

SEC. 121 DISPOSITION OF GARBAGE AND REFUSE

- a) The word "garbage" as used in this ordinance is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food. The word "Litter" is "garbage", "refuse" and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare. The word "person" is any person, firm, partnership, association, corporation, company or organization of any kind. The word "refuse" is all putrescible and non-putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes. The word "rubbish" is non-putrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, wrappings, cigarettes, cardboard, tin cans, glass, crockery, and similar materials. The word "public receptacle" is a litter storage and collection receptacle owned and maintained by the Town of Winchester. The word "authorized private receptacle" is a litter storage and collection receptacle as required and authorized by Section 22 of these By-Laws and Ordinances.
- b) No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the Town of Winchester except in public receptacles or in authorized private receptacles for collection.
- c) Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.
- d) No person shall deposit in a public receptacle litter which is generated from private domestic sources and said litter shall only be deposited in authorized private receptacles.
- e) No person, including persons owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place within the Town of Winchester the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
- f) No person shall throw or deposit litter in any park within the Town of Winchester except in public receptacles and in such manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.
- g) No person shall damage, deface or destroy in any way the public receptacles maintained by the Town of Winchester.
- h) Any person who violates any of the provisions of this Ordinance shall be punishable by a fine of not less than \$50 nor more than \$100. In addition thereto, in the discretion of the court, such person may be directed to pick up and remove from any public place or any private property, with prior permission of the legal owner, upon which it is established that such person has deposited litter, any or all litter deposited thereon by anyone prior to the execution of sentence.

OPERATIVE NOVEMBER 19, 1979.

SEC. 122 AN ORDINANCE TO EFFECT THE WITHDRAWAL OF THE TOWN OF WINCHESTER FROM THE LITCHFIELD HILLS REGIONAL PLANNING AGENCY

1. Pursuant to Connecticut General Statutes Section 8-36a, the Town of Winchester hereby declares its intent to withdraw from the Litchfield Hills Regional Planning Agency, such withdrawal to be effective six (6) months from the effective date of this Ordinance, in accordance with the provisions of law.
2. Upon the effective date of the withdrawal of the Town of Winchester from the said Litchfield Hills Regional Planning Agency, the Ordinance effecting participation of the Town of Winchester in the then designated Torrington-Winchester Planning Region, and the Ordinance entitled "AN ORDINANCE AUTHORIZING PARTICIPATION IN REGIONAL PLANNING" ADOPTED OCTOBER 3, 1966 AND EFFECTIVE OCTOBER 20, 1966, AND ALL AMENDMENTS THERETO, SHALL BE DEEMED NULL AND VOID AND OF NO FURTHER EFFECT, WITHOUT FURTHER ACTION.

EFFECTIVE APRIL 28, 1980

SEC. 123 AN ORDINANCE ADOPTING THE PROVISIONS OF PUBLIC ACT NO. 81-340 CONCERNING MUNICIPAL LIABILITY FOR ICE AND SNOW ON PUBLIC SIDEWALKS

Section 1 The provisions of Public Act No. 81-340 are hereby adopted, and are set forth in Sections 2 and 3 hereof.

Section 2 Notwithstanding the provisions of Section 13a-149 of the General Statutes or any other statute or special act, the Town of Winchester shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the Town of Winchester is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or a street, provided the Town of Winchester shall be liable for its affirmative acts with respect to such sidewalk.

Section 3 (a) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the municipality had prior to the effective date of this ordinance adopted pursuant to the provisions of Public Act No. 81-340 and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.

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

EFFECTIVE JANUARY 11, 1982

SEC. 124 PROPERTY MAINTENANCE CODE

Be it ordained by the Board of Selectmen of the Town of Winchester, Connecticut that Section 124 of the By-Laws and Ordinances is hereby amended as follows:

Section 1. Adoption of Property Maintenance Code

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 the "International Property Maintenance Code, 2006 Edition" as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Town of Winchester, in the State of Connecticut for regulating and governing the conditions and maintenance of all property, buildings and structures as herein provided; and each and all of the regulations of the International Property Maintenance Code, 2006 Edition and as amended, are hereby referred to, adopted, and made a part thereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, prescribed in Section 4 of this ordinance.

Section 2. Inconsistent Ordinance Repealed

That Ordinance entitled Housing Code, Operative October 15, 1966, as amended, of the Town of Winchester, County of Litchfield, State of Connecticut, and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3. Saving Clause

That nothing in this Ordinance or in the International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquitted, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Additions to Code Text and Adopting Ordinances

That the International Property Maintenance Code is amended and revised in the following respects:

- (Amd) **101.1 Title.** These regulations shall be known as the *Property Maintenance Code* of The Town of Winchester, herein referred to as "this code".
- (Amd) **102.3 Application of other Codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Connecticut State Building Codes, and the Connecticut State Fire Codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Winchester Zoning Regulations.
- (Amd) **Section 103 DIVISION OF PROPERTY MAINTENANCE**
- (Amd) **103.1 General.** The division of property maintenance inspection, shall be part of the Town of Winchester's Building Department

- (Amd) **302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however this term shall not include cultivated flowers and gardens.

- (Amd) **304.14 Insect Screens.** Every door, window and other outside opening required for ventilation of habitable rooms, shall be supplied with an approved tightly fitting screen.

AMENDED SELECTMEN'S MEETING MARCH 1, 1999, PUBLISHED MARCH 2, 1999 EFFECTIVE MARCH 17, 1999; FURTHER AMENDED FEBRUARY 17, 2009; PUBLISHED IN THE REPUBLICAN-AMERICAN FEBRUARY 19, 2009; TO BE EFFECTIVE MARCH 6, 2009.

SEC. 125 WAIVER OF MINIMUM TAXES

Section 1. In accordance with Section 12-144c of the Connecticut General Statutes, as amended, the payment of any property tax due and owing the Town of Winchester in an amount less than three (3) dollars shall be waived.

EFFECTIVE MARCH 15, 1982.

**SEC. 126 ORDINANCES CREATING A MUNICIPAL DISTRICT AND
CONVENTION AND VISITORS COMMISSION FOR
NORTHWEST CONNECTICUT**

Resolved, that it be recommended the Town of Winchester, acting herein by a Town meeting, its legislative body, and pursuant to Section 7-330 of the Connecticut General Statutes, hereby votes to form and join a municipal district known as Litchfield Hills Travel Council for the purpose of establishing a convention and visitors commission pursuant to Section 7-136 (a) (c) of the statutes, as amended by Public Act 81-147.

EFFECTIVE APRIL 6, 1982.

SEC. 127 PENALTIES FOR VIOLATIONS OF PARKING REGULATIONS

Be it ordained by the Board of Selectman of the Town of Winchester, Connecticut that Section 127 of the By-Laws and Ordinances is hereby amended as follows:

Section 1: The following shall be Class 1 parking violations:

1. Parking vehicle on crosswalk
2. Parking over 12" from curb
3. Parking on wrong side of street
4. Double parking
5. Parking too near corner
6. Parking in a posted restricted place
7. Overtime violation of posted regulation
8. Overnight restriction
9. Obstructing driveway
10. Overtime meter

Section 2: The following shall be Class 2 parking violations:

1. Parking too close to hydrant

Section 3: The following shall be Class 3 parking violations:

1. Parking in a posted handicapped area
2. Parking in a fire lane

Section 4: Penalties for violations of this parking regulation are as follows:

- a. A fine of \$15 for a Class 1 violation
- b. A fine of \$50 for a Class 2 violation
- c. A fine of \$100 for a Class 3 violation
- d. All fines shall double if the penalty is not paid within SEVEN days.

Section 6: Payment of penalties provided for herein shall be made to the Town of Winchester Finance Department, 338 Main Street, Winsted, Connecticut.

Section 7: APPEALS from this penalty may be made to the Chief of Police within seven days of the date of the notice.

Section 8: TOWING OF MOTOR VEHICLES WITH UNPAID PARKING VIOLATIONS:

- A. When any motor vehicle is found to be in arrears of \$100.00 or more for unpaid parking violations, the Police Department may remove, or cause to be removed by towing, the motor vehicle to a public or private garage or to a lot maintained for such purpose or may use a vehicle immobilization device upon the motor vehicle. Such removal shall be at the risk and cost to the owner of the vehicle.

- B. The Police Department, pursuant to the General Statutes, shall notify the owner of the fact of the vehicle's towing. Such notification shall inform the owner where the vehicle may be recovered and the conditions under which it will be released.
- C. The owner or person in charge of such vehicle shall not be permitted to remove the vehicle from the custody of the Police Department until he shall furnish evidence of his identity and ownership, and right of possession to such vehicle and,
 - i. Shall pay to the Police Department any and all sums legally due for the Town of Winchester - City of Winsted parking violations issued and/or penalties accrued and outstanding against said vehicle. Such payment will be made by way of cash, certified check or money order.
 - ii. Must pay all the towing and storage charges for said vehicle.
 - iii. Shall sign a receipt for such a vehicle.

AS AMENDED JANUARY 22, 1979; AMENDED JUNE 12, 1992; FURTHER AMENDED AUGUST 19, 2002; AMENDED JUNE 2, 2003; PUBLISHED JUNE 11, 2003; TO BECOME EFFECTIVE JUNE 26, 2003.

SEC. 128 REGULATION OF CONDUCT AT RECREATION FACILITIES

Section 1. Town Beaches

The following activities are prohibited on the Town Beaches known as Holland Beach and Resha Beach located at Highland Lake:

- a. Possession of or walking of dogs or other animals
- b. Possession or use of gasoline
- c. Starting or maintaining a fire without a permit from the Recreation Board
- d. Depositing or dumping garbage or refuse anywhere other than in trash receptacles
- e. Possession or use of glass containers
- f. Use of motor vehicles or bicycles by any party other than one in or on an authorized Town vehicle
- g. Launching of boats from the beach
- h. Fishing within fifty (50) feet of a designated swimming area

Section 2. Athletic Fields

The following activities are prohibited on the Town athletic fields except as hereinafter set forth:

- a. Possession or use of glass containers
- b. Bicycle riding on infield areas of athletic fields and bicycle riding while organized activities are in progress
- c. Use of metal detector devices
- d. Night crawling or digging for worms
- e. Practice of golfing
- f. Use of fields during the hours of one-half hour after sun-down to one-half hour before sun-up, except for lighted activities approved by the Town Recreation Director

Section 3. Town Tennis Courts

The following activities are prohibited on Town tennis courts:

- a. Any use other than tennis
- b. Possession or use of glass containers
- c. Playing of tennis in any shoes other than tennis sneakers or non-marking shoes
- d. Use of courts for private, paid tennis lessons
- e. Intentional throwing of rackets or striking of the tennis nets or court surfaces with the racket

Section 4. Penalties of Violations

Any person who violates any provision of this Ordinance shall be fined not more than one hundred (\$100) dollars.

EFFECTIVE AUGUST 9, 1982.

SEC. 129 LAUREL CITY COMMISSION

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

Section 1. There is hereby created in the Town of Winchester a commission known as "The Laurel City Commission". The Commission membership shall be increased by no less than 11, nor more than 25 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 Commission first appointed shall be appointed for such terms that the terms of two (2) members' shall expire three (3) years from their appointment, and two (2) 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 power to take action appropriate for the purpose of perpetuating Winsted as the "Laurel City" of Connecticut, promoting an annual Laurel Festival and encouraging the growth of laurel throughout the Town, particularly on Town owned property.

EFFECTIVE NOVEMBER 15, 1982; AMENDED JANUARY 22, 1991 AND FURTHER AMENDED APRIL 5, 2004 AND PUBLISHED IN THE REPUBLICAN AMERICAN APRIL 8, 2004 TO BECOME EFFECTIVE APRIL 23, 2004.

SEC. 130 ORDINANCE FOR THE REGULATION OF TRASH AND RUBBISH DUMPSTERS

Section 1. The regulation of the use of rubbish dumpsters is 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, the terms "dumpster" shall mean any receptacle used for the storage of trash, rubbish, and garbage, which receptacle is placed out of doors and which is emptied by means of a garbage truck picking it up and dumping same.

Section 3. Any person or establishment owning or maintaining a dumpster on his or its premises shall locate said dumpster a minimum of fifteen (15) feet from any building, overhang, or structure. All dumpsters shall be kept covered at all times, except when being filled or emptied.

Section 4. The Fire Marshal shall have the power to vary the terms of this Ordinance by written permit when due to circumstances peculiar to an individual situation a strict application of the provisions herein would cause undue hardship and where the public safety and welfare is properly protected.

Section 5. The Fire Marshal shall have the power to vary the terms of this Ordinance by written permit when due to circumstances peculiar to an individual situation a strict application of the provisions herein would cause undue hardship and where the public safety and welfare is properly protected.

Section 6. Any person, corporation, partnership, or association violating any of the provisions of this Ordinance shall be fined not more than \$100, or be imprisoned not exceeding thirty (30) days, or both, for each offense. Each day on which any provisions of this Ordinance is violated shall constitute a separate offense.

EFFECTIVE JANUARY 15, 1983.