

SEC. 181 UNDERAGE DRINKING

Be it ordained by the Board of Selectmen of the Town of Winchester, Connecticut that Section 181 of the By-Laws and Ordinances is hereby adopted as follows:

A. Definitions.

As used in this article, the following terms shall have the meaning indicated:

ALCOHOLIC LIQUOR – Shall have the same meaning as the same term is defined in Section 30-1, of the Connecticut General Statutes, as amended from time to time.

HOST – to organize a gathering of two or more persons, or to allow the premises under one's control to be used with one's knowledge, for a gathering of two or more persons for personal, social or business interaction.

MINOR – Shall have the same meaning as said term is defined in Section 30-1, of the Connecticut General Statutes, as amended from time to time.

PERSON – Any individual, firm, partnership, association, syndicate, company, trust, corporation, limited-liability company, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

B. Possession restricted.

No minor shall be in possession of alcoholic liquors, whether in opened or closed containers or otherwise, within the Town of Winchester except: When accompanied by or in the presence of his or her parent, guardian or spouse who has attained the age of 21; a person over age 18 who is an employee of a permit holder under Section 30-90a of the Connecticut General Statutes, or a permit holder under the Liquor Control Act and who possesses alcoholic liquor in the course of his employment or business; or a minor who possesses alcoholic liquor on the order of a practicing physician. This restriction shall apply to both public and private property.

C. Sale or delivery of alcoholic liquor.

No person shall sell alcoholic liquor to a minor or deliver alcoholic liquor to a minor except: sale, shipment or delivery made to a person over age 18 who is an employee of a permit holder under Section 30-90a of the Connecticut General Statutes, or a permit holder under the Liquor Control Act of the State of Connecticut where such sale or delivery is made in the course of such person's employment or business; a sale or delivery made in good faith to a minor who practices any deceit in the procurement of an identity card belonging to any other person, or who uses or exhibits an identity card that has been altered or tampered with in any way; or delivery made to a minor by a parent, guardian or spouse of the minor who is 21 years of age, and provided such minor possesses such alcoholic liquor while accompanied by such parent, guardian or spouse.

D. Hosting events.

No person shall host an event or gathering at which the host knowingly allows alcoholic liquor to be consumed by or dispensed to any minor unless said minor is accompanied by or in the presence of his or her parent, guardian, or spouse who has attained the age of 21. This restriction shall apply to any event or gathering within the Town of Winchester, whether conducted on public or private property.

E. Penalties for offenses.

Any person who violates any provision of this ordinance shall be subject to arrest and prosecution by the proper authorities and shall be subject to a fine not to exceed \$90.00 for each offense. Each violation of this article shall constitute a separate offense.

ADOPTED APRIL 21, 2003, EFFECTIVE MAY 9, 2003. AMENDED JUNE 16, 2003, PUBLISHED IN THE WATERBURY REPUBLICAN JUNE 24, 2003; TO BECOME EFFECTIVE JULY 9, 2003

SEC. 182 SKATEBOARDS, IN-LINE SKATES AND SCOOTERS

Be it ordained by the Board of Selectmen of the Town of Winchester, Connecticut that Section 182 of the By-Laws and Ordinances is hereby adopted as follows:

Section 1: Definitions:

- a. "Skateboard" shall mean any wheeled device consisting of a platform or seat of metal, wood, plastic, fiberglass, or any other material designed to carry its user in an erect, kneeling, sitting or prone position in a manner similar to that of a small surfboard.
- b. "Skateboard device" shall mean any ramp, loop, semi-circle, constructed of plywood or any other material designed for use by riders of skateboards or scooters, or users of in-line skates, as defined herein.
- c. "In-Line Skates" shall mean any multi-wheeler skate or boot used for skating on hard surfaces.
- d. "Scooter" shall mean any wheeled device consisting of a platform and handle of metal, wood, plastic, fiberglass, or any other material designed to carry its user in an erect position in a manner similar to that of a skateboard.
- e. "Wheeled device" shall be those devices defined in paragraphs (a), (c), and (d) of this section.
- f. "Nuisance" shall mean an activity which results in a substantial and unreasonable interference with the use and enjoyment of another's property.
- g. "Trespass" shall mean an unauthorized, intentional invasion of the real property or personal property of another.
- h. "Threat To Public Safety" shall mean the imminent threat of physical harm. The term specifically includes the threat of physical harm to the persons using the wheeled device as well as to those persons whose physical health may be endangered by being in close proximity, defined as less than 50 yards, to the person or persons using the wheeled device.

Section 2: Prohibited Activities:

- a. No person shall operate a wheeled device upon any property owned by the Town of Winchester where expressly prohibited by the Recreation Board or its designated agent.
- b. No person shall operate, attempt to operate or cause to be operated by a person for whose conduct he or she is legally liable, a wheeled device upon any property of the Town of Winchester or sidewalks of the Town of Winchester in a manner which is negligent or constitutes a nuisance, a trespass, or threat to public safety. When using a wheeled device upon any street the rider shall ride with the flow of traffic and ride as close to the curb as possible.
- c. No person shall operate, attempt to operate or cause to be operated by a person for whose conduct he or she is legally liable, a wheeled device upon any private parking lot which is

maintained primarily for the benefit of paying customers and/or which is properly posted, prohibiting the use of any wheeled devices.

d. No person shall operate a wheeled device upon a street or sidewalk during the hours between a half hour after sunset and a half hour before sunrise without wearing a reflective device on both the front and back of the rider.

e. The operator of a wheeled device emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles and pedestrians approaching on said roadway. Whenever any person is riding a wheeled device upon a sidewalk such person shall yield the right of way to any pedestrian and shall give an audible signal before overtaking, and shall not otherwise endanger or interfere with normal pedestrian traffic on those sidewalks.

f. No more than one person shall ride upon and/or operate a skateboard or scooter at the same time.

g. No person shall erect or maintain any skateboard device on any State or Town highway, sidewalk adjacent thereto or any Town property within the corporate limits of the Town of Winchester except where expressly permitted by the Parks and Recreation Commission or its designated agent.

Section 3: Parental Liability:

The parent or guardian of any minor child shall not authorize nor knowingly permit any such child to violate this ordinance.

Section 4: Violation and Penalty:

Violations of this ordinance shall be dealt with in the following manner:

a. First Offense – A warning letter will be sent to the parent or guardian of a minor child who violates this ordinance, or to the person who violates the ordinance if not a minor, by the Chief of Police.

b. Subsequent Offense(s) – Any person violating any provision of this ordinance a subsequent time shall be fined not more than Ninety Dollars (\$90.00).

The above provisions regarding a warning letter for the first offense shall not constitute a waiver of liability for all first offenses. If, in the discretion of the Chief of Police, Winchester police officer or other authorized law enforcement official, the first offense is a serious one, involving personal injury and/or property damage, the matter may be treated as a subsequent offense or an arrest may be made for violation of any other applicable provision of the Connecticut General Statutes.

Section 5: Other Provisions of State Law.

This Ordinance is in addition to any laws of the State of Connecticut that may apply to actions set forth herein.

Section 6: Severability.

Should any provisions of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this ordinance as a whole, it being the legislative intent that the provisions of this ordinance shall be severable and that the balance of this ordinance shall remain valid notwithstanding such declaration.

THIS ORDINANCE SHALL BE EFFECTIVE 15 DAYS FROM PUBLICATION. ADOPTED BY THE BOARD OF SELECTMEN JANUARY 20, 2004; PUBLISHED IN THE REPUBLICAN AMERICAN ON JANUARY 27, 2004; EFFECTIVE FEBRUARY 11, 2004.

Sec. 183. RULES OF ORDER FOR ANNUAL TOWN BUDGET MEETING

Be it ordained by the Board of Selectmen of the Town of Winchester, Connecticut that Section 183 of the By-Laws and Ordinances is hereby adopted as follows:

The following rules shall apply at any Annual Town Budget Meeting convened pursuant to the Town of Winchester Charter.

1. The moderator shall be chosen by the Board of Selectmen pursuant to Town Charter.
2. The clerk shall read the call of the meeting which shall be substantially in the form as follows:

Warning to all persons entitled to vote in Town Meetings of the Town of Winchester, County of Litchfield, and State of Connecticut: you are hereby notified and warned that the Annual Town Budget Meeting of said Town will be held in said Town on _____ at _____ o'clock for the following purpose to Wit:

- 1) To receive a report of the board of Selectmen including its estimate of receipts and expenditures and its proposed budget of \$_____ and to take action upon the same for the next fiscal year commencing July 1, 200____.
 - 2) To take any action property to come before said meeting.
3. The following motion shall be made to schedule a referendum on the proposed budget:

I move that the budget referendum be scheduled for (insert date) from 8:00 a.m. to 8:00 p.m. at the Pearson School.

The above date must be not less than 21 days and not more than 28 days from the budget meeting.

This motion may be debated but not amended and must pass by a majority vote. Should the motion fail, another motion must be made for a different date which also may be debated but not amended and must pass by a majority vote. Should the second motion fail, the Board of Selectmen shall choose the date of the referendum and shall vote on said date immediately after the budget meeting has adjourned, but in no event later than 48 hours after said adjournment.

4. Representatives of the Board of Selectmen and the Board of Education shall be provided an opportunity to discuss the proposed budget prior to debate by the body.
5. The moderator will then recognize speakers to discuss or amend the budget.
6. Any amendment shall be in the following form:

“I move that the budget be amended by reducing line item number _____ by \$(dollar amount).”

After a second, the moderator shall recognize speakers addressing the amendment only.

After discussion has been exhausted or a request to move the question has been received and two-thirds of those present vote to move the question, the moderator shall end discussion on the amendment.

All votes on the amendment shall be done by machine vote.

7. After the vote on an amendment, the moderator shall continue to accept discussion and amendments according to the procedure provided above.
8. After the moderator has decided reasonable discussion has occurred, he may accept a request to move the question which shall end all debate. Such a motion must pass by two-thirds vote. If no such motion is made or said motion fails, but the moderator deems all debate to be exhausted he will recognize a motion to adjourn which must pass by a majority vote. The motion to adjourn shall be in the following form:

“I move that the meeting be adjourned to referendum to be held on (insert the date set earlier by the meeting or the date to be set by the Board of Selectmen).”

**ADOPTED MAY 16, 2005, PUBLISHED IN THE REPUBLICAN-AMERICAN ON
MAY 19, 2005 TO BE EFFECTIVE JUNE 3, 2005.**

SEC. 184 SCENIC ROAD ORDINANCE

Be it ordained by the Board of Selectmen of the Town of Winchester, Connecticut that Section 184 of the By-Laws and Ordinances is hereby adopted as follows:

1. Objective

The objective of this ordinance is to preserve certain roads or portions of roads within the Town of Winchester that are scenic and/or historic significance. This preservation effort shall balance the need to provide safe and convenient public transportation routes with the need to preserve scenic and historic areas within the Town of Winchester.

2. Authority

The Planning and Zoning Commission is hereby authorized, in accordance with Connecticut General Statutes, Section 7-149a, to designate any town public highway, right of way or portion thereof a scenic road. Such designation approval or denial shall then be submitted to the Town of Winchester Board of Selectmen for final action.

3. Definition/Designation Criteria

A. No road or portion thereof shall be designated scenic unless it is free of commercial development and intensive vehicular traffic and be at least 2,500 feet in length.

B. To be designated scenic, a road or portion thereof shall meet at least one of the following criteria:

1. Unpaved
2. Bordered by mature trees or stone walls
3. Width of traveled portion shall not exceed twenty (20) feet
4. Offer scenic views
5. Blends naturally into surrounding terrain
6. Parallels or crosses brook(s), stream(s), lake(s) or pond(s)

C. The Planning and Zoning Commission may also give consideration to the following:

1. Buildings, structures or places of historical significance
2. Recreational uses
3. Proximity to agricultural, open space or forestlands
4. Notable geologic or other natural features

D. Scenic designation effects only that area within the public right of way of a public highway or portion thereof.

4. Application

A. The Planning and Zoning Commission shall consider a road or portion thereof for designation as scenic upon receipt of application provided by the Planning Department of the Town of Winchester. The Planning and Zoning Commission may itself submit such an application in the

prescribed format upon approval of a majority of its voting members.

B. Scenic designation applications shall include signed/notarized statements of approval from a majority of lot frontage owners on the road or portion of road under designation consideration.

C. Before designating a road or portion thereof as scenic, the Planning and Zoning Commission shall hold a Public Hearing in accordance with all applicable statutes, bylaws and regulations. Such Public Hearing shall commence within sixty-five (65) days after receipt of properly prepared application. Said Public Hearing shall be completed within thirty (30) days after such hearing commences. The applicant and the Commission may consent to one (1) or more extensions provided that the total extension shall not be longer than the original period as specified in this section. The day of receipt of application shall be the day of the next regularly scheduled Planning and Zoning Commission meeting.

5. Application to Rescind Designation

A. The Planning and Zoning Commission shall rescind the designation of a road or portion thereof as scenic provided that the owners of a majority of the lot frontage abutting the scenic road request such action.

B. Such request shall be made to the Commission and shall include names and addresses and lot frontage measurements along the scenic road or portion thereof and shall bear the notarized signatures of all requesting landowners.

C. Roads or portions thereof designated scenic shall not be subject to a request to rescind any portion less than the originally designated roadway length.

D. No request to rescind scenic road status shall be considered unless a minimum of seven (7) years has elapsed since the date of scenic designation.

6. Aggrieved Parties

Any person aggrieved by action of the Planning and Zoning Commission to approve or deny a scenic road application may appeal such action as provided for under Connecticut General Statutes Section 8-8.

7. Rights In Abutting Properties

The lawful rights of all parties in property abutting a road or portion of road designated scenic shall not be diminished in any way.

8. Scenic Road Maintenance

A. Scenic Road designation shall not in any way relieve the Town of Winchester of its responsibility under state statutes to maintain such road or portion thereof in a safe and passable condition.

B. The following maintenance work may be initiated by the Town of Winchester Director of Public Works or by any legally recognized public utility (i.e. CL & P, SBC, Yankee gas) as they

so determine the need for such work.

1. Tree pruning or brush cutting
2. Removal of dead or fallen trees
3. Resurfacing existing roadway width
 - a. bituminous concrete pavement (including reclamation)
 - b. oil/and or chips
 - c. gravel for unpaved roads
4. Drainage structure cleaning, repair or replacement
 - a. Culverts
 - b. catch basins
 - c. existing drainage ditches

9. Scenic Road Reconstruction

A. Scenic road reconstruction shall not be permitted without recorded written permission from the Town of Winchester Director of Public Works, Planning Director, Planning and Zoning Commission and the Board of Selectmen.

B. No road which has been designated as a scenic road under this ordinance shall be altered or improved, including but not limited to, widening of the right-of-way or of the traveled portion of the highway, paving, changes in grade, straightening, removal of stone walls and removal of mature trees, street lights, traffic signs, guard rails, painting lines, construction of curbs and catch basins and sidewalks, except for good cause as determined by the Planning & Zoning Commission. The Planning & Zoning Commission may hold a public hearing on the proposed alteration or improvement. The Planning & Zoning Commission shall state the reasons for such future alterations or improvements in its minutes.

C. Nothing in this Section shall be deemed to prohibit owning or occupying land abutting a scenic road from maintaining and repairing the land which abuts the scenic road if the maintenance occurs on land not within the right-of-way, paved or unpaved, of the scenic road.

ADOPTED BY THE BOARD OF SELECTMEN ON DECEMBER 5, 2005, PUBLISHED IN THE REPUBLICAN-AMERICAN ON DECEMBER 9, 2005; THIS ORDINANCE SHALL BE EFFECTIVE DECEMBER 24, 2005.

Sec. 185. **SENIOR CITIZEN AND DISABLED PERSONS TAX RELIEF**
REGULATIONS

Be it ordained by the Board of Selectmen of the Town of Winchester, Connecticut that Section 185 of the By-Laws and Ordinances is hereby adopted as follows:

1. Eligibility.

Any person who owns real property in the Town or who is liable for the payment of taxes thereon under Section 12-48 of the Connecticut General Statutes, and occupies that property as his or her own principal residence, shall be eligible for the real property tax relief set forth herein provided all of the conditions set forth below are met. For purposes of this ordinance, the term "spouse" shall include parties to a civil union which is in compliance with Public Act 05-10.

(1) Age

(a) Such person shall be sixty-five (65) years of age or over; or the spouse of such person shall be sixty-five (65) years of age or over; or such person shall be sixty (60) years of age or over and the surviving spouse of a taxpayer who qualified in Winchester under this article at the time of his or her death. Said age sixty-five (65) shall occur by the close of the preceding calendar year; or

(b) Such person shall be under the age of sixty-five (65) years and shall be eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security, or have not been engaged in employment covered by Social Security and accordingly have not qualified for benefits thereunder, but have become qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act and any government-related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under Social Security.

(2) Income

Such person shall have individually, if unmarried, or jointly, if married, (whether or not separate federal income taxes were paid by him and/or his spouse) during the calendar year preceding the filing of his or her claim, adjusted gross income as defined in the Internal Revenue Code of 1954, as amended, plus tax exempt interest as defined in Section 103 of the Internal Revenue Code of 1954 as amended, dividend exclusions as set forth in Section 116 of the Internal Revenue Code of 1956, as amended, Social Security Benefits, Railroad Retirement Benefits, income from other tax exempt retirement and annuity sources in an amount not more than \$40,000.00.

(b) In any case where title to the real property is recorded in the name of the taxpayer or his spouse and/or any other person or persons, the tax relief granted herein shall be prorated to reflect the fractional share of such taxpayer or spouse; and, furthermore, if such property is occupied as a multiple family dwelling, such relief shall be prorated to reflect the fractional portion of such property occupied by the taxpayer.

(c) Any person entitled to the tax relief pursuant to this article is required to file biennially for the benefit; however, if the taxpayer's income exceeds or changes under this section, said person shall be required to reapply.

(3) Such person has resided in a residence located in the Town for a period of three (3) years per Section 12-129n and has paid real estate taxes on a residence to the Town for a period of three (3) years per Section 12-129n prior to his or her application for tax relief.

(4) The real property for which the exemption is claimed must be the legal domicile of such person, and such person shall be in residence therein for at least one hundred eighty three (183)

days in each grand list year for which the exemption is claimed. Such claim for exemption shall be for one (1) residence only.

(5) Before any tax relief shall be given, such person must first have applied for tax relief under any other state statute under which he or she is eligible.

(6) No property tax relief under this article, together with any property tax relief received by such person under all applicable General Statutes of Connecticut, shall exceed, in the aggregate, twenty-five (25) percent of the tax which would, except for the General Statutes and this article, have been laid against the person applying for property tax relief hereunder.

(7) The application for tax relief under this article shall have been made by such person after he or she has become eligible to apply therefore.

(8) If any person entitled to tax relief sells the property on which the benefit was granted, the purchaser's tax bill for the current year will be increased by a pro rata portion of the tax benefit, unless the purchaser is also receiving benefits in Winchester under this program in which case the current benefit will be transferred to the new property and prorated accordingly. Such portion will be a fraction with the numerator representing the number of days between the closing and the next following June 30, and denominator of three hundred sixty-five (365) days. The result of this provision is to advance the purchaser's repayment liability by approximately nine (9) months as compared with the repayment prescribed for state-funded tax relief provided by section 12-81(a) of the Connecticut General Statutes.

(9) If any person entitled to the tax credit pursuant to the article is no longer eligible due to the fact that his/her income exceeds or changes under paragraph (b) as set forth under subsection (a), all benefits shall be reimbursed to the Town upon the death of the recipient or conveyance of the real property subject to taxation in accordance with this article.

2. Tax deferral.

(1) The benefit shall be any percentage of tax due that any eligible taxpayer shall choose, less amounts received under state elderly tax relief programs, but in no event shall the benefit exceed seventy-five (75) percent of the tax due.

(2) All benefits shall be reimbursed to the Town upon the death of the recipient or conveyance of the real property subject to taxation in accordance with this article.

(3) Total deferments for all years shall not exceed the assessed value of the real property.

(4) The recipient shall enter into a written agreement with the Town providing for reimbursement. The amount of such tax Deferral benefit shall be recorded on the land records of the Town and shall constitute a lien on the property payable only upon death or conveyance, the fee for such recording to be waived.

3. Application.

(1) Any eligible taxpayer, or his or her authorized agent, shall file an application for tax relief under this article with the Tax Assessor of the Town, between February 1st and through May 15th on a form prescribed and furnished by the Town. In making such application the taxpayer shall present to the Tax Assessor a copy of their federal income tax return for the previous calendar year, or if not required to file a return, such other evidence of qualifying income which the Tax Assessor may reasonably require to establish compliance with the income qualifications provided in sections 1 of this article. The applicant, or his or her authorized agent, shall sign a sworn affidavit, in the presence of the Tax Assessor or a member of the Tax Assessor's staff affirming the accuracy of the statements in the application. After the first application, this requirement for the Town is waived if an approved application for tax credits from the State of Connecticut has been filed or is in effect on an every other year filing cycle. This waiver does

not apply to taxpayers filing state freeze applications which have different income reporting requirements and those taxpayers opting for the Town's deferral program.

(2) When the Tax Assessor is satisfied that the applying taxpayer is entitled to tax relief under this article, he shall compute the amount of such tax relief and cause a certificate of tax deferral to be issued in such form as to permit the Tax Collector to reduce the amount of tax levied against the taxpayer and make proper record thereof, and a copy thereof shall be delivered to the applicant. The tax deferral shall be applied proportionately to the tax payments.

(3) Any person aggrieved by the decision of the Tax Assessor may appeal to the Board of Assessment Appeals in accordance with the provisions of Sections 12-111 and 12-112 of the Connecticut General Statutes.

(4) Affidavits, applications or other documents presented in support of the application for tax relief shall not be open for public inspection and shall not be disclosed except in case of an appeal or in connection with claims of fraud to the proper authorities.

4. Curtilage.

The tax relief for real property as provided herein shall apply only to the residence itself, the lot on which the residence is located and the improvements thereon. Only that portion of the lot equal to the minimum zoning requirement where the lot is situated shall receive tax credit.

ADOPTED BY THE BOARD OF SELECTMEN NOVEMBER 7, 2005; PUBLISHED IN THE REPUBLICAN-AMERICAN ON DECEMBER 7, 2005, EFFECTIVE DECEMBER 22, 2005; AMENDED MARCH 17, 2008, PUBLISHED IN THE REPUBLICAN-AMERICAN ON MARCH 19, 2008; EFFECTIVE APRIL 3, 2008.

Sec. 186

OPEN BURNING

Be it ordained by the Board of Selectmen of the Town of Winchester, Connecticut that Section 186 of the By-Laws and Ordinances is hereby adopted as follows:

A. Definitions

As used in this Ordinance, the following words or phrases shall have the meaning indicated.

1. **Applicant.** The person making the Open Burning Certificate Application and who will be responsible for the Open Burning.
2. **Brush.** Shrubs, vegetation or pruning, the diameter of which is not greater than three (3) inches at the widest point.
3. **Building.** Any structure, which is enclosed by a roof and walls.
4. **Commissioner.** The Commissioner of the State of Connecticut Department of Environmental Protection, or his or her designee.
5. **DEP.** The State Of Connecticut Department of Environmental Protection.
6. **Nuisance.** The discharge into the open air of any smoke, soot, dust, fumes, odors or other emissions which cause injury, detriment or annoyance or which endanger the comfort, repose, health or safety of the public or which cause, or are likely to cause, injury or damage to business or property.
7. **Open Burns.** The ignition of, causing to be ignited, permitting to be ignited, or maintenance of a fire outside the confines of a Building.
8. **Open Burning Certificate.** A certificate issued by the Open Burning Official in accordance with this Ordinance, Section 22a-174 and the Regulations.
9. **Open Burning Certificate Application.** An application for an Open Burning made on the form furnished by the Open Burning Official, which form shall, at a minimum, name the person responsible for the Open Burning, list applicant's address, list the applicant's telephone number, explain the purpose of the Open Burning, explain the type and quantity of material to be burned and list the address of the property at which the Open Burning shall take place.
10. **Open Burning Official.** Such official, who has been nominated, certified and serves in accordance with Section 22a-174 and the Regulations.
11. **Open Burning Registration.** Verbal registration which is made to the Open Burning Official twenty-four (24) hours prior to the ignition of such Open Burning.
12. **Regulations.** Those Regulations of Connecticut State Agencies enacted pursuant to Section 22a-174, as amended.
13. **Section 22a-174.** Section 22a-174 of the Connecticut General Statutes, as amended.

B. General Prohibition

No open burning shall be allowed except as specifically provided in this Ordinance.

C. Open Burning Certificate Required

1. **The following types of Open Burning shall be allowed only after an Applicant obtains an Open Burning Certificate:**
 - a. The Open Burns of Brush on residential property. The applicant

must be a resident or an authorized agent of a resident of the property where the Open Burning will occur. The Open Burning Official, in his or her discretion, may require proof of residency or proof that the Applicant is an authorized agent of a resident.

- b. Fire training exercises.
 - c. Eradication or control of insect infestations or disease.
 - d. Agricultural purposes.
 - e. Clearing vegetative debris following a natural disaster.
 - f. Vegetative management or enhancement of wildlife habitat or ecological sustainability on Town property or on any privately owned property permanently dedicated to open space.
 - g. Any other type of fire that is described in Section 22a-174 or the Regulations.
2. **The following conditions shall be placed on all Open Burning Certificates:**
- a. Open Burning must take place between the hours of 10:00 AM and 5:00 PM. No visible embers, flame or smoke may be present after 5:00 PM.
 - b. Open Burning shall only be permitted on sunny or partly sunny days when the wind speed is five (5) to fifteen (15) miles per hour, except that fire-training exercises shall not be subject to this condition.
 - c. The Open Burning of Brush may only occur on residential property that contains one or two residential units.
 - d. The Applicant must keep a copy of the Open Burning Certificate in his or her possession at the time of the Open Burning.
 - e. The Applicant must call the Open Burning Official or such other person listed on the Open Burning Certificate twenty-four hours (24) prior to the ignition of the Open Burning and leave the Applicant's name, telephone number, the specific time of and location of the Open Burn.
 - f. Any other conditions required to be imposed by Section 22a-174 or the Regulations.
3. The Open Burning Official may issue such further conditions to an Open Burning Certificate either at the time of issuance of the Open Burning Certificate or afterwards, as are necessary to avoid a Nuisance or to protect the health, safety and comfort of the public, relating to the following:
- a. The materials and quantities to be burned.
 - b. The hours and days during which the Open Burning is allowed.
 - c. Any other conditions allowed under Section 22a-174 or the Regulations.
4. An Open Burning Certificate is applicable only for the occasion and purpose outlined in such Open Burning Certificate. The Open Burning Certificate may be revoked in writing by the Open Burning Official or the Commissioner, for violation of any provision of this ordinance or the Regulations of Connecticut State Agencies enacted pursuant to Section 22a-174, as amended.

D. Open Burning Registration Required

The following type of Open Burning shall be allowed only after a person makes an Open Burning Registration: any campfires or bonfires that exceed four (4) feet in any direction.

E. Conditions on All Open Burning

In addition to the conditions provided in Section C.2., the following conditions are imposed on all Open Burning:

1. No Open Burning shall create a nuisance.
2. A responsible adult shall tend to the Open Burning at all times.
3. Suitable fire extinguishing equipment must be in close proximity and available at the time of the Open Burning.
4. The Open Burning must be a minimum of twenty-five (25) feet from any property line and twenty-five feet from any Building, except that barbecues or other similar outdoor fires shall not be subject to this condition.
5. No Open Burning shall be allowed to burn out of control so as to require the response of fire personnel and/or apparatus. The fire chief or fire marshal shall make determination that a fire has been allowed to burn out of control.
6. No weeds, grass, leaves, processed wood, garbage, paper, metals, plastics, rubber, painted materials, man made waste or demolition waste shall be burned.
7. No Open Burning of Brush shall occur when national or state ambient air quality standards may be exceeded.
8. No Open Burning of Brush shall occur where a hazardous health condition might be created.
9. No Open Burning shall occur when the forest fire danger in the area is identified by the Commissioner as high and extreme and where woodland or grassland is within one hundred (100) feet of the proposed Open Burning.
10. No Open Burning of Brush shall occur when there is an advisory from the Commissioner of any air pollution episode.
11. No Open Burning is allowed within the limits of any public road or public right-of-way.
12. No Open Burning of Brush shall occur on commercial or industrial properties, vacant lots or on properties that contain multifamily residential units.

F. Exceptions on All Open Burning

The following type of Open Burning shall be allowed without the need for an Open Burning Certificate or Open Burning Registration:

1. Barbecues or other similar outdoor fires, which fires are for the cooking of food for human consumption.
2. Campfires, bonfires or other types of fires made out of non-processed wood for recreational or ceremonial purposes, provided that the size of such fires does not exceed four (4) feet in any direction.
3. Fires in "salamanders" or other similar devices used by construction or other workers for heating purposes, which fires are used for street installation or paving activities, the repairing of utilities or other similar work.
4. Fire breaks for the purpose of controlling forest fires, provided fire personnel do it.
5. Any fire specifically exempted from such requirements in Section 22a-174 of the Regulations.

G. Extinguishing of Fires

The Fire Marshal, Fire Chief or any officer of the Fire Department, the Director of Health, or his or her designee, or any police officer may require any person who ignites or maintains an Open Burning in violation of the provisions of this Ordinance to extinguish such Open Burning. Failure to extinguish such Open Burning shall be a violation under this Ordinance.

H. Permit from Commissioner

Certain types of Open Burning require the issuance of a permit by the Commissioner; such types are enumerated in the Connecticut General Statutes and the Regulations of Connecticut State Agencies.

I. Penalties for Offenses

Any person who violates any provision of this Ordinance shall be subject to the following penalties and fines:

1. Fines:

- a. First offense or violation: twenty-five dollars (\$25.00)
- b. Second or subsequent offense or violation: one hundred dollars (\$100.00) for each separate violation and each day of continued violation.

2. The Open Burning Official may seek enforcement of the provisions of this Ordinance by injunction and, in such event, the violator may be liable for the Town's reasonable attorney's fees.

3. The provisions of Ordinance Enforcement, shall otherwise apply to this Ordinance.

4. Any and all remedies which the Town has in enforcing the Ordinance, at law or in equity, shall be cumulative and two or more or all of such remedies may be exercised at the same time.

J. Permit Fees

Inspection of the premises shall be made to insure compliance with the ordinance and the Connecticut General Statutes as may be amended from time to time. Said inspection shall be carried out simultaneously with all other required inspections. All separate fee schedules shall be adhered to. A fee of ten dollars (\$10.00) shall be paid to the Town of Winchester prior to the Open Burning Official's inspection.

ADOPTED BY THE BOARD OF SELECTMEN FEBRUARY 6, 2006, PUBLISHED IN THE REPUBLICAN-AMERICAN, FEBRUARY 21, 2006; THIS ORDINANCE SHALL BE EFFECTIVE/OPERATIVE MARCH 8, 2006.

SEC. 187 INLAND WETLANDS AND WATERCOURSES AGENCY FEES

In addition to those fees enumerated in the Inland Wetlands and Watercourses Agency regulations, which shall be deemed the minimum fees, the Agency may impose the following fees:

When the Inland Wetlands and Watercourses Agency determines that the application will require the use of outside consultant services, it may add to the minimum fee a surcharge fee to fund the approximate actual cost of those services.

The expenses for such outside consultants may be estimated by the Inland Wetlands and Watercourses Agency upon receipt of the application, based upon the projected expenses of reviewing, evaluating and processing the application. This reasonable estimate, together with the appropriate application fee given above, shall be paid forthwith, and the application shall be deemed incomplete until these fees have been submitted. For the purpose of this Ordinance an "outside consultant" means a professional who is not an employee of the Town including, but not limited to, engineering, traffic, legal, environmental and planning professionals.

Any portion of the surcharge fee not expended by the Town on the project shall be rebated to the applicant upon completion of the review, evaluation and processing of the application.

The Agency shall bill the applicant for any costs incurred by the Town in excess of the surcharge fee paid by the applicant. This bill shall be paid by the applicant prior to the issuance of any permits.

ADOPTED BY THE BOARD OF SELECTMEN ON AUGUST 7, 2006, EFFECTIVE AUGUST 25, 2006; AMENDED APRIL 16, 2007; PUBLISHED IN THE REPUBLICAN-AMERICAN ON APRIL 24, 2007; TO BE EFFECTIVE MAY 15, 2007.

Sec. 188 Senior Citizen Tax Freeze

BE IT ORDAINED, by the Board of Selectmen of the Town of Winchester, Connecticut that Section 188 of the Bylaws and Ordinances is hereby adopted as follows:

Pursuant to the authority granted under Public Act 06-176, the tax relief for elderly homeowners provided under said statute, is hereby adopted as follows:

1. ELIGIBILITY

- a. Any person who owns real property in the Town or is liable for payment of tax thereon under Section 12-48 of the Connecticut General Statutes, shall be eligible to have their real estate taxes frozen at the level of the tax due for the assessment year beginning October 1 of the year immediately preceding the date the homeowner applies as provided herein. Once found eligible, the homeowner's real estate tax bill shall remain frozen for as long as the homeowner meets the eligibility requirements contained herein.
- b. To qualify for the tax freeze, a person must meet the following requirements:
 - (1) As of the prior December 31, (a) be at least age 70 or have a spouse living with him who is at least age 70; or (b) be at least age 62 and a surviving spouse of a taxpayer who was entitled to the tax freeze when he died, provided they were living together at the time of death.
 - (2) Occupy the property as his home.
 - (3) Have lived in Winchester, Connecticut for at least one year before filing the claim (this requirement will apply to either spouse).
 - (4) Have qualifying income (both taxable and non-taxable) in the immediately preceding tax year at or below the limits for the so-called "circuit breaker" elderly/disabled tax relief program.
 - (5) Submit evidence of his income and a signed affidavit to the assessor.
 - (6) Have assets of no more than \$125,000.00, excluding the residence for which relief is sought.
- c. Should the taxes on the subject property in subsequent years be lowered, the lower taxes will apply to the person who has qualified for the freeze.
- d. The following payments shall be exempt from calculating the person's income as provided above: (a) Medicaid payments made on the person or his spouse's behalf; (b) a spouse's income if he resides in a health care or nursing home facility in Connecticut that receives medicare payments for the spouse.
- e. All persons who receive this benefit must reapply every two years on a form prepared by the Town Assessor to maintain their eligibility.

2. APPLICATION

- a. Any eligible person, or his or her authorized agent, shall file an application for tax relief under this article with the Tax Assessor of the Town, between February 1st and through May 15th on a form prescribed and furnished by the Town. In making such application, the applicant shall present to the Tax Assessor a copy of their federal income tax return for the previous calendar year, or if not required to file a return, such other evidence of qualifying income which the Tax Assessor may reasonably require to establish compliance with the income qualifications provided in section 1 of this ordinance. The applicant, or his or her authorized agent, shall sign a sworn affidavit, in the presence of the Tax Assessor or a member of the Tax Assessor's staff affirming the accuracy of the statements in the application.

- b. When the Tax Assessor is satisfied that the applicant is entitled to the tax relief under this article, he shall compute the amount of such tax freeze and cause a certificate of tax freeze to be issued in such form as to permit the Tax Collector to reduce the amount of tax levied against the applicant and make proper record thereof, and a copy thereof shall be delivered to the applicant.
- c. Any person aggrieved by the decision of the Tax Assessor may appeal to the Board of Assessment Appeals in accordance with the provisions of Sections 12-111 and 12-112 of the Connecticut General Statutes.
- d. Affidavits, applications or other documents presented in support of the application for tax relief shall not be open for public inspection and shall not be disclosed except in case of an appeal or in connection with claims of fraud to the proper authorities.

3. PROPERTY TRANSFER

If a person benefiting from this tax freeze transfers his interest in the subject property between November 1 and August 1, either voluntarily or involuntarily, the tax freeze benefit for that year must be prorated. If the transfer occurs in the month of October, the person is disqualified from tax relief for that assessment year. If the transfer happens in August or September, no proration of the benefits shall occur and the person shall receive the full benefit for the assessment year. The person to whom the property is transferred must within 10 days after the conveyance date notify the Assessor. If the Assessor receives no notice or learns of the conveyance on her own, she can calculate the amount of tax relief to which the original homeowner is entitled, and notify the Tax Collector of the reduced benefit amount. When the Tax Collector receives the assessor's notice after the Town's tax due date, she has 10 days to mail or hand a bill to the transferee containing the additional amounts of tax due. This additional tax is due, payable and collectable subject to the same liens and processes as other property taxes but must be paid in an initial or single installment within 30 days after the Tax Collector mails or hands the bill to the new owner and in equal amounts for any remaining regular installment.

4. LIEN

The Town may file a lien on the person's property to ensure compliance with the requirements of this Ordinance.

5. FALSE STATEMENT PENALTIES

Anyone who knowingly makes a false application to claim the tax relief herein will be subject to a fine of \$500.00. Any person who fails to disclose all relevant matters or makes a false statement with the intention to defraud the Town must also refund any and all benefits obtained through this Ordinance to the Town.

The use of either gender in this Ordinance shall be deemed to include the other, and the singular shall include the plural and vice versa, where the context would so require.

ADOPTED BY THE BOARD OF SELECTMEN MARCH 5, 2007, PUBLISHED IN THE REPUBLICAN-AMERICAN, MARCH 7, 2007 AND EFFECTIVE/OPERATIVE MARCH 22, 2007.

SEC. 189 CITATION FINES AND PROCEDURES FOR ZONING VIOLATIONS

1. The Zoning Enforcement Officer is authorized to issue citations for violations of the Zoning Regulations of the Town of Winchester to the extent and in the manner provided by this Ordinance. Any such citation may be served either by hand delivery or by certified mail, return receipt requested to the person named in such citations. If the person named in the citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail. The Zoning Enforcement Officer shall file and retain an original or certified copy of the citation.
2. The citation may be issued for any violation of the Zoning Regulations of the Town of Winchester.
3. The fine for each citation shall be \$100.00 payable to the Treasurer of the Town of Winchester. Each violation of said regulation shall be a separate and distinct offence, and in the case of a continuing violation each day's continuance thereof shall be deemed to be a separate and distinct offense.
4. The process for issuing, administering, or appealing said citations will be made pursuant to Section 152 of the Town of Winchester Ordinances.

ADOPTED BY THE BOARD OF SELECTMEN ON AUGUST 20, 2007, PUBLISHED IN THE REPUBLICAN-AMERICAN ON AUGUST 26, 2007; EFFECTIVE SEPTEMBER 10, 2007.

SEC. 190 CITATION FINES AND PROCEDURES FOR INLAND WETLANDS AND WATERCOURSES VIOLATIONS

1. The Inland Wetlands and Watercourses Enforcement Officer is authorized to issue citations for violations of the Inland Wetlands and Watercourses Regulations of the Town of Winchester to the extent and in the manner provided by this Ordinance. Any such citation may be served either by hand delivery or by certified mail, return receipt requested to the person named in such citations. If the person named in the citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail. The Inland Wetlands and Watercourses Enforcement Officer shall file and retain an original or certified copy of the citation.
2. The citation may be issued for any violation of the Inland Wetland and Watercourses Regulations of the Town of Winchester.
3. The fine for each citation shall be \$100.00 payable to the Treasurer of the Town of Winchester. Each violation of said regulation shall be a separate and distinct offence, and in the case of a continuing violation each day's continuance thereof shall be deemed to be a separate and distinct offense. In no event, however, shall the total fine exceed \$1,000.00.
4. The process for issuing, administering, or appealing said citations will be made pursuant to Section 152 of the Town of Winchester Ordinances.

ADOPTED BY THE BOARD OF SELECTMEN ON AUGUST 20, 2007, PUBLISHED IN THE REPUBLICAN-AMERICAN ON AUGUST 26, 2007; EFFECTIVE SEPTEMBER 10, 2007.