

SEC. 131 HIGHLAND LAKE COMMISSION

Be it ordained by the Board of Selectman of the Town of Winchester, Connecticut that Sec. 131 of the By-Laws and Ordinances is hereby repealed effective April 7, 1997.

SEC. 132 ADOPTION OF CODE OF ETHICS

That a certain document, three (3) copies of which are on file in the office of the Town Clerk of the Town of Winchester, being marked and designated as Code of Ethics for the Town of Winchester, be and is hereby adopted as the Code of Ethics for the Town of Winchester, and all of the provisions thereof are hereby referred to, adopted, and made a part of thereof, as if fully set out in this ordinance. **ORIGINALLY EFFECTIVE ON NOVEMBER 14, 1983, AMENDED ON FEBRUARY 7, 2005 TO BE EFFECTIVE MARCH 2, 2005.**

CODE OF ETHICS OF THE TOWN OF WINCHESTER

Be it ordained by the Board of Selectmen of the Town of Winchester, Connecticut:

Section 1. Declaration of Policy

The proper operation of Town government requires that public officers and employees be independent, impartial and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure; that public office and employment not be used for personal gain; and that the public have confidence in the integrity of its government. The purposes of this Code are to set forth standards of ethical conduct; to assist public officers and employees in establishing guidelines for their conduct; and to develop and maintain a tradition of responsible and effective public service.

Section 2. Definitions

As used in this Section, the following words, unless a different meaning is required by the content or is specifically prescribed, shall have the following meanings:

- a. AGENCY shall include the Board of Selectmen and the Board of Education of the Town, and all commissions, committees, boards and agencies appointed by either such Board;
- b. COMMISSION shall mean the Ethics Commission established under Section 11;
- c. CODE shall mean this Code of Ethics;
- d. FINANCIAL INTEREST shall mean any financial interest, direct or indirect, which is of more value than \$100.00 to an officer, employee or member of an agency of the Town and which is not common to the interest of other citizens or nonresident taxpayers of the Town. FINANCIAL INTEREST shall include the private financial interest of a spouse or child who is a member of the household. FINANCIAL INTEREST shall also include the interest of any subcontractor of any prime contract with the Town and the interest of any spouse or child who is a member of the household in any corporation, firm or partnership, which has a direct or indirect interest in any transaction with the Town. TRANSACTION shall include the offer, sale, or furnishing, of any real or personal property, material, supplies, or services, by any person, directly or indirectly, as vendor, prime contractor, subcontractor or otherwise, for the use and benefit of the Town for a valuable consideration;
- e. OFFICER or EMPLOYEE shall include any Town official (other than a Justice of the Peace) elected by the public, and any employee of the Town or of any agency.

Section 3. Impartiality

No officer, employee or member of an agency shall grant any special consideration, treatment or advantage to any person beyond that which is available to every other person similarly situated.

Section 4. Confidential Information

No officer, employee or member of an agency shall, without proper authorization, disclose confidential information concerning Town affairs, nor shall he use such information to advance the financial interests of himself or others.

Section 5. Use of Public Property

No officer, employee or member of an agency shall use or permit the use of Town-owned or leased vehicles, equipment, material or property for personal convenience or profit except when the use thereof is available to the public generally or is provided in conformance with established Town policies for such person in the conduct of Town business.

Section 6. Gifts and Favors

No officer, employee or member of an agency shall accept from any person in any calendar year any gifts or favors having a total value in excess of \$100.00, whether in the form of a service, a loan at less than a commercially reasonable interest rate, a material thing, or a promise from any person who to his knowledge has an interest, direct or indirect, in the business dealings of the Town; nor shall any such person accept, agree to accept or solicit any gift or favor that may tend to influence him in the discharge of his duties or to influence any improper service, favor or thing of value.

Section 7. Conflict of Interest

- a. **FINANCIAL INTEREST** No officer, employee or member of an agency shall have any financial interest, or engage in any transaction or professional activity or incur any obligation of any nature, which is in conflict with the proper discharge of his duties in the public interest or which will impair his independence of judgement or action in the performance of his official duties; but the existence of such a financial interest shall not constitute a violation of this provision if the person complies in all respects with the provisions of Section 8.
- b. **EMPLOYMENT** No officer, employee or member of an agency shall engage in or accept private employment or render services for private interests when the employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgement or action in the performance of his official duties.
- c. **REPRESENTATION OF OTHERS BEFORE TOWN AGENCY OR AGAINST TOWN** No officer, employee or member of an agency shall knowingly render or agree to render for compensation or otherwise any service to any person or party other than the Town in connection with any cause, proceeding, application or other matter which is before any Town agency or is the subject of litigation to which the Town is a party; but nothing in this Section shall prohibit an officer, employee or

member of an agency from appearing on his own behalf before any Town agency or in any litigation.

Section 8. Disclosure

- a. If an officer, employee or member of an agency has a financial interest in the outcome of any matter coming before him in his official capacity, he shall file with the Town Clerk a written statement, regarding the existence of such interest; and he shall refrain from acting, or participating in the making of any decision, upon such matter, if the person is an employee of the Town he shall transmit a copy of the statement to the Town Manager; if the person is an employee of the Board of Education, he shall transmit a copy to the Board of Education; and if the person is a member of an agency he shall transmit a copy of the statement to the Chairman of the agency, who shall notify the other members of the agency of the receipt of the statement.
- b. If an officer, employee or member of an agency has knowledge that a parent, child, sister, brother, partner or a corporation in which he owns more than ten (10) percent of the stock is doing business or proposes to do business with the Town, he shall file with the Town Clerk a written statement to that effect, he shall transmit a copy of the statement to the appropriate person or persons referred to in paragraph a. of this Section, and he shall refrain from acting or participating in the making of any decision regarding any such proposed business.

Section 9. Future Representation of Others

The provisions of paragraph (c) of Section 7 shall apply to any former officer, employee or member of an agency if the service concerns a matter which was pending before him prior to the time he ceased to be an officer, employee or member of an agency.

Section 10. Penalties

A violation of this Code of Ethics by any appointed officer, employee or member of an agency shall constitute grounds for disciplinary action, including but not limited to reprimand, suspension and dismissal.

Section 11. Ethics Commission

- a. ESTABLISHMENT There is hereby established an Ethics Commission to be composed of five residents of the Town appointed by the Board of Selectmen. No more than three (3) members of the Commission shall be members of the same political party. Members shall be appointed for terms of three (3) years, except that of the initially appointed members one (1) shall serve for a term of one (1) year, two (2) shall serve for terms of two (2) years, and two (2) shall serve for terms of three (3) years. **No person shall serve for more than two (2) consecutive terms.** For individuals filling a vacancy, successive years of service will commence with the next appointed period. No individual while a member of the Commission shall:
 - i. Hold or campaign for any public office, or
 - ii. Hold office in any political party or political committee.
- b. ORGANIZATION AND PROCEDURE The Commission shall elect a chairman and a clerk, and shall establish its own rules of procedure. Copies of the

rules and all amendments thereof shall be filed in the office of the Town Clerk. The Commission shall keep records of its meetings and shall hold meetings at the call of the Chairman and at other such times as the Commission may determine.

- c. **ADVISORY OPINIONS** At the written request of the Board of Selectmen or the Board of Education, the Ethics Commission shall render advisory opinions with respect to the applicability of the Code to a particular situation. The Commission shall also render advisory opinions at the written request of any actual or prospective officer, employee or member of an agency who is personally concerned. The identity of the individual requesting the opinion shall be treated as confidential, but the opinion of the Commission shall be a matter of public record and shall be filed in the office of the Town Clerk. Reliance in good faith upon an opinion of the Commission is an absolute defense to any action brought under this Code.
- d. **INVESTIGATION BY COMMISSION**
- i. The Commission may investigate any alleged violation of the Code specified in a written complaint which shall be signed by the complainant and addressed to the Commission, and shall include the name of the person alleged to have committed the violation and the specific act or acts which allegedly constituted the violation.
 - ii. The Commission shall review the complaint to determine whether or not the allegations contained therein constitute a violation of any provision of the Code. If the Commission determines that the complaint does not allege sufficient acts to constitute a violation, the Commission shall dismiss the complaint and duly notify the complainant and the person alleged to have committed the violation (the respondent). If the Commission determines that the complaint alleges sufficient facts to constitute a violation, the Commission shall fix a date for a hearing on the allegations contained in the complaint and shall give the respondent at least twenty (20) days notice of the hearing. Such hearing shall be conducted under the Commission's rules and regulations, which shall include the following:
 - a. Oral evidence shall be taken under oath;
 - b. The complainant and the respondent shall have the right to:
 1. be represented by legal counsel,
 2. present evidence, and
 3. examine and cross examine witnesses; and
 - c. The hearing shall be closed to the public unless the respondent requests otherwise.
 - iii. The Commission may, in its discretion, amend any complaint filed with it to include violations which it has reason to believe have been committed by the respondent, even though such violations were not originally encompassed in the complaint. Any such amendment shall be in writing and a copy shall be sent to the respondent. The Commission shall hold a hearing conducted under the Commission's rules and regulations.
 - iv. Within thirty (30) days after the conclusion of a hearing under clause ii. or iii. of paragraph d. of this Section, the Commission shall make a memorandum of its decision and shall furnish copies of the memorandum to the complainant and respondent. If the Commission determines that the respondent has violated the Code, the Commission shall file its memorandum of decision in the office of the Town Clerk, and shall furnish a copy to the Town Manager if the respondent is an

employee of the Town, or to the Board of Education if the respondent is an employee of that Board; and if the respondent is a member of an agency, the Commission shall send a copy to the Chairman of the agency.

- e. **EXPENSES AND COMPENSATION** The members of the Commission shall serve without compensation for their services. In the performance of its duties and in the exercise of its powers, the Commission shall not incur any expense in excess of the funds appropriated by the legislative body for such purpose.

Section 12. Severability

If any section, clause, provision, or portion of this Code shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision, or portion of this Code.

Section 13. Effective Date

This Code shall become effective fifteen (15) days after publication in a newspaper having a substantial circulation in the Town of Winchester.

Section 14. Distribution of Code

The Town Clerk shall cause a copy of this Code of Ethics, Ordinance 132, as amended, to be distributed to every current town official, member of any board, commission or agency and employee of the Town of Winchester, elected or appointed, paid or unpaid, within sixty (60) days of the enactment of this Section 14. Each town official, member of any board, commission or agency and employee elected or appointed subsequent to enactment of this Section 14 shall be furnished a copy of this Code of Ethics before entering upon the duties of his or her office or employment. A signed receipt for all copies shall be returned to the Town Clerk and retained on file.

**THE CODE ORIGINALLY BECAME EFFECTIVE SEPTEMBER 6, 1987,
AMENDED ON FEBRUARY 7, 2005 TO BE EFFECTIVE MARCH 2, 2005.**

SEC. 133 BAZAARS & RAFFLES

The Town of Winchester hereby adopts the provisions of Public Act 409 of the 1955 session of the General Assembly, entitled, "An Act Concerning Bazaars and Raffles", which act provides for the regulation and conduct of bazaars and raffles within the said Town of Winchester.

OPERATIVE JUNE 29, 1957.

SEC. 134 HEALTH STANDARDS FOR VOLUNTEER FIREMEN

- Section 1. As used in this ordinance, “active duty” shall mean the performance of all normal duties of firemen, and the term “non-responder” shall mean the status of a fireman who shall not respond or attend practices or drills, but who may attend meetings and exercise his right to vote.
- Section 2. When any member of the Fire Department shall be hospitalized for any reason, said member shall automatically be placed on the non-responder list immediately upon his hospitalization. Said member shall only be returned to active duty upon his presentation to the Chief or to his Deputy Chief of a written certification by a physician that said member is physically fit to return to active duty.
- Section 3. The Chief and/or officer in charge shall have authority at any emergency scene to order a fireman to obtain immediate medical treatment and diagnosis and to submit to the Chief within 24 hours thereof a report as to his medical condition. During said period the fireman shall be on non-responder status, and shall remain on such until the Chief is presented with written certification that said member is physically fit to return to active duty.
- Section 4. The Chief, or the Deputy Chief of a member’s company shall have the authority to request that a member of the Department be examined by a physician of the member’s choice (at the Department’s expense, if necessary) to determine the physical fitness of said member to be on active duty. Should a member so requested fail to obtain and present to the requesting officer within seven days of the date of said request, a written certification of a physician that said member is physically fit to be on active duty, the Chief or Deputy Chief of the member’s company shall have the authority to place said member on the non-responder list until such time as the member obtains such written certification. The total number of requests to any single member shall not exceed two per calendar year.
- Section 5. (a) Any member may request to be placed on the non-responder list. Such status shall be effective immediately upon request.
(b) Any member who has been on the non-responder list for 180 consecutive days or 180 total days in a 365 day period may, with or without his consent, be removed from the Department by a majority vote of said member’s company, or by action of the Chief.
(c) Any member who has been on the non-responder list for 365 days whether total or consecutive may be removed from the Department by the Chief.
- Section 6. Each member of the Fire Department shall be required to have a Department approved physical examination every three years, and those members of the Department who have reached their 40th birthdays shall be required to have annual, Department approved physical examinations, which annual examinations shall include an electrocardiogram. All of said examinations shall be at the expense of the Department, if necessary. Each member, when requested, shall present to the Chief or to the Deputy

Chief of his company, a written certification that said member is fit for active duty as a condition to signing over.

Section 7. Any member aggrieved by the procedures contained in these Sections shall have the right to appeal under the grievance procedures set forth in the Department's by-laws.

Section 8. Any member who is on the non-responder list and who performs any duty inconsistent with such status shall be subject to charges of insubordination and appropriate disciplinary action therefore.

Section 9. THIS ORDINANCE SHALL BECOME EFFECTIVE ON JANUARY 25, 1984.

SEC. 135 TOWN OF WINCHESTER MEMBERSHIP IN THE LITCHFIELD HILLS COUNCIL OF ELECTED OFFICIALS

Be it ordained by the Board of Selectmen of the Town of Winchester:

- Section 1. Resolved, that in accordance with the provisions of Sections 4-124c through 4-124h of the Connecticut General Statutes, as amended, the Town of Winchester hereby agrees to form and join a regional organization to be known as the Litchfield Hills Council of Elected Officials.
- Section 2. THIS ORDINANCE SHALL BECOME EFFECTIVE ON MAY 4, 1985.

SEC. 136 POSSESSION OF OPENED CONTAINERS OF ALCOHOLIC BEVERAGES PROHIBITED

Be it ordained by the Board of Selectmen of the Town of Winchester, Connecticut that the following ordinance is hereby amended as follows:

Section 1. Definitions:

- a) "Alcoholic Liquor" shall be defined as set forth in Section 30-1 of the Connecticut General Statutes, as amended
- b) "Parked Vehicle" shall be defined as any vehicle that is stationary whether the engine is running or not unless said vehicle is stopped in obedience to a traffic control signal or sign.
- c) "Public Highway" means a highway, road, street, avenue, alley, boulevard or other way within and under control of the Town of Winchester, and open to public use, including the sidewalks of any such highway.
- d) "Parking Area" means lots, areas or other accommodations for the use of parking of motor vehicles off the street or highway and open to public use with or without charge.
- e) "Recreation Area" means any park, playground, beach, or recreation area owned or used by the Town including the Soldiers' Memorial Park.

Section 2. Prohibited Acts:

The possession of any opened container holding an alcoholic beverage is prohibited on any public highway, parking area or recreation area within the Town of Winchester, except as permitted in Subsection 3 hereof.

Section 3. Exceptions:

The possession of opened containers of alcoholic beverages is permitted during any public function, festival or celebration being conducted pursuant to a written permit issued by the Chief of Police or person designated by the Chief to issue such permits.

Section 4. Permit Applications:

An application for a permit shall be in writing directed to the Chief of Police. The application shall state the name and address of responsible officials of the organization sponsoring the function, festival or celebration (event), shall specify the parts of the public highway, parking area or recreation area to be used during the event, specify the beginning and ending time of the event and if it continues for more than one (1) day, the hours in each day it is to be conducted, the approximate number of people to be in attendance and whether the event is open to the public.

The application shall be filed at least ten (10) days prior to the first day of the event. The permit shall be issued or denied in writing at least four (4) calendar days before the first day of the event. The permit shall be issued if all of the required information is provided, the application is made at least ten (10) days before the event, and the Chief of Police or his designee determines that the event will be open to the public and all necessary permits, licenses, and approvals have been obtained from all necessary

government authorities, including, but not limited to, the State Department of Liquor Control.

Section 5.

Penalty:

Any person who violates any provision of this Ordinance shall be fined \$90.00. EFFECTIVE JUNE 11, 1985; AS AMENDED AT BOARD OF SELECTMEN MEETING SEPTEMBER 18, 1995, PUBLISHED IN REGISTER CITIZEN OCTOBER 20, 1995 WITH AMENDMENTS EFFECTIVE NOVEMBER 4, 1995.

**SEC. 137 SOLDIERS' MONUMENT COMMISSION CREATED AND
POWERS GRANTED**

- Section 1. There is hereby created in the Town of Winchester a commission known as "Soldiers' Monument Commission". The Commission shall consist of nine (9) members, to be appointed by the Board of Selectmen. Members of said Commission shall serve for terms of five (5) years or until their successors are appointed except that the members of said Committee first appointed shall be appointed for such terms that the terms of three (3) members shall expire five (5) years from their appointment, three members' terms shall expire three (3) years from their appointment, and three (3) members' terms shall expire four (4) years from their appointment. Any vacancy occurring otherwise than by expiration of term shall be filled by the Selectmen for the unexpired portion of the term.
- Section 2. The Commission shall have the power and is authorized to develop policy concerning the proper use and maintenance of the Soldiers' Monument and shall make recommendations to the Board of Selectmen for actions necessary and appropriate to preserve and safeguard said structure and its surroundings.
- Section 3. This Ordinance shall become effective on July 8, 1985.

SEC. 138 BICYCLE ORDINANCE

Section 1. No person shall ride a bicycle, including any forward movement of the bicycle, whether one foot or two feet are on the pedals on the sidewalk of Main Street from its intersection with Park Place West to its intersection with Monroe Place.

Section 2. Whenever any person is lawfully riding a bicycle upon any sidewalk, such person shall yield right-of-way to any pedestrian and shall give audible signal before taking overtaking and passing such pedestrian.

Section 3. Any person who violates this Ordinance shall be fined not more than twenty-five (\$25) dollars for each offense.

Section 4. This Ordinance shall become effective on July 8, 1985.

**SEC. 139 HIGHLAND LAKE, PROTECTION OF QUALITY OF WATER AT
REGULATION OF ACTIVITIES ON SAID WATERS**

- Section 1. The protection of the quality of water at Highland Lake and the regulation of activities on said waters are hereby declared necessary for the protection of the health, property, safety and welfare of the public.
- Section 2. The following activities are prohibited at Highland Lake:
- a. The dumping or depositing of any garbage, litter, refuse, rubbish, human or animal waste, or other foreign material into the waters of the lake.
 - b. The abandonment on the water or shorefront of any metal drums or other material formerly used as docks, wharves, or other flotation apparatus on the water.
 - c. The abandonment on the water, shorefront, or lake bottom of any sports equipment or related device.
 - d. The use of metal drums for docks, wharves, or other flotation apparatus, however, owners of existing docks or other flotation devices now using metal drums shall be given until July 1, 1987 to replace same with an acceptable alternative material.
- Section 3. The term "abandonment" is defined as a surrendering of all rights to an article of property with the intention of not claiming any future rights to same.
- Section 4. Any person who violates any provision of this Ordinance shall be fined not more than one hundred (\$100) dollars; or be imprisoned not exceeding thirty (30) days, or be both fined and imprisoned.

**THIS ORDINANCE SHALL BECOME EFFECTIVE ON JULY 22, 1985; AS
AMENDED EFFECTIVE NOVEMBER 12, 1985.**

**SEC. 140 ADDITIONAL TAX ASSESSMENT EXEMPTION FOR THE
BLIND**

Section 1. The Town of Winchester hereby enacts the provisions of Public Act #85-165 authorizing an additional tax assessment exemption of up to \$2,000 to qualifying blind individuals.

Section 2. This Ordinance shall become effective on August 12, 1985.