 17.6 The contractor shall schedule his work for a normal work day so that the work may be inspected. Arrangements shall be made in advance with the authorized representative of the WPCA when work is to be done outside of the normal work day, and the contractor shall pay for any overtime inspection costs. The contractor shall give the WPCA 48 hours notice before laying any building sewer pipe.
- 17.7 All work performed under the provisions of this ordinance shall be subject to the inspection and approval of the authorized representative of the WPCA. The contractor shall provide safe access for such inspection.
- 17.8 The contractor shall pay all costs to repair any and all damage to curbs, sidewalks, roads or property of the Town of Deep River caused in any way by the contractor, his agents, servants, and/or employees. All repairs to damage shall be done to the complete satisfaction of the Town of Deep River.

ARTICLE EIGHTEEN: INTERPRETATION

- 18.1 This ordinance shall be construed liberally and justly to secure the proper installation of systems for sanitary sewage disposal and to insure public safety, health and welfare insofar as they are affected by the installation and maintenance of said systems.
- 18.2 In the event of any questions as to the interpretations of any of the provisions of the preceding ordinance, the decision of the WPCA or its authorized representative shall be final.

ARTICLE NINETEEN: ORDINANCE IN FORCE

- 19.1 This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as approved by law.

RULES AND REGULATIONS GOVERNING THE INSTALLATION OF SANITARY SEWERS IN SUBDIVISIONS

ARTICLE ONE: PURPOSE

- 1.1 The following rules and regulations shall not be construed to supersede or nullify the provisions of any article of this ordinance or any other ordinance applicable to the public sewer system of the Town of Deep River, except insofar as the following rules and regulations may be in direct conflict with such other rule or regulation, in which case the following rules and regulations shall govern.

ARTICLE TWO: DEFINITIONS

- 2.1 Unless the context specifically indicates otherwise, the meaning of terms used in these rules and regulations shall be as follows:
 - a. Building sewer shall mean that part of the piping of a building's drainage system and conveying of one building site to the lateral sewer which serves two or more building sites, situated in a public highway or a street.
 - b. Contractor shall mean an individual, partnership, or corporation approved by the WPCA as such to construct and install sewers for a subdivision.
 - c. Developer shall mean the person, persons, corporation or partnership or firm proposing a subdivision, either for themselves or as an agent for others.
 - d. Engineer shall mean the Water Pollution Control Authority's engineer acting according to the duties assigned to him by the Water Pollution Control Authority and also the representatives of said engineer when acting within and limited by the particular duties and powers assigned to each.
 - e. Sewers shall mean the entire sanitary sewer system for a subdivision except the building sewers for such subdivision.
 - f. Subdivision shall mean the division of a tract or parcel of land into three or more parts or lots for the purpose of sale or building development, whether immediate or future.
 - g. Town shall mean the Town of Deep River, Connecticut, or any board, WPCA officer or authorized representative to act for it in the premises.
 - h. Water Pollution Control Authority (WPCA) shall mean the Town of Deep River acting through the duly appointed members of the Water Pollution Control Authority in the Town of Deep River.

ARTICLE THREE: COMPLIANCE WITH RULES AND REGULATIONS

- 3.1 No portion of any sewers shall be constructed or installed for any subdivision until the developer of the subdivision shall have entered into an agreement with the Town containing the provisions described in Article 4 of these rules and regulations; and the sewers for every subdivision shall be constructed and installed in accordance with said provisions.

ARTICLE FOUR: PROVISIONS

- 4.1 The Town shall furnish to the developer, in writing, the Town's specifications and standard details, and its performance bond and liability insurance requirements, for the construction and installation of the sewers.
- 4.2 The developer shall prepare, at his own expense, and submit to the WPCA for its approval, all drawings required for the construction and installation of the sewers. All such drawings shall be drawn to a horizontal scale of 1"=40', with profiles drawn to a scale of 1"=4' vertical, and each shall bear the seal of a Connecticut Registered Civil Engineer.
- 4.3 Except as otherwise provided in this Article 4.3, the developer shall obtain from a contractor an itemized proposal for constructing and installing the Sewers, which proposal shall be submitted to the engineer for his approval. At his request, the developer may be permitted by the WPCA to construct and install sewers with his own forces, provided that he shall fulfill all of the obligations of a contractor set forth in these rules and regulations.
- 4.4 The developer shall be responsible for (1) the contractor's construction and installation of the sewer in accordance with specifications, details, drawings and proposal approved by the WPCA and the engineer, and (2) the contractor's compliance with all applicable rules and regulations of the Town pertaining to the opening of public highways and streets.
- 4.5 The developer shall reimburse the WPCA and the Town for their several engineering, supervision and inspection costs and expenses incurred in connection with the approval, construction and installation of the sewers. All such costs shall be established on an hourly basis by the WPCA

and the Town shall be reimbursed for all such costs and expenses prior to acceptance of the WPCA pursuant to Article 4.11 of these rules and regulations.

- 4.6 Construction and installation of the sewers shall not be commenced until the developer is in receipt of written authorization from the engineer, which authorization shall not be given until the engineer is satisfied that all requirements of the developer's contract with the Town have been satisfied and all necessary bonds, insurances and permits have been obtained and are in force and effect.
- 4.7 The developer shall give the engineer and the Town immediate written notice of the commencement of actual construction and installation of the sewers.
- 4.8 The contractor shall employ a Connecticut Registered Land Surveyor to establish all lines and grades for construction of the sewers, subject to verification, at any time, and from time to time, by the engineer.
- 4.9 No opening into any existing portion of the public sewer system of the Town shall be made except as outlined in these rules and regulations and shall be subject to the inspection and approval of the engineer, and the engineer shall be afforded safe access for inspection purposes. All work shall be scheduled for a normal workday, and arrangements shall be made in advance with the engineer when work is to be done outside the normal work day.
- 4.10 If the sewers are not constructed and installed to the satisfaction of the engineer in accordance with the satisfactions, details, drawings and proposal approved by the WPCA and the engineer, the Town may plug or disconnect the Sewers at the point of their connection to the existing public sewer system of the Town and may continue such stoppage or disconnection until the sewer has been so constructed and installed.
- 4.11 The sewers constructed within the subdivision which are to become a part of the public sewer system of the Town shall be pressure tested by the Contractor at the property owner's expense, in conformance with the "low pressure air test for sanitary sewers," as outlined in the ASCE Proceedings Volume 90 No. SA2, April, 1969, as amended.

Should the sections under test fail to meet the requirements, the contractor shall locate the leaks, repair and retest until the sections pass.

- 4.12 When (1) the sewers, as constructed and installed, have been approved in writing by the engineer, and (2) "as-built" plans, drawn to the scales specified in Article 4.2 of these rules and regulations, in reproducible form, each bearing the seal of a Connecticut Registered Civil Engineer, and showing complete details of the Sewers and their appurtenances, have been presented to the engineer, the sewers shall be accepted by the WPCA as part of the public sewer system of the Town.
- 4.13 Notwithstanding any acceptances of the sewers aforesaid, the developer shall continue to be responsible for the satisfactory operation and maintenance of the sewers until other related construction has been completed and all of the streets within the subdivision have been accepted by the Town

ARTICLE FIVE: BUILDING SEWERS

- 5.1 Each building sewer in a subdivision shall be deemed a "building sewer" for the purpose of the rules and regulations governing the construction of building sewers that connect to the public sewer system of the Town of Deep River.
- 5.2 Building sewers shall be constructed in accordance with Section One of this ordinance. A sewer connection fee shall be paid to the WPCA for each parcel connected to the sewer within the subdivision. The connection fee shall be as outlined in Section One, Article 11.4 of this ordinance.

ARTICLE SIX: ENFORCEMENT AND PENALTIES

- 6.1 Any developer who violates any provision of these rules and regulations shall be liable to the Town for any expense, loss or damage which may be caused to the public sewer system of the Town by reason of such violation.
- 6.2 Any developer violating any provision of these rules and regulations shall be given a written notice by the engineer stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The developer shall, within the period of time stated in such notice, correct such violation.

6.3 Any developer who continues to violate any provision of these rules and regulations after the time limit specified in a notice given in accordance with Article 6.2 of these rules and regulations has expired shall be fined not more than fifty (\$50.00) for each offense. Each day that any violation of these rules and regulations continues shall be deemed to be a separate offense for the purpose of the penalty provided in this Article 6.3.

ARTICLE SEVEN: INTERPRETATION

7.1 In the event of any question as to the interpretation of any of the preceding rules and regulations, the decision of the WPCA or its authorized representative shall be final.

ARTICLE EIGHT: VALIDITY

8.1 If any article, subarticle, clause or phrase of these rules and regulations is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these rules and regulations.

SAMPLE

APPLICATION FOR SEWER CONNECTION PERMIT

WATER POLLUTION CONTROL AUTHORITY

TOWN OF DEEP RIVER
Sewer Permit No.

_____ of _____
Contractor & License No. Street and Number

City or Town State

hereby applies for a permit to perform the following sewer work:

- I. Check One: Lay bldg. drain Repair bldg. drain Lay main sewer
- II. Check One: Sanitary sewage Industrial waste Other (explain)

at the property of _____
(Name of Owner) (Street and Number)

and said contractor warrants and agrees as follows: In consideration for the issuance of this permit, he/it will complete all work authorized within 30 days of the date issuance of this permit; that such work will be done in strict accordance with the Sewer Use Ordinance of the Town of Deep River (which Sewer Use Ordinance was adopted and published by the Deep River Water Pollution Control Authority on _____) using only methods and materials authorized therein and which Sewer Use Ordinance is incorporated herein by reference and made a part hereof. If all work is not completed within thirty days this permit shall be null and void. The contractor further agrees that any and all damage to curb, sidewalk, road, or property of the Town of Deep River in any way by the contractor, his agents, servants, and/or employees shall be repaired by the contractor to the complete satisfaction of the Town of Deep River. All construction work must be inspected and approved by an authorized representative of the Water Pollution Control Authority of the Town of Deep River. No trench shall be closed prior to inspection and authorization and if same does occur, it must be reopened at contractor's expense. The contractor hereby agrees to indemnify and hold harmless the Town of Deep River and its authorized representatives against any claim for damages of any kind resulting from work undertaken by the contractor.

Fee Paid _____ Contractor _____

Date of Permit _____ By: _____
Individual Authorized to Sign

Subject to the terms and conditions herein stated and agreed to by the contractor this permit is hereby issued for the work and on the property set forth above.

WATER POLLUTION CONTROL AUTHORITY OF THE TOWN OF DEEP RIVER

By: _____
Its Duly Authorized Agent

First Inspection Ordered: Time _____ Date: _____ Approved __ Other __
Final Inspection Made and Work Approved: Date: _____ By: _____

SUBMERSIBLE PACKAGE GRINDER PUMP STATION SPECIFICATION

A. GENERAL

Furnish a complete package station consisting of grinder pump with automatic connect and disconnect, fiberglass basin with guide rails, electrical control panel and all components described below and shown on attached installation drawing necessary for a complete functioning system.

Prior to installation, the property owner shall submit to the engineer for approval details of the proposed pump station with sufficient information to enable the engineer to determine that the proposed installation meets the requirements of this specification and other applicable specifications, codes and laws, all at the property owner's expense.

The complete pumping system shall be U. L. listed.

B. SUBMERSIBLE GRINDER PUMP

1. General: Furnish a centrifugal submersible pump designed to reduce all material found in normal domestic and light industrial sewage, including plastics, rubber, sanitary napkins and disposable diapers into a finely ground slurry. The resultant slurry is then pumped through small diameter piping into a gravity interceptor or treatment facility. The temperature limitation of the liquid being pumped is 100 degrees F.

The pump shall be equipped with automatic connect and disconnect with positive seal to the discharge pipe.

2. Operating Conditions: The pump shall be capable of delivering 25 GPM against a total dynamic head of 75 feet.
3. Pump Unit: The pump body, seal plates and motor housing shall be constructed of high quality cast-iron or stainless steel. A finish coat of enamel to be applied before and after assembly on cast-iron pumps. All exposed hardware shall be corrosion resistant stainless steel. The pump discharge size shall be minimum 1 1/4" inch NPT in the vertical position.
4. Motor: Pump Motor shall be of the submersible construction type, two horsepower, single phase, 230 volts, 3,450 RPM, 60 cycle. Protection against excessive temperature shall be provided by heat sensing switches. Motor bearings shall be capable of carrying the thrust loads and radial loads imposed by the pump and grinder impeller operation. The motor shaft material shall be stainless steel. The seal design shall consist of two oil-lubricated rotary shaft seals constructed of ceramic and carbon.
5. Wet End Components: The pump impeller shall be of bronze or cast-iron construction. The grinder mechanism shall consist of a rotary and stationary cutter.

C. VALVES AND PIPING

Ball check valves shall be constructed of cast-iron with flow design rated at 150 psi at a maximum long lasting working temperature of 175 degrees F.

Gate valves shall be rated at 200 psi water pressure. A stainless steel extension handle shall be furnished for valves placed lower than 12 inches from grade.

All system piping to be Schedule 40 galvanized steel pipe.

D. COUPLER AND GUIDE RAILS

The guide rails and support brackets shall be Schedule 40 galvanized steel. Guide brackets shall be attached to the pump for positioning of the unit on the guide rail during installation or removal of the unit within the basin.

E. LEVEL CONTROLS

Level controls shall consist of three sealed mercury float switches molded within a solid, chemically resistant shell complete with all required cable. An individual switch is required for each control function. The level controls shall be located and secured with stainless steel hardware when necessary to assure proper performance.

F. JUNCTION BOX

A watertight junction box shall be installed outside the basin for connection of the pump and control wiring. The box shall be NEMA 3R when exposed to the weather, and NEMA 2 when installed indoors. The box cover shall be bolted on with stainless steel fasteners and sealed with a neoprene gasket. Corrosion resistant and liquid tight cable connectors shall be used. A 1 1/2 inch electrical conduit hub shall be provided on the back of the box.

G. BASIN

The basin dimensions shall be as required for each installation. Construction shall be molded fiberglass with the interior surface gel-coated from 10 to 20 mil thick to provide a smooth sealed surface. The wall thickness shall be sufficient to withstand a water saturated sand load of 120 lbs. per cubic foot with a safety factor of two at all depths. A six (6) inch inlet hub shall be furnished and securely fastened to the tank with stainless steel hardware and shall be leakproof sealed. An anti-flotation collar shall be provided as an integral part of the basin assembly for all in excess of five (5) foot in depth. The collar shall extend a minimum of three (3) inches on the radius of the basin. The cover shall be steel and the diameter shall be four (4) inches greater than the basin diameter and 1/4 inch minimum thickness. The cover is to be sealed by a rubber gasket and secured by stainless steel bolts to prevent entrance of surface liquids. The cover shall be completely coated with an air dry asphalt bituminous coating for corrosion resistance.

H. INSTALLATION

Installation shall be in accordance with the manufacturer's instructions and all State and local laws and regulations.

Vol. 7 Pg. 152 (summary)

Vol. 7 Pg. 154-173

September 27, 1989

History: Amended 3-8-90, Vol. 7 Pg. 184 by adding Article 10-2; amended 6-29-90, Vol. 7 Pg. 186, Article 5.4, 5.7, 5.8, 5.9 and 8.2 .

ORDINANCE CONCERNING WATER CONSUMPTION INFORMATION

The Deep River Water Pollution Control Authority is authorized to obtain from the Connecticut Water Company and other water companies providing water service to the residents of the Town, all necessary records to determine the consumption of water by users of the municipal sewer system. The Water Pollution Control Authority may enter into such contracts and agreements as it deems necessary and appropriate with such water companies for the purpose of obtaining access to the above-mentioned records.

Effective January 26, 1990

Vol. 7 Pg. 179

ORDINANCE PERTAINING TO SEWER EXPANSION PROJECT

BE IT HEREBY ORDAINED, that the Town of Deep River Water Pollution Control Authority shall collect from each property, or each other unit of assessment as to be determined by rule of the Water Pollution Control Authority, that is benefited by the expansion of the sewer system, a one-time benefit assessment fee of \$2,000 payable in full or in annual installments under such terms as the Water Pollution Control Authority shall establish; provided, that the amount of any such benefit assessment against a benefited property or unit shall not exceed the special benefit accruing such property or unit. This fee shall be assessed in connection with the current project only and shall not apply to any future expansions, modifications or improvements of the Town's sewer system. The Water Pollution Control Authority shall endeavor to defray the remaining capital costs of the project through other Water Pollution Control Authority revenue sources.

Adopted March 25, 2003
Vol. 8

ORDINANCE PERTAINING TO NON-STORMWATER DISCHARGES

Sec. 1. – Purpose.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Deep River through the regulation of (non-stormwater) discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the storm drainage system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the storm drainage system through non-stormwater discharges by any user.
- (2) To prohibit illicit connections and discharges to the storm drainage system.
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

Sec. 2. – Definitions.

For the purposes of this ordinance, the following shall mean:

Best management practices (BMPs) shall mean schedules of activities, prohibition of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices that prevent or reduce the discharge of pollutants directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices that control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act shall mean the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction activity shall mean activities subject to NPDES construction permits, including construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Facility shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

First Selectman shall mean the Deep River First Selectman or his/her authorized designee.

Hazardous materials shall mean any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause,

or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hearing officer shall mean the person designated from time to time by the First Selectman to hear appeals in accordance with section 15 herein.

Illegal discharge shall mean any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in section 7 of this ordinance.

Illicit connections shall mean the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the First Selectman; any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the First Selectman or other public official or body having jurisdiction thereof.

Industrial activity shall mean activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) storm water discharge permit shall mean a permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge shall mean any discharge to the storm drain system that is not composed entirely of stormwater.

Person shall mean any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant shall mean anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, debris, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal material and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Storm drainage system shall mean the publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater shall mean any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater pollution prevention plan shall mean a document that describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater shall mean any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Watercourse shall mean a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water. This includes but is not limited to lakes, ponds, rivers, streams and any other surface water defined as a watercourse by the town's inland wetland regulations.

Sec. 3. – Applicability.

This ordinance shall apply to all non-stormwater entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the First Selectman.

Sec. 4. – Responsibility for administration.

The First Selectman shall, in consultation with the town engineer, administer, implement, and enforce the provisions of this ordinance. The First Selectman may delegate his/her powers and duties under this ordinance to an authorized designee.

Sec. 5. – Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

Sec. 6. – Minimum Standard

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Sec. 7. – Discharge prohibitions.

- (1) *Prohibition of illegal discharges.* No person shall discharge or cause to be discharged into the storm drainage system any materials, including but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as described as follows:
 - (a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated – typically less than one (1) PPM chlorine), fire fighting activities, and any other water source not containing pollutants.
 - (b) Discharges specified in writing by the First Selectman as being necessary to protect public health and safety.
 - (c) Dye testing is an allowable discharge, but requires a written notification to the First Selectman prior to the time of the test. Said written notification may be in the form of electronic mail, facsimile transmission or hard copy letter format.
 - (d) The prohibition shall not apply to any non-stormwater discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(2) *Prohibition of illicit connections.*

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the storm drainage system after the adoption of this ordinance or allows a connection to continue after receipt of a notice of illegal discharge or illicit connection.

Sec. 8. – Suspension of storm drainage system access.

Suspension due to illicit discharges in emergency situations. The First Selectman may, without prior notice, suspend storm drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm drainage system or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the First Selectman may take such steps as deemed necessary to prevent or minimize damage to the storm drainage system or Waters of the United States, or to minimize danger to persons.

Suspension due to the detection of illicit discharge. Any person discharging to the storm drainage system in violation of this ordinance may have their storm drainage system access terminated if such termination would abate or reduce an illicit discharge. The First Selectman will notify a violator of the proposed termination of its storm drainage system access. The violator may petition the First Selectman for reconsideration and hearing.

A person commits an offense if the person reinstates storm drainage system access to premises terminated pursuant to this section, without the prior approval of the First Selectman.

Sec. 9. – Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the First Selectman prior to the allowing of discharges to the storm drainage system.

Sec. 10. – Right of entry, evaluation, and monitoring of damages.

- (a) *Applicability.* This section applies to all facilities that have stormwater discharges associated with industrial or construction activity, and any other commercial or residential facilities that discharge stormwater to the storm drainage system.
- (b) *Access to facilities.*
 - (1) The First Selectman shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives or designees of the First Selectman.
 - (2) Facility operators shall allow the First Selectman ready access to all parts of the facility for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a town, state or federal NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

- (3) The First Selectman shall have the right to set up on any NPDES permitted facilities such devices as are necessary in the opinion of the First Selectman to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The First Selectman has the right to require the installation of sampling and monitoring equipment on any NPDES permitted facility by the discharger at its own expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the First Selectman and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the First Selectman access to a permitted facility is a violation of a stormwater discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the First Selectman reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- (7) If the First Selectman has been refused access to any part of the facility from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the First Selectman may seek issuance of a search warrant from any court of competent jurisdiction.
- (8) While performing the necessary work on private properties referred to in subsections (b)(1) through (5) of this section, the First Selectman shall observe all safety rules applicable to the premises established by the facility.

Sec. 11. – Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.

The Board of Selectmen will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drainage system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drainage system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or facility, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm drainage system as directed by the First Selectman. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial or construction activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

Sec. 12. – Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse except as limited by inland wetlands regulations. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Sec. 13. – Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected

release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drainage system, or water of the U.S., said person shall notify the appropriate authorities, as follows: In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the First Selectman in person or by phone, electronic mail or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the First Selectman within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

Sec. 14. – Enforcement.

- (a) *Notice of violation.* Whenever the First Selectman finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, he/she shall order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:
- (1) The performance of monitoring, analyses, and reporting;
 - (2) The elimination of illicit discharges or connections;
 - (3) That violating discharges, practices, or operations shall cease and desist;
 - (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
 - (5) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the First Selectman may order the work be done by a designated governmental agency or a contractor and the violator fined an amount equal to the expense thereof, in addition to any fines imposed in subsections (b) or (c) of this section. The First Selectman may recover all costs and expenses, including attorneys fees incurred by the Town of Deep River, including sampling and monitoring expenses.
- (b) *Procedure for issuance of citations.*
- (1) The First Selectman shall issue a written notice to any person who violates any provision of this ordinance. No written notice may be issued against the state or any state official or state employee acting within the scope of his employment. Such written notice shall explain the nature of the violation and the steps required for compliance, and shall allow at least a seventy-two (72) hour period within which to correct the violation or within which a written plan for correction shall be submitted to the First Selectman, setting forth a reasonable time period for correction of the violation as agreed upon by the First Selectman. A written notice issued pursuant to this subsection shall be served: 1) by hand delivery, at which time the seventy-two (72) hour period shall begin; or 2) by certified mail return receipt requested and by regular first class mail. Three (3) business days shall be allowed for mail delivery of the notice prior to the commencement of the seventy-two-(72) hour period.
 - (2) Within two (2) business days after the period for correction established in subsection (a) expires, the First Selectman shall reinspect the subject property to determine compliance.
 - (3) If the violations set forth in the written notice have not been corrected at the time of reinspection, the First Selectman, in his/her capacity as chief executive

officer, may issue a citation and fine of one hundred dollars (\$100.00) for each violation by hand, by certified return receipt requested, by leaving a true and attested copy of the citation at the usual place of abode or residence of the person in violation, or in the case of a corporate or business entity, delivery to the business address or the address of the statutory agent of said entity. No such fine shall be levied against the state or any state official or state employee acting within the scope of his employment. All citations issued pursuant to this section shall state the violation for which the citation is being issued, the fine imposed for the violation, the time period within which the fine must be paid, and an address for remittance of the fine. Each twenty-four (24) hour period of non-compliance after the time period specified in 14(b) shall constitute a new violation and a new fine of one hundred dollars (\$100.00).

(c) *Compliance periods after citation.*

- (1) Any violation for which a citation is issued and which is not corrected within the time period specified in subsection (b) of this section shall be a new violation of this ordinance, and every twenty-four-hour period thereafter in which the violation is not corrected shall constitute a new violation. The citation shall include a notice to the alleged violator that each twenty-four-hour period of noncompliance after the time period specified in section 14(b) shall constitute a new violation and a new fine of one hundred dollars (\$100.00).
- (2) The First Selectman shall not be responsible for a daily reinspection. Rather, the person to whom the citation has been issued shall be responsible for reporting subsequent compliance by way of written report to the First Selectman. The First Selectman shall reinspect to confirm compliance within one (1) business day of receipt of such report.

(d) *Payment of fines.*

- (1) All fines imposed under this ordinance which are uncontested shall be made payable to the Town of Deep River and shall be received by the First Selectman within ten (10) calendar days from date of notice of the citation. All fines collected by the First Selectman shall be deposited into the Town of Deep River General Fund.

Sec. 15. – Appeals.

- (a) If the First Selectman issues a notice of violation, the First Selectman shall send written notice of action and a statement of the right to an appeal to the facility operator or facility owner.
- (b) The facility operator or facility owner may appeal a notice of violation to the First Selectman by setting forth in writing the reasons for the appeal within fifteen (15) calendar days after date of the notice of violation.
- (c) The facility operator or facility owner may appeal the decision of the First Selectman to the hearing officer as follows:
 - (1) The facility operator or facility owner may file a written request for a review by paying an appeal fee of twenty-five dollars (\$25.00) and setting forth the reasons for the appeal within twenty (20) calendar days after the date of notification of the decision from the First Selectman. Appeal fees shall be returned to the appealing facility operator or facility owner if the appeal is upheld.
 - (2) The hearing officer shall conduct a hearing within thirty (30) calendar days of the receipt of the request. The hearing shall be informal in nature. The person requesting the hearing may testify concerning the facts, circumstances and nature of his/her appeal and may present supporting documentation and evidence. The First Selectman may also testify and present evidence. The hearing officer shall render a written decision within fifteen (15) calendar days

of the hearing. The decision may affirm, amend or reverse the decision of the First Selectman.

- (d) Filing of a request for appeal shall stay the action by the First Selectman requiring payment of a fine until the hearing officer has completed his/her review. If a request for appeal is not made within the twenty-calendar day period, the action of the First Selectman is final.

Sec. 16. – Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the First Selectman may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Sec. 17. – Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the First Selectman may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, watershed cleanup, or other related activities.

Sec. 18. – Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Sec. 19. – Criminal prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law. The First Selectman may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Sec. 20. – Remedies not exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the First Selectman to seek cumulative remedies.

Sec. 21. – Adoption of ordinance.

This ordinance shall be in full force and effect fifteen (15) days after publication. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Adopted December 14, 2010
Vol. 8 Pg. 400-409

Town of Deep River



**State of Connecticut
County of Middlesex**