

SEC. 111 DRIVING VEHICLES OVER FIRE HOSE FORBIDDEN

No person will be allowed to drive over the hose with any vehicle, in any street or highway while it is in use for purpose of extinguishing fires or for any other purpose. And it shall be the duty of the Chief, his Deputies or any member of the Fire Department to rigidly enforce this Section, and any violation thereof shall be punished or fined as allowed by Connecticut General Statutes.

AMENDED MAY 6, 2013; PUBLISHED IN THE REGISTER CITIZEN MAY 10, 2013 AND EFFECTIVE JUNE 3, 2013.

SEC. 112 REMOVAL OF CHIEF, DEPUTY OR MEMBER

Section 1. The Board of Selectmen shall have the right, as hereinafter set forth, to remove the Chief or any of his Deputies, or any member of any Fire Company. The Fire Companies shall have the power to make rules for their own government, subject to the approval of the Board of Selectmen, not inconsistent with the Charter of the Town of Winchester or any of the By-Laws or Ordinances made by the Board of Selectmen.

Section 2. The right of the Board of Selectmen to remove any of the Deputies, or any member of the Fire Company, shall be exercised only after all internal disciplinary procedures of the Department have been exhausted. The Board of Selectmen shall serve as an appeal board of last resort only for disciplinary matters affecting personnel of the Fire Department.

OPERATIVE JULY 1, 1960 AND AMENDED EFFECTIVE NOVEMBER 12, 1985.

SEC. 113 ORDINANCE REGULATING DOGS

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

(a) Impoundment Fees

The owner of any dog impounded as provided by law shall be responsible for payment to the Town of Winchester all costs and charges incurred by the Town incident to the impounding, maintenance and care of said dog, including veterinarian's fees for its necessary treatment.

(b) Securing of Dogs in Heat

Any person owning or having the custody of a female dog in heat shall confine the same in an inside enclosed area except when actually being walked on a leash.

(c) Removal of Dog Litter

It shall be unlawful for any person owning, keeping, walking or in control of any dog to allow or permit such animal to defecate upon any private property owned by another person, common areas of a condominium or public property including, but not limited to parks, streets, sidewalks, beaches, town greens, playgrounds and recreation fields unless such person shall remove all feces so deposited by such animal before leaving the immediate premises and dispose of said feces in a sanitary manner. A person will be considered to have disposed of feces in a sanitary manner if such person places such material in a bag or wrapper made of paper, plastic or some similar material and places it in a refuse container which is regularly emptied by the Town of Winchester or some other refuse collector, or otherwise disposes of such material on their own property.

(d) Responsibility of Parent

If said owner, keeper, or person walking or in charge of said dog is a juvenile, than the parent or guardian of said juvenile shall also be deemed to have committed such offense.

(e) Exemptions

The following are exempted from Section (c) of this Ordinance.

- (1) Dogs that are on the property of their owners or custodians, or where the dog owner or custodian has the permission of the property owner.
- (2) Any dog owned by the Winchester Police Department and used for law enforcement purposes.
- (3) Any dog which serves as a guide dog while such dog is accompanying a blind person.
- (4) Any dog in the control of or being walked by a person who is physically unable to remove said feces.

(f) Penalty

Any person who violates Sections (a) or (b) of this Ordinance shall be subject to a fine of \$90.00. Any person who violates Section (c) or (d) shall be subject to a fine of \$25.00.

OPERATIVE JULY 1, 1973; AMENDED AT SELECTMEN'S MEETING OF FEBRUARY 7, 1994; SAID AMENDMENTS TO BECOME EFFECTIVE FIFTEEN DAYS AFTER PUBLICATION. PUBLISHED IN THE REGISTER/CITIZEN FEBRUARY 25, 1994; EFFECTIVE MARCH 12, 1994.

SEC. 114 ORDINANCE CREATING AN INLAND WETLANDS AND WATER COURSE AGENCY

- (a) The Inland Wetlands and Water Courses of the Town of Winchester are a vital natural resource with which the citizens have been endowed. They are essential to maintain a purified and adequate water supply, to control flooding and erosion, and to preserve the existence of animal, aquatic, and plant life.

The preservation and protection of these wetlands and water courses from unregulated deposition, filling, or removal of material, the diversion or obstruction of water flow, the erection of structures, and other uses which despoil, pollute, and eliminate wetlands and water courses is in the public interest and is essential to the health, welfare, and safety of the citizens of the Town.

It is, therefore, the purpose of this ordinance to protect the citizens of the Town of Winchester by making provisions for the preservation, maintenance and use of the Inland Wetlands and Water Courses of the Town.

- (b) The Inland Wetland and Water Course Agency shall be composed of nine (9) members who shall be drawn from the citizens at large, and who shall be appointed by the Board of Selectman to serve for terms of three (3) years, except that the members first appointed shall be appointed for such terms that the terms of three (3) members shall expire at the end of each year for the next three years.

Five (5) members shall be necessary to form a quorum.

In addition, the First Selectman, the Superintendent of Public Works, and Health Officer and the Town Manager shall be ex-officio members of the Agency.

- (c) The Agency shall have all the power and responsibilities authorized under Public Act #155, as amended.

**ADOPTED AT ANNUAL TOWN MEETING HELD OCTOBER 1, 1973,
OPERATIVE OCTOBER 17, 1973. AS AMENDED MARCH 3, 1975, AND
FURTHER AMENDED NOVEMBER 24, 1980.**

SEC. 115 ORDINANCE REGULATING ROOMING HOUSES

Definitions:

- Boarding House:** A rooming house where a meal or meals are provided to tenants. The same regulations applying to a rooming house shall apply to a boarding house.
- Apartment or Rental Unit:** An apartment or rental unit consists of one (1) or more rooms accessible by one or more private entrances. Each apartment or rental unit shall contain a private bathroom complete with flush water closet, lavatory and tub or shower with hot and cold running water, all in good working order. A stove and refrigerator supplied by either the landlord or tenant and a sink shall be present.
- Rooming House:** Any dwelling or that part of any dwelling containing one or more rooming units in which space is occupied by two (2) or more persons who are not members of a single family.
- Rooming Unit:** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

- Section 1** This Ordinance governs the use of rooming houses, rooming units, and boarding houses, and does not govern apartments or rental units defined above.
- Section 2** No person shall operate a rooming house unless he holds a rooming house license issued by the Town of Winchester Director of Health or his agent. Said license shall be issued only after an inspection of the premises by said Director of Health or his agent and the Fire Marshal. The inspection shall confirm compliance with the requirements of room size, lighting, ventilation, window size and general sanitation requirements of the State Health Department and local ordinances.
- Section 3** Each rooming house or unit shall be inspected at least once a year by the Director of Health or his agent and the Fire Marshal, and said persons may revoke the license immediately if conditions so warrant.
- Section 4** A license cannot be transferred without first notifying the Director of Health by "Registered Mail".
- Section 5** A rooming house license must be renewed on a yearly basis by making application at least two (2) weeks prior to expiration date. The Director of Health or his agent and the Fire Marshal shall inspect the premises before the license is renewed.
- Section 6** Each rooming house or rooming unit shall conform to the following:
- (a) At least one (1) flush water closet, lavatory basin, and tub or shower, all in good working order with hot and cold running water shall be available for each six (6) persons or part thereof residing in a rooming house including the family of the owner or operator. Such facility shall not be located in the basement or cellar and shall not be reached by passing through any other room.

- (b) Linen supplied by the owner or operator shall be changed every week.
- (c) The door of each sleeping room shall be equipped with an operating lock. No padlocks will be permitted.
- (d) Rooming units must contain at least 80 square feet of floor area, excluding closet space, for the first occupant and not less than 60 additional square feet for each additional occupant of the same room, excluding closet space.
- (e) The window area of each rooming unit shall not be less than 10% of the floor area except where adequate air-conditioning and lighting are provided.
- (f) Access and egress to each unit shall not be through another unit.
- (g) No basement or cellar area shall be used or converted to rooming units unless provision is made for at least two means of egress remote from each other, such as a hatchway door and a window of sufficient size for an adult to use as an escape route if necessary, in addition to any stairway from the cellar to the first floor.

Section 7 The fee for a rooming house license shall be \$15.00.

Section 8 If any section of this Ordinance is found to be unconstitutional the remaining portions of the Ordinance shall remain in force.

Section 9 Any person who shall violate any provision of this Ordinance or any order of the Director of Health in the enforcement of this Ordinance, shall be subject to a fine of not more than one hundred dollars. Each day's neglect or refusal to comply with an order of the Director of Health shall constitute a separate offense.

OPERATIVE APRIL 1, 1974.

SEC. 116 ORDINANCE FOR THE REGULATION OF SPECIAL EVENTS

Section 1. The regulation of Special Events and the supervision of such events are hereby declared necessary for the protection of the health, property, safety and welfare of the public.

Section 2. *Definition of Terms:* As used in this Ordinance unless the context otherwise indicates, the term "Special Events" shall mean any public gathering of more than five hundred (500) persons but less than three thousand (3,000) persons assembled at one time for one (1) particular event held out of doors. The term "Special Events" shall not be interpreted to include the normal operation of existing enterprises.

Section 3. No special event shall be held without a valid license. Application for license for the holding of such a performance shall be made to the Board of Selectmen at least thirty (30) days before the opening day of the proposed performance, except that the Board of Selectman may, for good cause, waive this thirty-day requirement. A public hearing may be held if the same is deemed necessary or advisable by the Board of Selectmen. Such public hearing shall be held not more than ten (10) days after receipt of the application after public notice in a newspaper having a circulation in said Town at least three (3) days before the day of such hearing. The application shall be granted or denied within five (5) days after such hearing and if no hearing is held, the application shall be granted or denied within fifteen (15) days after receipt of the application.

Section 4. The application for such a license shall be made in the name of the person or persons, corporation, club or association responsible for the presentation. A fee of \$25.00 shall be paid at the time of the application except that no fee shall be required of a charitable or non-profit organization. The application shall contain the following information under oath:

- a. Names of applicants and if a partnership, the names of all partners. If a corporation, club or association, the names of the officers thereof.
- b. The residence of the applicants.
- c. Age of all the applicants; if a corporation, club or association, the date incorporated or organized under the laws of what state.
- d. Type of business or activity.
- e. Whether the applicants, or if a corporation, club or association, the officers thereof, have ever been convicted of a crime.
- f. Description of the type of event to be held and dates and hours to be held. No license shall be valid for more than three (3) consecutive days.
- g. Location where event will be held.
- h. That the proposed activity will comply with the Town's zoning regulations.

- i. Anticipated maximum number of persons who will be assembled at one time for the event: No persons in excess of this number shall be permitted within the confines of the site of the event.
- j. Plot plan or sketch of facilities and description of plans to comply with local, state and other applicable standards for:
 - 1. Parking
 - 2. Food Services
 - 3. Drinking Water
 - 4. Toilets
 - 5. Lodging
 - 6. Fire Prevention
 - 7. Fire Protection
 - 8. Refuse Disposal
 - 9. Law Enforcement
 - 10. Traffic Control
 - 11. First Aid
- k. The facilities described shall be subject to review by the Fire Marshal, Building Official, Chief of Police and Director of Health of the Town within forty-eight (48) hours of the time that the event is scheduled to begin.

Section 5. Licenses shall be granted by the Board of Selectman only to suitable persons over 18 years of age or corporations, clubs, or associations whose officers are all over 18 years of age and upon a finding that the business or activity in such a location is a bona fide and otherwise lawful one and after ascertaining that adequate provision has been made to meet the requirements for the items specified in Section 4j. of the ordinance and these items have been approved by the authorities designated in Section 4k.

Section 6. No license may be transferred by a licensee to any other person, corporation, partnership, club or association. The licensee shall maintain proper sanitary conditions and continue to provide adequate standards for all items covered by the application throughout the period of the activity and shall be responsible for payment of police officers needed and other expenses incurred to comply with this ordinance for the period of the activity.

Section 7. The Board of Selectman shall have the power to revoke any license issued hereunder for cause, after due notice. Cause shall be deemed to include, but shall not be limited to, false information in the application for a license knowingly given, failure to show good intent to comply with the condition under which the license has been granted, any violation of this ordinance or conviction of a crime involving moral turpitude subsequent to the issuance of the license.

Section 8. Any person, corporation, partnership, club or association violating any of the provisions of this Ordinance shall be fined not more than one hundred (\$100) dollars or be imprisoned, not exceeding thirty days, or both, for each offense. Each day on which any provision of this Ordinance is violated shall constitute a separate offense.

Section 9. Each separate provision of this Ordinance shall be deemed independent of all other provisions herein and if any provision of this Ordinance shall be declared invalid, all other provisions thereof shall remain valid and enforceable.

OPERATIVE AUGUST 12, 1974.

SEC. 117 AMBULANCE SERVICE

The furnishing of ambulance service in the Town of Winchester by the Winsted Area Ambulance Association, Inc., and appropriations therefore by the Town, in the manner approved by law, are hereby authorized.

ADOPTED AT SPECIAL TOWN MEETING HELD DECEMBER 6, 1976.

**SEC. 118 ORDINANCE EXEMPTING SOLAR ENERGY HEATING OR
COOLING FROM ASSESSMENT**

- (a) Any building or addition to a building, the construction of which is commenced on or after October 1, 1976, and before October 1, 1991, which is equipped with a solar energy heating or cooling system, to the extent of the amount by which the assessed valuation of such real property equipped with such solar heating or cooling system exceeds the assessed valuation of such real property equipped with the conventional portion of the heating or cooling system, exclusive of any portion of such system related to solar energy, is exempt from assessment. This exemption shall only apply to the first fifteen assessment years following construction of such building or addition.
- (b) As used herein, "solar heating or cooling system" means equipment, including windmills and waterwheels, which provides for the collection, transfer, storage and use of incident solar energy for water heating, space heating or cooling which absent such solar energy system would require a conventional energy resource, such as petroleum products, natural gas or electricity and which means standards established by regulation by the commissioner of planning and energy policy.
- (c) Any person who desires to claim the exemption provided herein shall file with the Assessor within thirty days following the annual assessment date, written application claiming such exemption on a form as prescribed by the Tax Commissioner. Failure to file such application in said manner and form within the time limit prescribed shall constitute a waiver of the right to such exemption for the assessment year.

OPERATIVE APRIL 15, 1978.

SEC. 119 FLOOD DAMAGE PREVENTION ORDINANCE

SECTION 1.0

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 Statutory Authorization

The Legislature of the State of Connecticut has in the Connecticut General Statutes delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Selectman of the Town of Winchester acting herein pursuant to the Charter of the Town of Winchester does ordain as follows:

1.2 Findings of Fact

- 1) The flood hazard areas of the Town of Winchester are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- 2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designated:

- 1) To protect human life and health;
- 2) To minimize expenditure of public money for costly flood control projects;
- 3) To minimize the need for the rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 4) To minimize prolonged business interruptions;
- 5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- 6) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- 7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- 8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 Methods of Reducing Flood Losses

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- 1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- 2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- 3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- 4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
- 5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

“Appeal” means a request for a review of the enforcement officer’s interpretation of any provision of this ordinance or a request for a variance.

“Area of shallow flooding” means a designated AQ or VO Zone of the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable, and indeterminate; and, velocity flow may be evident.

“Area of special flood hazard” means the land in the flood plain within a community subject to a one percent or greater change of flooding in any given year.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Development” means any man-made change to improve or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

“Existing mobile home park or mobile home subdivision” means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the

pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

“Expansion to an existing mobile home park or mobile home subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland or tidal waters and/or
- 2) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Insurance Rate Map” (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Habitable floor” means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a “habitable floor”.

“Mobile home” means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of this ordinance.

“New mobile home park or mobile home subdivision” means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

“Start of construction” means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land

preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

"Structure" means a walled and roofed building or mobile home that is principally above ground.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 1) Before the improvement or repair is started, or
- 2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however include either:

- 1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- 2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

SECTION 3.0

GENERAL PROVISIONS

3.1 Lands to Which This Ordinance Applies

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Town of Winchester.

3.2 Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Winchester" dated January, 1978, with accompanying Flood Insurance Rate Maps is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Office of the Zoning Administrator, 338 Main Street, Winsted, Connecticut.

3.3 Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

3.4 Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

- 1) Considered as minimum requirements;
- 2) Liberally construed in favor of the governing body, and
- 3) Deemed neither to limit nor repeal any other powers granted under state statutes.

3.6 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Winchester, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 4.0

ADMINISTRATION

4.1 Establishment of Development Permit

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the enforcement officer and may include, but not be limited to: plans in duplicate drawn to scale showing the nature,

location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- 1) Elevation in relation to mean sea level, of the lowest floor (including basement of all structures);
- 2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- 3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2-2; and,
- 4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 Designation of the Enforcement Officer

The Zoning Administrator is hereby appointed to administer and implement this Ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 Duties and Responsibilities of the Enforcement Officer

Duties of the Enforcement Officer shall include, but not be limited to:

4.3-1 PERMIT REVIEW

- 1) Review all development permits to determine that the permit requirements of this ordinance has been satisfied.
- 2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- 3) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this Ordinance, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.

4.3-2 USE OF OTHER BASE FLOOD DATA

When base flood elevation data has not been provided in accordance with Section 3.2, **Basis For Establishing The Areas Of Special Flood Hazard**, the Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Sections 5.2-1, **Specific Standards, RESIDENTIAL CONSTRUCTION**, and 5.2-2, **Specific Standards, NONRESIDENTIAL CONSTRUCTION**.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- 1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures.

- 2) For all new or substantially improved floodproofed structures:
 - i. Verify and record the actual elevation (in relation to mean sea level), and
 - ii. Maintain the floodproofing certifications required in Section 4.1 3).
- 3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

- 1) Notify adjacent communities and the Department of Environmental Protection prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

4.3-5 INTERPRETATION OF *FIRM* BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4.

4.4 Variance procedure

4.4-1 APPEAL BOARD

- 1) The Zoning Board of Appeals as established by the Town of Winchester shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- 2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the enforcement officer in the enforcement or administration of this ordinance.
- 3) Those aggrieved by the decision of the Zoning Board of Appeals, or any taxpayer, may appeal such decision to the Superior Court, as provided in Chapter 124 of the Connecticut General Statutes.
- 4) In passing upon such applications, the Zoning Board of Appeals consider all technical evaluation, all relevant factors, standards specified in other sections of this Ordinance, and:
 - i. The danger that materials may be swept onto other lands to the injury of others;
 - ii. The danger to life and property due to flooding or erosion damage;
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. The importance of the services provided by the proposed facility to the community;
 - v. The necessity to the facility of a waterfront location, where applicable;

- vi. The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
 - vii. The compatibility of the proposed use with existing and anticipated development;
 - viii. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - ix. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - x. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- 5) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 4.4-1 4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - 6) Upon consideration of the factors of Section 4.4-1 4) and the purposes of this Ordinance, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.
 - 7) The enforcement officer shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

- 1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- 2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 4) Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or

victimization of the public as identified in Section 4.1-4 4), or conflict with existing local laws or ordinances.

- 5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation.

SECTION 5.0

PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 General Standards

In all areas of special fixed hazards the following standards are required:

5.1-1 ANCHORING

- 1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- 2) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - i. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;
 - ii. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;
 - iii. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
 - iv. Any additions to the mobile home be similarly anchored.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

- 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- 3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 SUBDIVISION PROPOSALS

- 1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- 2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- 3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- 4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

5.2 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2 Basis for Establishing the Areas of Special Flood Hazard or Section 4.3-2 USE OF OTHER BASE FLOOD DATA, the following provisions are required:

5.2-1 RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

5.2-2 NONRESIDENTIAL CONSTRUCTION

New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall:

- 1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- 3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 4.3-3 2).

5.2-3 MOBILE HOMES

- 1) Mobile homes shall be anchored in accordance with Section 5.1-1 2).
- 2) For new mobile home parks and mobile home subdivisions; expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:

- i. Stands or lots are elevated on compacted fill or on pilings to that the lowest floor of the mobile home will be at or above the base flood level;
 - ii. Adequate surface drainage and access for a hauler are provided; and
 - iii. In the instance of elevation on pilings, that:
 - Lots are large enough to permit steps,
 - Piling foundations are placed in stable soil no more than ten feet apart, and
 - Reinforcement is provided for pilings more than six feet above the ground level.
- 3) No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

5.3 Floodways

Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- 1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- 2) If Section 5.3 1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0 Provisions for Flood Hazard Reduction.
- 3) Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.

OPERATIVE JULY 15, 1978

SEC. 120 STREET NUMBERS

- a) Whenever the Planning and Zoning Commission orders the owners of any building or any street to number or renumber such buildings, notice of such order shall be published twice in a newspaper having a circulation in the Town, and a copy of such order shall likewise be mailed to all non-resident owners of such buildings. The owners of such buildings shall number or renumber such buildings in accordance with the order of the Planning and Zoning Commission within thirty days after publication and/or mailing of such order.
- b) Numbers provided for by sub-section a) herein shall be permanently affixed to such building in a conspicuous place at or near the front entrance to such building. The figures used in numbering shall be not less than three (3) inches in height and of a conspicuous color.
- c) It shall be unlawful for the owner of any building to place or maintain any number on such building which does not correspond to the number assigned such building by the Planning and Zoning Commission.
- d) It shall be unlawful for any person to remove, destroy, deface, or in any way to injure any properly established building number.
- e) Any person who shall violate any provision of this Ordinance shall be subject to a fine of not more than twenty-five (\$25) dollars.

OPERATIVE SEPTEMBER 24, 1979