

SEC. 171 REDEVELOPMENT AGENCY

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

There shall be a Redevelopment Agency which shall consist of five members who shall be appointed by the Town Manager. Any person appointed shall serve at the pleasure of the Town Manager. Those first appointed shall be designated to serve for one, two, three, four and five years respectively and thereafter members shall be appointed annually to serve for five years. Each member shall serve until his successor is appointed and any vacancy shall be filled by the Board of Selectmen for the unexpired term. The members of the Commission shall receive no compensation for their services but shall be reimbursed for their necessary expenses incurred in the performance of their official duties. The Redevelopment Agency shall exercise all powers set forth in Chapter 130 of the Connecticut General Statutes.

PUBLISHED JANUARY 6, 1998, EFFECTIVE JANUARY 21, 1998.

SEC. 172 CIVIL SERVICE BOARD

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

There shall be a Civil Service Board which shall consist of three members who shall be appointed by the Town Manager. Those first appointed shall be designated to serve for two, four and six years respectively and thereafter members shall be appointed annually to serve for six years. Each member shall serve until a successor is appointed and any vacancy shall be filled by the Town Manager for the unexpired term. The members of the Commission shall receive no compensation for their services but shall be reimbursed for their necessary expenses incurred in the performance of their official duties. Two Commissioners shall constitute a quorum. All appointments to said board, both original and to fill vacancies, shall be so made that not more than two members shall, at the time of appointment, be members of the same political party, and no such Commissioner shall, during their term of office, hold any other lucrative office or employment under the United States or the state or any political subdivision thereof having employees classified under the provisions of this part. Each Commissioner, before entering upon the duties of the office, shall take the oath prescribed for executive officers. The Town Manager may remove any Commissioner for lack of moral character, incompetency, neglect of duty, malfeasance or partisan activity while in office, but the Town Manager shall, at the same time, file with the Clerk of the Superior Court for the appropriate judicial district a report, in writing, of such removal, with the reasons therefore. The Civil Service Board shall exercise all powers set forth in Chapter 113 Part I of the Connecticut General Statutes. **EFFECTIVE DECEMBER 12, 1996.**

SEC. 173 HIGHLAND LAKE WINTER EVENTS

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

- A. No organized event shall be conducted on the frozen water of Highland Lake without first obtaining a permit to do so from the Chief of Police. The Chief of Police shall have the authority to issue such a license upon application therefore, provided that a license fee of \$50.00 is paid in advance by the licensee and a cash bond of \$500.00 is posted with the Chief which shall be used to reimburse the Town for the cost of clean-up or the cost of police, fire or an ambulance personnel that the Town incurs as the result of the event. The \$500.00 cash bond shall be returned to the licensee when the Chief of Police is satisfied the Town of Winchester has incurred no cost arising from the licensee's event.
- B. This Ordinance shall not apply to any event organized by the Town of Winchester, or any non-profit organization.
- C. Any person who violates any provision of this Ordinance shall be fined not more than \$500.00.

PUBLISHED APRIL 10, 1997, EFFECTIVE APRIL 25, 1997.

**SEC. 174 AN ORDINANCE AUTHORIZING TAX EXEMPT STATUS FOR
PROPERTY OF THE FORMER WINSTED MEMORIAL
HOSPITAL LEASED TO NON -PROFIT HOSPITAL AND
HEALTH CARE ORGANIZATIONS**

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

Section 1. Any portion of the real or personal property of the former Winsted Memorial Hospital leased to a hospital or health care organization, exempt from taxation for federal income tax purposes, shall be exempt from municipal taxation provided such property is used exclusively for tax exempt purposes.

Section 2. This Ordinance is effective fifteen days after adoption and publication.

PUBLISHED SEPTEMBER 9, 1997, EFFECTIVE SEPTEMBER 24, 1997.

SEC. 175. COMMISSION FOR PERSONS WITH DISABILITIES

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

There is hereby established a Commission for Persons with Disabilities, which shall be a part of the administration of the municipal government and shall be subject to the Charter and General Ordinances of the Town.

a. PURPOSES, POWERS

The purposes and powers of the Commission for Persons with Disabilities shall be:

- (1) To discover and study continuously the general and specific needs of persons with disabilities of the Town in relation to housing, economics, employment, health, recreation and other matters;
- (2) To serve as a liaison between persons with disabilities of the Town and the governing body of the Town;
- (3) To analyze, evaluate and make recommendations on existing or suggested programs to existing organizations and departments;
- (4) To examine state and federal funding resources and special projects as they relate to persons with disabilities;
- (5) To inform the governing body when the needs of persons with disabilities are not being met per Section 504 of the 1973 Rehabilitation Act and the Americans with Disabilities Act of 1990.
- (6) To assist persons with disabilities reach their fullest potential by removing barriers, to act as a forum for the needs of families of persons with disabilities, to provide community education to residents concerning persons with disabilities.
- (7) Neither the Commission nor any of its members shall give directives to the Town Manager or any of his administrative staff either publicly or privately;
- (8) The Commission shall provide the Board of Selectmen with an annual written report on or before September 1st of each fiscal year concerning Commission activities and shall present short and long-range recommendations for action to the Board of Selectmen and other appropriate officials of the Town;
- (9) The Commission shall assume any other matters relating to people with disabilities, as may be assigned to it by the Board of Selectmen.

b. TERMS AND APPOINTMENTS

The Board of Selectmen shall appoint a Commission, which shall consist of seven (7) regular members and three (3) alternates. The term for each member shall expire on January 1 of each even-numbered year, regardless of the date of appointment.

c. **MEMBERSHIP**

The Board of Selectmen shall attempt to appoint members with disabilities and/or members of their families or other persons who work with the disabled or have a particular interest in serving the disabled. The Board may appoint a high school student who has not reached the age of majority as a non-voting member.

d. **OFFICERS**

A chairperson, vice-chairperson and a secretary shall be elected by the members of the Commission from among their members.

**ADOPTED DECEMBER 21, 1998, EFFECTIVE FEBRUARY 22, 1999;
AMENDED MARCH 1, 1999, EFFECTIVE MARCH 17, 1999; AMENDED
OCTOBER 19, 2009, APPROVED BY THE BOARD OF SELECTMEN
NOVEMBER 2, 2009, PUBLISHED IN THE REGISTER CITIZEN NOVEMBER
13, 2009; TO BE EFFECTIVE NOVEMBER 28, 2009.**

SEC. 176 THE SALE OF TOWN OWNED PROPERTY

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

The following procedure shall be followed whenever it is proposed to sell, lease, abandon or grant an easement concerning Town owned property.

- a. Upon the request to purchase Town owned property, the Board of Selectmen shall review the request and make a determination that the sale of the property is in the best interest of the Town. Such a review may require the potential buyer to submit an appraisal for the Board's consideration or any other document the Board deems appropriate.
- b. Upon making a finding that the sale would be in the best interest of the Town, the proposed sale shall be referred to the Planning and Zoning Commission who shall review and report back to the Board as required by Connecticut General Statutes §8-24 within thirty-five (35) days of the submission of the proposal. Failure of the Planning and Zoning Commission to report back to the Board within thirty-five (35) days shall be taken as approval of the proposal. A disapproval of the proposal by the Planning and Zoning Commission shall contain the reasons therefore. The disapproval however shall not prevent the Board of Selectmen from continuing with the process to seek approval of the proposed sale.
- c. In addition to the Planning and Zoning Commission, the Board of Selectmen may refer the proposed sale to any of the following agencies: Assessor, Inland Wetlands and Watercourses Agency, Department of Public Works, Winchester Land Trust, Chief of Police, Economic Development Commission, Winchester Housing Authority, Recreation Department, Community Planning and Development Office. Each Agency shall report back to the Board of Selectmen within thirty-five (35) days of the submission of the proposal. Failure of any agency to report back to the Board within thirty-five (35) days shall be taken as approval of the proposal. A disapproval of the proposal by an Agency shall contain the reasons therefore. The disapproval, however, shall not prevent the Board of Selectmen from continuing with the process to seek approval of the proposed sale.
- d. After the agencies render their reports, or after the passage of thirty-five (35) days if no reports are submitted, the Board of Selectmen shall instruct the purchasing agent to place the sale of the property out to bid and shall notify in writing all abutting owners of the proposed sale.
- e. In awarding the bid the Town may consider, in addition to price, the following:
 1. Whether bidder abuts the proposed parcel.
 2. Whether the bidder will merge the proposed parcel to make it more conforming to Planning and Zoning Regulations.
 3. Whether the bidder is current with all taxes and user fees due to the Town of Winchester.
 4. Whether the proposed bidder is a tenant or occupant of the property.
 5. The proposed and likely use of the proposed property.

6. Any other reasons the Board feels best promotes the well being of the Town, including long term use potential for the Town, the economic benefits or loss for the Town, the environmental value and the aesthetic value of the subject premises.
- f. Upon the opening of the bid, if the Board of Selectmen decides to accept the bid, it will schedule a Special Town Meeting to be held not less than thirty (30) days, nor more than forty-five (45) days to act on the proposal. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the real property that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. The municipality shall also post a sign conspicuously on the real property land that is the subject of the public hearing.
- g. An affirmative vote of a majority of those electors attending the special town meeting shall be sufficient to approve the sale.
- h. The buyer must take title to the property within forty-five (45) days of the vote of the Special Town Meeting unless granted an extension by the Board of Selectmen. Should the buyer not take title to the property within forty-five (45) days and the Board of Selectmen not grant an extension, then the Board may accept the next highest competent bidder or may re-bid the property as it deems in the Town's best interest.
- i. The buyer must pay all closing costs of the town, including but not limited to attorney's fees and broker commissions.

ORIGINALLY APPROVED SEPTEMBER 7, 1999; EFFECTIVE SEPTEMBER 28, 1999; AMENDED MARCH 2, 2005; FURTHER AMENDED SEPTEMBER 15, 2008; PUBLISHED OCTOBER 31, 2008; EFFECTIVE NOVEMBER 15, 2008.

SEC. 177 TAX EXEMPT PROPERTY

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

Any property tax exemption authorized by Connecticut General Statute §§ 12-81 (7) to (16) inclusive shall be effective as of the date of acquisition of the property to which the exemption applies.

The Tax Collector is authorized to reimburse the tax exempt organization which qualifies under the above statute for any taxes paid after the acquisition of the property, including taxes the tax exempt organization reimbursed the prior owner for taxes owed after the date of acquisition.

APPROVED OCTOBER 4, 1999, PUBLISHED OCTOBER 11, 1999, EFFECTIVE OCTOBER 26, 1999.

SEC. 178 AUGER ORDINANCE

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

- (a.) No person shall operate a motorized ice auger upon the frozen surface of Highland Lake except between the hours of 8:00 a.m. to 8:00 p.m. daily.
- (b.) A motorized ice auger is defined as any motorized boring tool consisting of a rotating bit.
- (c.) Any person who violates any provision of this ordinance shall be fined not more than One Hundred Dollars (\$100.00).

**ADOPTED SELECTMEN'S MEETING NOVEMBER 15, 1999, PUBLISHED
NOVEMBER 19, 1999, EFFECTIVE DECEMBER 4, 1999.**

SEC. 179 ADULT ENTERTAINMENT ORDINANCE

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

1. The Board of Selectmen of the Town of Winchester finds:

- A. The operation of adult-oriented establishments requires special regulation and supervision by the Town to protect, preserve and promote the health, safety and welfare of the patrons, clients or customers and employees of such establishments, as well as the health, safety and welfare of the Town's citizens. Further, protecting order and morality, preserving the character, and preventing the deterioration of the Town's neighborhoods, avoiding blight, decreasing crime and juvenile delinquency, promoting retail trade, maintaining property values, and ensuring sanitary and safe public places are desirable objectives of the community and its leaders.
- B. Statistics and studies performed by a substantial number of cities and towns in the United States indicate that:
 1. Large numbers of persons frequent such adult-oriented establishments, especially those which provide closed booths, cubicles, studios and rooms for the private viewing of so called adult motion pictures and/or video tapes and/or live entertainment and,
 2. Such closed booths, cubicles, studios and rooms have been used by patrons, clients or customers of such adult-oriented establishments for the purpose of engaging in specified sexual activities and,
 3. Male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments within such booths, cubicles, studios and rooms and,
 4. Doors, curtains, blinds and/or other closures installed or on the entrances and/or exits of such booths, cubicles, studios and rooms which are closed while such booths, cubicles, studios and rooms are in use, encourage patrons, clients or customers using such booths, cubicles, studios and rooms to engage in specified sexual activities therein with prostitutes and/or with other persons and/or by themselves, thereby promoting or encouraging prostitution and the commission of specified sexual activities which cause blood, semen, urine or other bodily secretion to be deposited on the floors and/or walls of such booths, cubicles, studios and rooms which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits and,
 5. Booths, cubicles, studios and rooms which are closed while such booths, cubicles, studios and rooms are in use, often contain holes that have been cut or smashed out of the walls or other partitioning material. These holes permit the inhabitant of one booth to engage in specified sexual activities with the inhabitant of an adjoining booth, cubicle, studio or room. These promote and encourage specified sexual acts to occur between persons anonymously. Anonymous sexual contact poses a higher risk of spread of

- communicable diseases including the Aids virus and Hepatitis B and other sexually transmitted diseases. Further, the existence of such holes in booths, cubicles, studios and rooms in an adult-oriented establishment provides an increased risk that blood, semen, urine and other bodily secretions will be deposited on the floors and/or walls of such booths, cubicles, studios and rooms which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits and,
6. Specified sexual activities often occur at unregulated adult-oriented establishments which provide live adult entertainment, specified sexual activities, including sexual physical contact between employees and patrons, clients or customers of adult-oriented establishments, and specifically include lap dancing and/or manual or oral touching or fondling of specified anatomical areas whether clothed or unclothed. Such casual, sexual physical contact between strangers may result in the transmission of communicable diseases which would be detrimental to the health of the patrons, clients or customers and employees of such adult-oriented establishments and,
 7. The unregulated operation of adult-oriented establishments is associated with an increase in the incidents of sex-related crimes and also has a disruptive effect on the surrounding neighborhood by causing excessive noise, parking problems, the presence of discarded sexually-oriented material on residential lawns, and the performance of sexual acts in public places and,
 8. The reasonable regulation and supervision of such adult-oriented establishments tends to discourage prostitution, other sex-related crimes, anonymous high risk sexual contact and/or high risk unsanitary sexual activity, excessive noise and property devaluation, thereby decreasing the incidents of communicable diseases and sex-related crimes and thereby promoting and protecting the health, safety and welfare of the employees and the public who patronize such establishments and protecting the health, safety, and property interests of the Town and its citizens.
- C. The continued unregulated operation of adult-oriented establishments is and would be detrimental to the general welfare, health and safety of the citizens of Winchester. The Constitution and the laws of the State of Connecticut grant to the Town powers, especially police power, to enact reasonable legislation and measures to regulate and supervise adult-oriented establishments in order to protect the public health, safety and welfare.
- D. It is not the intent of the Board of Selectman in enacting this Article, to deny any person rights to speech protected by the United States and/or State Constitutions, nor is it the intent of the Board of Selectman to impose any limitations or restrictions on the content of any communicative materials, including sexually-oriented films, video tapes, books and/or other materials. Further, by enacting this Article, the Board of Selectman does not intend to deny or restrict the rights of any adult to obtain or view any sexually-oriented materials protected by the United States and/or State Constitution. Nor does it intend to restrict or deny any Constitutionally protected rights that distributors

or exhibitors of such sexually-oriented materials may have to sell, distribute or exhibit such materials.

2. *Definitions*

For the purposes of this Article, the following words and phrases shall mean:

An adult amusement machine includes any amusement machine that is regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities and specified anatomical areas, as defined below, for observation by patrons therein.

An adult book store means an establishment having ten (10%) percent or more of the value of its stock and trade in books, films, video cassettes or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein and in conjunction therewith has facilities for the presentation of adult entertainment as defined herein and including adult-oriented films, movies, live entertainment for observation by patrons, clients or customers therein.

Adult entertainment means and includes any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type which has as a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed in a modeling or any other personal services offered customers. It also includes any amusement machine that is regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons, clients or customers thereof.

Adult mini-motion picture theater means any enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to specified sexual activities or specified anatomical areas as defined herein for observation by patrons, clients or customers therein.

Adult motion picture theater means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons, clients or customers therein.

Adult-oriented establishment shall include without limitation, adult amusement machine, adult book stores, adult motion picture theaters, adult mini-motion picture theaters and further means any premises to which the public, patrons, clients or customers or members are invited or admitted and wherever an entertainer provides adult entertainment, or which premises are so visibly arranged as to provide booths, cubicles, rooms, studios, compartments or stalls, separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or wherein an entertainer provides adult entertainment when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect or not for profit. An adult-oriented establishment further includes without limitation any adult entertainment studio or any premises that are physically arranged and used as such whether advertised or represented as an adult entertainment, rap studio, exotic dance studio and encounter studio, sensitivity studio, massage studio, modeling studio or any other term of like import.

Employee means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

Entertainer means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not the entertainment is provided as an employee or an independent contractor.

Inspector means the Director of Health, the Chief of Police, the Fire Marshal, their agents or representatives or any Town employee designated to make inspections for health, fire, building safety, public safety, zoning purposes, violations of this Article, or violations of any laws or ordinances of the City.

Minors shall be deemed to refer to a person under the age of 18 years.

Operator means any person, partnership, corporation, or other entity operating, conducting or maintaining an adult-oriented establishment.

Specified anatomical areas means:

1. Less than completely and opaquely covered:
 - a. Human genitals, pubic region.
 - b. Buttock(s),
 - c. Female breast(s) below a point immediately above the top of the areola, and,
2. Human male genitals in a discernibly turgid state, even if completely opaquely covered.

Specified sexual activities means simulated or actual:

- a. Showing of human genitals in a state of sexual stimulation or arousal.
- b. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus.

- c. Fondling or erotic touching of female genitals, pubic region, buttocks or female breasts.
- d. Lap dancing.
- e. Excretory functions as part of or in connection with any of the activities set forth in subsections a through d.

However, the definition of Specified Sexual Activity shall not apply to any medical publications or films or bonafide educational publication or films, any art or photography publications which devote 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Any periodical which reports or describes current events and which from time to time publishes photos of nude or semi-nude persons in connection with the dissemination of the news, publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depiction of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

Chief of Police means the Chief of Police of the Town or his designated agent.

3. *Operating Requirements For Adult-Oriented Establishments*

- A. No licensee, operator or employee of an adult-oriented establishment shall perform or permit to be performed, offer to be performed or allow patrons, clients or customers to perform any live performance or conduct in violation of Connecticut's obscenity laws, sections 53a-193 through 53a-210 of the Connecticut General Statutes.
- B. No licensee, operator or employee of an adult-oriented establishment shall allow or permit any minor to enter into or in any way loiter in or around any part of such establishment.
- C. Every adult-oriented establishment doing business in the Town on and after the effective date of this Article, shall be well-lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, when adult entertainment is provided, shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms, or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be a violation of this Article to install enclosed booths, cubicles, rooms within an adult-oriented establishment for any purpose in any way related to providing for the secluded viewing of adult-oriented motion pictures or any other types of adult-oriented entertainment.

- D. The licensee and operator of each adult-oriented establishment shall provide that any room or other area used for the purpose of viewing adult-oriented motion pictures or other types of live entertainment shall be well-lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons, clients or customers are permitted access at the illumination of not less than one foot candle as measured at the floor level. It shall be the duty of the operator and its agents to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- E. Every act or admission by an employee constituting a violation of the provisions of this Article shall be deemed the act or admission of the licensee and operator as well, including any act or admission as a result of the operator's negligent failure to supervise the employee's conduct. The licensee and operator shall be punishable for such act or admission in the same manner as if the licensee or operator committed the act or caused the omission.
- F. The licensee and operator shall be responsible for the conduct of all employees while on the premises, including parking areas and all other portions of the property and any act or admission of any employee constituting a violation of the provisions of this Article shall be deemed the act or admission of the licensee and operator for purposes of determining whether the operating license shall be revoked, suspended or renewed and whether the licensee and operator shall be subject to the penalties imposed by this article.
- G. No adult-oriented establishment shall open to do business:
 - 1. Monday, Tuesday, Wednesday, Thursday, Friday between the hours of 1:00 a.m. and 10:00 a.m.
 - 2. Saturday between the hours of 2:00 a.m. and 10:00 a.m.
 - 3. Sunday between the hours of 2:00 a.m. and 10:00 a.m.
- H. No person shall be employed in any adult-oriented establishment within three years of conviction of any of the crimes specified in 8.D.9 of this Article unless such conviction has been submitted for Appellate review in which case employment shall be continued until such appeal is sustained.
- I. Every adult-oriented establishment shall display a sign outside each entrance bearing the words "Adult-oriented establishment. Persons under 18 not admitted." in letters three (3) inches high.
- J. The licensee and operator shall ensure compliance of the adult-oriented establishment and its patrons with the provisions of this Article.
- K. Exterior Display. No Adult Entertainment Use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", from any public way or from any property not registered as an Adult Entertainment Use. This provision shall apply to any display, decoration, sign, show window or other opening.

4. Minimum Distance From Youth Facilities

Adult-oriented establishments shall be located no less than 1,500 feet from any of the following uses if existing at the time when the adult-oriented establishment is established. Any public or private school serving grade 12 or lower, any daycare center, nursery school or similar use, any public park or playground, any church or place of worship or other community building or any residential zone. Measurements of this shall be from any portion of the building housing such adult-oriented establishment to any portion of the parcel of land containing such land uses or being residentially zoned. The separating distance required by this section shall be determined as of the date that the adult-oriented establishment commences to operate in accordance with this ordinance and any applicable provisions of the Town of Winchester Zoning regulations, Building Code, Health Code, and other applicable State and local laws, and such adult-oriented establishment shall not be deemed to violate this section if thereafter one of the numerated uses is established within the distance set forth herein.

5. Minimum Distances From Other Adult-Oriented Establishments

No adult-oriented establishments shall be permitted in any portion of a building that is less than 1,500 feet from the closest property line on which the adult-oriented establishment is located, to the closest property line of another adult-oriented establishment.

6. Exemptions For Pre-existing Uses This Ordinance

The provisions of the preceding Sections 4 and 5 shall not be deemed to prohibit any use pre-existing the enactment of this ordinance. Any pre-existing use which shall be discontinued for a period of thirty (30) days shall thereafter conform to Sections 4 and 5 excluding there from any discontinuance caused by a suspension of the operating license.

7. License Required

- A. Except as provided in subsection D below, from and after the effective date of this Article, it shall be unlawful for any person, partnership, corporation or other entity to engage in, conduct or carry on or permit to be engaged in, conducted or carried on in or upon any premises in the Town, the operation of an adult-oriented establishment without first obtaining a license to operate from the Winchester Chief of Police.
- B. A license may be issued for only one adult-oriented establishment located at a fixed and certain place. Any person, partnership or corporation which desires to operate more than one adult-oriented establishment must have a license for each such establishment.
- C. It shall be a violation of this Article for any entertainer, employee, owner or operator to knowingly work in or about or to knowingly perform any service directly related to the operation of any unlicensed adult-oriented establishment.

- D. All existing adult-oriented establishments at the time of the passage of this Article must submit an application for license within sixty (60) days of the effective date of this Article. If no application is filed within said sixty (60) day period, then such existing adult-oriented establishment shall cease operations, unless any such establishment has appealed the enactment of this Article, whereupon this Article shall not be enforced as to such establishment until such appeal is dismissed and judgment rendered in favor of the Town. If an application is filed then this Article shall not be enforced as to such establishment until such application is denied.
- E. Each license shall be specific to a licensee and to a location and may not be sold, assigned or transferred to any person, corporation, partnership or other entity in any way.

8. *Application For License*

- A. Upon the effective date of this Article, the operator of any adult-oriented establishment shall be responsible for and shall acquire a license from the Winchester Chief of Police in accordance with this section.
- B. The operator of each adult-oriented establishment shall submit an application in triplicate to the Town Clerk together with an application fee of five hundred dollars (\$500) prior to commencement of business or within sixty (60) days of the effective date of this Article for any establishment already open for business. The Town Clerk shall date stamp all copies of the application and shall promptly deliver a copy of the application to the Chief of Police. The application shall be made upon a form prepared by the Chief of Police and disseminated by the Town Clerk. In instances where a corporation or a partner is the applicant, the application shall be signed and filed by a person having direct control or management of the proposed adult-oriented establishment or by an officer, director, majority shareholder or majority partner of the corporation or general partner of the partnership or manager or managing member of any other entity.
- C. The applicant, within two (2) business days of submitting an application to the Town Clerk, shall erect and maintain for a period of not less than fourteen (14) consecutive days in a legible condition, a sign not less than four by four feet upon the site to be operated as an adult-oriented establishment which sign shall set forth the name of the proposed licensee and reflect the filing of an application for an adult-oriented establishment. The sign shall be posted along the front of the property in an area clearly visible from a Town road or State highway abutting the property. After the sign has been properly erected and maintained for fourteen (14) consecutive days, the applicant shall provide to the Chief of Police a photograph of the sign and a statement under oath attesting to compliance with the foregoing sign requirements.
- D. The applicant for a license shall furnish the following information:
 - 1. Name and residential address of the applicant, owner, operator, manager and any other person having direct control or management of the adult-oriented establishment, including all aliases, place of employment, date of birth, social security number, driver's license number and federal tax identification number, if any.

2. Name and address of all employees and any other persons directly involved in the operation of the adult-oriented establishment, including aliases, date of birth, Social Security number, driver's license number and Federal tax I.D. number, if any.
 3. Written proof that the applicant is at least eighteen (18) years of age.
 4. The exact nature of the entertainment to be conducted at the adult-oriented establishment.
 5. The address of the adult-oriented establishment to be operated by the applicant.
 6. Any adult-oriented entertainment or similar business license/ permit history of the applicant whether such person has previously operated in this or another municipality or state under license or without license, has had any such license revoked or suspended, the reason therefore and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
 7. If the application is a corporation, the application shall specify the name of the corporation, the date and state of incorporation and the name and address of the registered agent.
 8. The statement by the applicant that he or she is familiar with the provisions of this Article and is in compliance with them.
 9. Any criminal convictions of the applicant, operator and other persons directly involved in the management or control of the adult-oriented establishment to any crime involving prostitution, obscenity, or other sex-related crime or drug offense in any jurisdiction within three (3) years of the date of the filing of the application. Such crimes include, but are not limited to, prostitution, soliciting prostitution, promoting or permitting prostitution, and sexual assault.
 10. An accurate to scale but not necessarily professionally drawn floor plan of the business premises clearly indicating the location of one or more manager's stations.
- E. If a license to operate is granted, the information furnished in the application shall be updated within thirty (30) days of any changes. Said update shall be filed at the office of the Town Clerk who shall promptly forward such update to the Chief of Police.

9. *Licensing Procedure*

- A. No license shall be issued unless the Chief of Police has investigated the applicant's qualifications to be licensed. The investigation shall be conducted only to confirm the qualification of the applicant and to inspect the premises for compliance with all laws and regulations. The results of the investigation shall be put in writing and filed with the Town Clerk and mailed to the applicant within sixty (60) days after the application was filed. Additionally, the premises of the adult-oriented establishment shall be inspected for compliance with the provisions of this Article and all local and State codes and regulations, including but not limited to health, fire, building and zoning regulations. Said inspection shall be completed and a report issued to the Chief of Police within thirty (30) days of the

filing of the application and shall be included with the investigation results of the Chief of Police. The Chief of Police shall either issue a license or notify the applicant of the denial of the application within seventy-five (75) days after receipt of a completed application. If he fails to do so, the application shall be deemed granted.

- B. The Chief of Police shall issue to the applicant a license to operate an adult-oriented establishment within seventy-five (75) days from the date of the filing of an application if all the requirements for an adult-oriented establishment described in this Article are met, unless he finds that:
1. The operation as proposed by the applicant if permitted would not have complied with all applicable laws and regulations, including but not limited to, the building, health, housing, zoning and fire codes of the City. If the premises are not in compliance, the applicant shall be advised of the reasons in writing and what if any measures the applicant can take to bring the premises into compliance for a license to issue.
 2. The applicant or any other person who will be directly engaged in the management and operation of an adult-oriented establishment has been convicted in this or any other state of any of the crimes specified in section 8 above, except those specified in subsection 3 below, within three (3) years of the date of filing of the application.
 3. The applicant or any other person who will be directly engaged in the management and operation of an adult-oriented establishment has been convicted of any obscenity offense in violation of Connecticut General Statutes §§ 53a-194, 53a-196a, 53a-196b, 53a-196c within two (2) years of the date of the filing of the application.
 4. The applicant has submitted a false statement or representation or misleading information on the application.
 5. The applicant previously violated this Article within five (5) years immediately preceding the date of the filing of the application.
 6. An applicant has been employed in an adult-oriented establishment in a managerial capacity within the preceding thirty-six (36) months and knowingly:
 - a. permitted alcoholic liquor or cereal of malt beverages to be illegally brought or consumed upon the premises.
 - b. permitted the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the grounds.
 - c. permitted any person under the age of 18 to be in or upon the premises of an adult entertainment business; or,
 - d. permitted any act of prostitution or patronizing prostitution as defined under the State law on the premises.
- C. Whenever an application is denied, the Chief of Police shall notify the applicant in writing within seventy-five (75) days of the date of the application stating the reasons for such denial.

- D. When an application is denied solely for the reasons stated in Section 9.B.1., and such violation is correctable, the applicant shall be given an additional thirty (30) days from the date of such notification of denial to bring the premises into compliance. Upon verification by inspection that the correction has been made within thirty (30) days, which shall be determined no later than three (3) business days after receipt of written notice and corrections from the applicant to the Chief of Police, a license shall be issued to the applicant so long as no new violations or other disqualifying factors have occurred within those thirty (30) days.
- E. The license, if granted, shall state on its face, the name and residence address for the applicant to whom it is granted, the expiration date, the address of the adult-oriented establishment and the department or public official and telephone number to report any violation of this Article.
- F. The license shall be posted in a conspicuous place at or near the entrance to the adult-oriented establishment so that it may be easily read at any time.

10. *Expiration and Renewal of License*

- A. Each license issued to a qualified applicant shall expire one year from the date it is issued unless it is renewed upon application of the licensee accompanied by payment of a two hundred fifty dollar (\$250) renewal fee. Such application and application fee shall be submitted by the licensee to the Town Clerk at least sixty (60) days before the expiration date, but not more than ninety (90) days. Provided the application is filed within sixty (60) days of its expiration date and the application fee paid, the license shall be renewed for the same licensee at the same location by the Chief of Police unless the licensee's file contains uncorrected violations of this Article or uncorrected violations of health, fire, or safety codes and regulations of which the licensee has received written notice. The renewed license shall be mailed to the licensee by certified mail prior to the expiration date of the previous license. No establishment shall continue operations without a license except in accordance with the provision of section 7B.
- B. In the event that there are uncorrected violations of this Ordinance or uncorrected violations of health, fire or safety codes and regulations of which the renewal applicant has received written notice, license renewal shall be delayed for a maximum of thirty (30) days in order for all corrections to be completed and inspections done to determine compliance. If such corrections of violations are not made by the applicant within the thirty days beyond the expiration date, no license renewal will be issued. A notice of non-renewal shall be mailed by the Chief of Police to the licensee by certified mail within five (5) days after the extended thirty (30) day period stating the reasons for the non-renewal.
- C. Notwithstanding the provisions in subsection B above, in no instance shall a renewal be issued to a licensee that has two or more violations of section 3.A. of this Article to which the licensee has received written notice or one or more uncorrected violations of this Article pending for over sixty (60) days. A written notice of such non-renewal shall be mailed by the Chief of Police to the

licensee by certified mail prior to the expiration date of the license sought to be renewed, stating the reason for the non-renewal revocation.

- D. Should a license not be renewed for any violation provided herein, no license shall issue for the same licensee for five (5) years.

11. Suspension and Revocation of License

A. The Chief of Police or an authorized representative may suspend the license for a period not to exceed thirty (30) days upon his determination that a licensee, operator or employee has violated any part of this Article. Said suspension shall be issued in writing, mailed by certified mail, return receipt requested, to the licensee at the address of the establishment or at the home of the licensee or served by process server at the usual place of abode of the licensee or at the address of the establishment. If the suspension is issued for a correctable violation, said suspension shall be terminated upon verification by inspection that the correction has been made, which shall be determined no later than three (3) business days after receipt of written notice of correction from the licensee to the Chief of Police.

B. The Chief of Police or his authorized representative shall revoke any license where any of the following occur:

1. It is discovered that false or misleading information or data was given on any application or material facts were omitted from any application for licensure.
2. Any costs or fee required to be paid by this Article is not paid or is paid with a bank check drawn on an account with insufficient funds and returned to the Town.
3. Licensee is no longer qualified due to conviction of any crime specified in section 8.D.9.
4. Licensee has had two or more violations of sections 3.A., 3.B., 3.C., 3.D. or 3.H. of this Article to which the licensee has received written notice.
5. The licensee has one or more uncorrected violations of this Article pending for over sixty (60) days.
6. Failure of licensee to correct any violation within thirty (30) days for which licensee license was suspended pursuant to section 8.
7. The license or any interest therein is transferred in any way.

C. Once revoked no license shall issue for the same licensee for five (5) years.

12. Appeal

If the Chief of Police or his authorized representative deny the issuance of a license or suspends or revokes a license he shall, within ten (10) days of his decision, send to the applicant or operator at the address listed on the application by certified mail, return receipt requested, written notice of a decision and further shall specifically state the evidence presented, the reason for the decision and the right to an appeal. The aggrieved party may appeal the decision of the Chief of Police to the Board of Selectmen within thirty (30) days of receipt of the notice by filing a written application to the Town Clerk requesting a hearing before the Board of Selectmen. At the hearing, the applicant /licensee shall have the opportunity to present evidence bearing upon the question. If the

applicant/licensee makes application for a hearing, a hearing shall be scheduled within thirty (30) days of the Notice of Appeal. The Board must render a decision within forty-five (45) days of the receipt of the appeal. Within five (5) days after such hearing, the Board of Selectmen shall issue written notice of a final decision and issue any license or renewal of license where applicable. All operations of the adult-oriented establishment shall be maintained pending the final decision being issued by the Board of Selectmen. Any denial, non-renewal, suspension or revocation of a license that is sustained in a written decision after hearing as provided for above, shall be appealable to the Superior Court within fifteen (15) days of written notice thereof by any person aggrieved in accordance with the procedure established for zoning appeals by the Connecticut General Statutes, in §8-8 as amended. Any denial of renewal, suspension or revocation shall be stayed during the appeal unless otherwise ordered by the Superior Court.

13. Violations and Penalties

- A. Every person, partnership or corporation, whether acting as an individual owner, operator, licensee or employee of an adult-oriented establishment who operates, maintains or conducts an adult-oriented establishment without first obtaining a license and paying the applicable fee to the Town, or who violates any of the provisions of this Article, shall be fined a definite sum not exceeding \$100.00 for each such violation and be subject to criminal prosecution under the laws of the State of Connecticut.
- B. Each violation of this Article shall be considered a separate offense and any violation continuing more than one day shall be considered a separate offense.
- C. This Article shall not preclude any additional enforcement action taken by any appropriate Municipal, State or Federal official conducted pursuant to any applicable ordinance, regulation and/or law of the Town of Winchester and/or the State of Connecticut and/or the United States of America.
- D. The hearing procedure for any citations issued for violations of this Ordinance shall be the procedures set forth in Ordinance 152 of the Town of Winchester.

14. Enforcement

In addition to any fines or penalties imposed herein, this Article may be enforced by injunctive relief in the Superior Court.

15. Savings Clause

Shall any court of competent jurisdiction declare any section or clause or provision of this Article to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional and shall not affect any other section, clause or provision of this Article.

16. Gender, Number, Construction

In construing this Article, masculine or neuter pronouns shall be substituted for those of feminine form and vice versa and the plural of the singular and the singular of the plural shall be substituted in any case in which the context may require.

PUBLISHED JANUARY 28, 2000; EFFECTIVE FEBRUARY 12, 2000.

SEC. 180 ANTI-BLIGHT ORDINANCE

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

A. Declaration of Policy

This ordinance is authorized pursuant to Connecticut General Statutes 7-148c(7)(H)(XV). It is hereby found and declared that there exists within the Town of Winchester, a number of taxable and tax-exempt real properties containing vacant, blighted buildings and that the existence of such vacant and blighted buildings contributes to the decline of neighborhoods. It is further found that the existence of vacant and blighted buildings adversely affects the economic well-being of the Town and is inimical to the health, safety and welfare of the residents of the Town. It is further found that many of the vacant and blighted buildings can be rehabilitated, reconstructed and reused so as to provide decent, safe and sanitary housing and ancillary commercial facilities, and that such rehabilitation, reconstruction and reuse would eliminate, remedy and prevent the adverse conditions described above.

B. Declaration of Purpose

The purpose of this ordinance is to protect the public health, safety and welfare as follows:

1. By establishing minimum standards governing the maintenance, appearance and condition of residential and non-residential premises.
2. By authorizing and establishing procedures for enforcement, inspection and penalties, including a means by which the record owner of real property used as a dwelling may obtain relief from enforcement upon a showing of good faith efforts to take corrective measures or upon a showing that a certain hardship exists.

C. Definitions

For the purposes of this section, the following words and terms shall have meanings respectively described as follows:

1. Abandoned Property. Any real property on which there is a vacant structure on which:
 - (a) Real property taxes have been delinquent for one year or more;
 - (b) The owner has declared it abandoned in writing to the Building Official.
2. Blighted Premises. Any building, structure or exterior in which at least one of the following conditions exist:
 - (a) It is not being maintained. The following factors may be considered in determining whether a structure or building is not being maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floor; siding that is seriously damaged or missing; fire damage; foundation that is structurally faulty; garbage or trash situated on the premises; overgrown grass or weeds at least one foot in length.
 - (b) The building or structure is deteriorating.
 - (c) The building is becoming dilapidated.
 - (d) The property is attracting illegal activity.
 - (e) The property is a fire hazard.
 - (f) The property is seriously depreciating property values in the neighborhood.
 - (g) The property is creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or premises or within the neighborhood.

3. Deterioration. The condition of a building or part thereof characterized by substantial holes, breaks, rot, crumbling, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use as determined by the Building Official.
4. Dilapidated.
 - (a) For unoccupied buildings or structures, any dwelling unit or non-residential space or property in physically deteriorating condition causing unsafe, unsanitary conditions and a nuisance to the general public as determined by all applicable State and local codes, laws, ordinances and regulations.
 - (b) For partially unoccupied buildings or structures, any dwelling unit that does not meet minimum applicable Code standards and, in the case of non-residential space, space that does not conform to the standard as determined by this section of the Winchester Code of Ordinances.
5. Dwelling Unit. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and/or eating. Said dwelling unit shall be maintained clean and free of debris and secured against entry. All openings to the first floor and cellar basement shall be secured. All upper floors shall comply with all State and local fire safety codes, laws, ordinances and regulations.
6. Equivalent Amount of Non-Residential Space. Each increment of one thousand five hundred (1500) square feet or less shall be the equivalent of a dwelling unit for purposes of this section of the Winchester Code of Ordinances.
7. Legal Occupancy. The human habitation of the dwelling unit that is legal by virtue of compliance with State and local building and fire safety codes, local zoning, State and local housing codes and all other pertinent codes, laws, statutes and regulations and the supplying of proof of occupancy evidenced through a bonafide lease agreement, rent receipt or utilities statement.
8. Exposed to Public View. Any premises or part thereof or any building or any part thereof which may be lawfully viewed by the public.
9. Exterior of the Premises. Open space on the premises outside of any building thereon.
10. Garbage. Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, or the keeping of pets or other animals.
11. Neighborhood. An area of the Town of Winchester with characteristics that distinguish it from other areas of the Town of Winchester and which may include but not be limited to distinct ethnic and/or economic characteristics, schools and/or social clubs, and/or boundaries defined by physical barriers including but not limited to major highways and/or railroads and/or natural features including but not limited to rivers and/or streams.

D. Prohibiting the Creation or Maintaining of Blighted Premises

1. No owner of any building or structure in the Town of Winchester shall cause blighted premises to be created or maintained.

E. Enforcement

1. Any individual affected by the action or inaction of an owner of a dwelling unit or other space subject to the provisions of this chapter, any civic organization, and any appropriate municipal agency may file, in writing, a complaint of violation of any of these sections with the Chief Building Official.

2. If the Chief Building Official has reason to believe that an owner has violated the provisions of this Ordinance, the Chief Building Official shall serve a notice of violation and an order to correct such violation on the owner of record of the property. The order shall require the owner to comply with the requirements of this article in the manner specified in said order within fourteen (14) days. A copy of the order shall be filed with the Town Clerk, and any subsequent purchaser of the property shall be subject to such order.
3. The Chief Building Official shall submit to the Town Manager a monthly report listing the notice of violations served in the previous month.
4. Any owner who is aggrieved as the result of being served with a notice of violation in accordance with this article may, within ten (10) days of receipt of the notice, appeal for revocation of the notice to the Board of Selectmen.
5. The Board shall submit its decision to the Chief Building Official within ten (10) days of the hearing held on the Notice of Violation and order to correct issued by the Chief Building Official.

F. Penalties

1. Violation of the provisions of this Article shall be punished by a penalty of not more than \$99.00 for each dwelling unit or for the equivalent amount of other space. Each day a dwelling unit or equivalent amount of other space is in violation of this Article shall constitute a separate offense.
2. If any violation remains unabated after seven (7) days, any police officer, the Zoning Enforcement Officer, building officials, Fire Marshal or other person authorized by the Town Manager is hereby authorized to issue a citation to the violator in accordance with this chapter.
3. A citation shall be in writing and include:
 - (a) A description of the real estate sufficient for identification, specifying the violation which is alleged to exist and the remedial action required;
 - (b) Detailed information regarding the contents of the notice letter (which may be a copy of such notice letter) and the failure of the owner/occupier to take the corrective actions specified therein;
 - (c) The amount of the fines, penalties, costs or fees due for noncompliance; and
 - (d) A statement that the owner/occupier may contest his liability and request a hearing before the Citation Hearing Board by delivering in person or by mail written notice of objection within ten (10) days of the date of the citation.
4. Such penalty shall exist as a lien against the premises wherein said violation exists and may be recorded upon the land records of the Town of Winchester. Such lien shall be perfected and be in effect in accordance with the provisions of the Connecticut General Statutes as amended relating to the collection of taxes on real estate. Each lien shall take precedence over all other liens and encumbrances filed after September 1, 2012, except for taxes. Each lien may be enforced in the same manner as property tax liens, including, the foreclosure of the real property.
5. If after the Notice of Violation has been issued or a lien placed on the property, the property is transferred to a bonafide purchaser, the new owner of the premises shall have a period of thirty (30) days to bring the property into compliance with the Notice of Violation previously issued without penalty.

G. Citation Procedures

1. The procedures established in the ordinance entitled “Ordinance Establishing a Hearing Procedure for Citations” will apply to citations issued under this chapter, as well as the provisions of C.G.S. §7-152c.
2. The final period for the uncontested payment of any citation under this chapter shall be ten (10) days of the date of the citation.

H. Remediation

1. The Town Manager may, but shall not be required to, take such remedial action to secure and/or improve the premises to protect public health and safety and/or property values of the surrounding neighborhood remediation as permitted under Court order, other applicable law or this Ordinance.
2. The Town Manager may, but shall not be required to, remediate blighted properties, which entry shall only be commenced after the provisions of §E have been followed without remedial action having been taken and the appeal period under §E shall have expired.
3. Remediation shall only be authorized by the Town Manager if the estimated cost of such remediation is duly appropriated in the applicable fiscal year budget or by special appropriation.
4. If a right of entry is authorized by the Town Manager it shall give notice of such authorization to the owner. Notice to the owner(s) shall be sufficient if sent by both regular and certified mail return receipt requested to the last known address for the owner and/or posted in a conspicuous place in or about the dwelling effect by the notice. Such notice shall be set forth in writing and shall contain the following:
 - (i) A statement that the Town Manager has authorized designated agents of the Town to enter the Premises during reasonable hours for the purpose of remediating the Blighted Premises.
 - (ii) A date by which the violation(s) must be corrected in order to avoid entry by designated agents of the Town pursuant to this ordinance. Such compliance date shall not be less than ten (10) days from date of the notice.
 - (iii) A statement that the authorization may be appealed to the Board of Selectmen within ten (10) days from date of the notice.
5. No agent or agents of the Town shall enter any dwelling house or structure for the purposes of remediating blighted conditions. Entry and remediation shall only be during weekday daylight hours.
6. The owner of the blighted premises shall be liable for the costs of remedial actions taken pursuant to this section. Such costs shall exist as a lien against said premises and may be recorded upon the land records of the Town of Winchester and may be enforced in the same manner as property tax liens.

I. Alternate Remedies

In addition to all other remedies and any fines imposed herein, the provisions of this ordinance may be enforced by civil proceedings in Superior Court including injunctive relief. The Town may recover from such owner/occupier or other responsible person any and all

costs and fees, including reasonable attorneys' fees, expended by the Town in enforcing the provisions of this ordinance.

J. Severability

In the event that any part or portion of this code is declared invalid or any reason, all the other provisions of this code shall remain in full force and effect.

K. Minimum Standards

1. The provisions in this chapter shall not be construed to prevent the enforcement of the other statutes, codes, ordinances or regulations which prescribe standards other than are provided in this ordinance.
2. This ordinance is not intended to affect violations of any other ordinances, codes or regulations existing prior to the effective date of this code, and any such violations may be governed and continue to be punishable under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed as well as this ordinance.
3. In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other code of the Town or State, the provision which establishes the higher standard for the promotion and protection of the health and safety of the public and/or the property values in the Town of Winchester shall prevail.

OPERATIVE SEPTEMBER 25, 2001, EFFECTIVE OCTOBER 10, 2001; AMENDED OCTOBER 18, 2004, EFFECTIVE NOVEMBER 26, 2004; AMENDED AUGUST 20, 2012; PUBLISHED AUGUST 24, 2012 AND EFFECTIVE SEPTEMBER 17, 2012.