

Sec. 191 REMOVAL OF OFFICIALS

In the event the Board of Selectmen seek the removal of any person under the provisions of Charter Section 1601, the following minimum procedure should apply in addition to those provided in Section 1601:

- a. The appointee shall have the right to call witnesses and cross examine those witnesses called against him, to submit any documents on his own behalf, as well as offer rebuttal evidence.
- b. The Board of Selectmen shall cause the evidence to be recorded by a sound recording device.
- c. Within fifteen (15) days of the termination of the hearing, the Board of Selectmen shall cause a record of the hearing to be filed with the Town Clerk. The record shall contain all documents submitted at the hearing as well as the audio tapes of the hearing.
- d. Within thirty (30) days of the termination of the hearing, the Board of Selectmen shall render a final decision and reduce the decision to a written form. The decision shall contain those facts the Board of Selectmen found in support of their decision.

This Ordinance shall not modify or limit the protection currently contained in Section 1601, nor shall the Ordinance supersede current or future state law in the removal of municipal appointed officials. The ordinance shall have no application to any employee covered by a collective bargaining contract.

ADOPTED BY THE BOARD OF SELECTMEN ON MARCH 15, 2010, PUBLISHED IN THE REGISTER CITIZEN ON MARCH 17, 2010; TO BE EFFECTIVE APRIL 8, 2010.

SEC. 192 TAX ABATEMENT FOR HOUSING OF LOW OR MODERATE INCOME PERSONS

Be It Ordained:

1. Purpose.

Pursuant to Connecticut General Statutes §8-215, the Town of Winchester is hereby authorized and empowered to abate in part or in whole the real property taxes on "housing solely for low or moderate-income persons or families" as that phrase is defined in Connecticut General Statutes §8-202 (c) as the same may be amended from time to time.

2. Contract Requirements.

Such abatement shall be made pursuant to a contract between the Town, acting by and through its Board of Selectmen who are hereby authorized and empowered to negotiate and execute such contracts on behalf of the Town, and the owner of any such housing. The contract need not be conditioned upon state reimbursement to the Town for such abatement; but shall provide (1) the terms of such abatement; (2) that such abatement shall terminate at any time when such housing is not solely for low or moderate-income persons or families as defined in Connecticut General Statutes Section 8-202(c); and (3) that moneys equal to the amount of such abatement shall be used by said owner for one or more of the following purposes: (a) to reduce rents below the levels which would be achieved in the absence of such abatement and to improve the quality and design of such housing; (b) to effect occupancy of such housing by persons and families of varying income levels within limits determined by the Commissioner of the Connecticut Department of Housing by regulation; or (c) to provide necessary related facilities or services in such housing.

3. State Reimbursement or Payment.

The Town, acting by and thorough the board of Selectmen, is hereby authorized and empowered to enter into agreements with respect to state reimbursement for tax abatements or state payment in lieu of taxes, as provided in Connecticut General Statutes §8-216, as the same may be amended from time to time.

ADOPTED BY THE BOARD OF SELECTMEN ON MARCH 4, 2002, WAS NEVER PUBLISHED. RE-ADOPTED ON JUNE 14, 2010 AND PUBLISHED IN THE REGISTER CITIZEN ON JUNE 17, 2010; EFFECTIVE JULY 8, 2010.

SEC. 193 NAMING OF TOWN FACILITIES

Be it ordained:

1. Proposals for naming or re-naming town-owned facilities, including but not limited to buildings, other structures, rooms, parks, fields and roads, shall be presented to the Board of Selectmen and contain the following:
 - a. The current name and location of the subject property.
 - b. History of the current name (if applicable and known).
 - c. If the facility is to be named for a person or organization, a statement describing that person's or organization's impact upon the town.
 - d. A petition supporting the naming signed by not less than fifty voters of the Town of Winchester.
2. Upon receipt of the information, the Board of Selectmen shall vote to reject the proposal or to appoint a Naming Committee which shall serve only for the time necessary to examine the proposal. The Naming Committee shall, at a minimum, include the primary petitioner, the Town Manager, and a Selectman. The Board of Selectmen may appoint additional interested individuals to serve on the Naming Committee, but the Naming Committee shall not have more than five members. After appointed, the Naming Committee shall gather additional information which shall include:
 - a. The financial impact of the proposed change, including costs such as new signage, stationery, legal fees, contract revisions, and public notices and possible revenues as grants, fees, or in-kind services.
 - b. An implementation schedule.
 - c. Any other information deemed appropriate and relevant by the Board of Selectmen.
3. After compiling the required information, the Naming Committee shall present the information to the Board of Selectmen, which, upon review of the material, shall vote to reject the proposal or to schedule a public hearing.
4. Following the public hearing, the Board of Selectmen shall, after considering public comments, vote to reject the proposal or to schedule a vote at a Special Town Meeting to be held within 30 days. Notice of the meeting shall be made by publication in a newspaper at least 7 days before the meeting.
5. Those persons appearing on the latest official list of the Registrar of Voters shall be eligible to vote at the Special Town Meeting.
6. Once named, a town-owned facility may not be the subject of another naming proposal for at least ten years from the date of the Special Town Meeting approval.

7. No facility shall be named for any racial, ethnic, or religious group or organization. Facilities should not be named for individuals still living, except as deemed worthy of such recognition due to outstanding contributions to the town by the Board of Selectmen. No facility shall be named in such a way as to cause confusion with other facilities similarly named.

ADOPTED BY THE BOARD OF SELECTMEN ON JANUARY 17, 2012, TO BE PUBLISHED IN THE REGISTER CITIZEN ON JANUARY 19, 2012 AND EFFECTIVE FEBRUARY 9, 2012.

SEC. 194 CEMETERY RULES & REGULATIONS

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

1. Hours of Operation:

- a. The Town Cemeteries shall be open to the public throughout the year (weather permitting) from 8:00 AM to sunset. No pedestrians or vehicles may enter the cemeteries at any time other than during the established hours of operation.
- b. In winter months only minimal snow plowing of internal access roads will be conducted to accommodate funeral services.
- c. Loitering, idling or congregating in the cemeteries is prohibited.

2. General Rules:

- a. Visitors shall respect the solemnity of the cemeteries and observe these rules which have been established for the purpose of securing quiet and good order at all time within the grounds.
- b. No person shall remove any plants or flowers, whether wild or cultivated, disturb birds or their eggs, harm any tree or shrub or deface any memorial property in any way.
- c. Reasonable efforts are made to protect flowers, shrubs and other property from vandalism and/or theft, but no responsibility for their protection is assumed or implied.
- d. No unlicensed operator of a motor vehicle is allowed to operate a vehicle in the cemeteries.
- e. Driving or parking on lawn areas is prohibited.
- f. No camping of any type is allowed on Cemetery grounds.
- g. No firearms are allowed on the grounds except those used in Military Honor Ceremonies.
- h. Dogs must be kept on a leash and restrained by the owner at all times. Owners are responsible to pickup and properly dispose of any messes made.
- i. All rubbish collected from the lots must be removed and deposited in receptacles which are provided for that purpose.
- j. No money shall be paid or gratuity given to any person in the employ of the Town in reward for any personal attention.
- k. No person may drive or park a motor vehicle in any Cemetery unless in attendance at burial services or otherwise engaged in activities consistent with the use of the Cemetery.
- l. All work and traffic must stop when a burial service is being conducted.
- m. The posting of any bills, posters, placards, pictures, or any other form of political or commercial advertising is prohibited on Cemetery grounds.
- n. The soliciting for sale of any goods or service is prohibited from Cemetery property.

3. Plots:

- a. All lots are numbered and the boundary is designated by tile markers set flush with the ground at each corner. No other boundary marking will be permitted by tree, shrub or corner post, except that corner posts of granite or marble may be used if set flush with the ground.
- b. No fence, hedge or railing will be allowed to enclose any lot or portion of lot.
- c. Plots shall not be used for any other purpose than as a burial place for human remains.
- d. The deed of a lot shall grant to the purchaser only the right of increment upon his or her lot for himself and family, his heirs and devisees. Friends may be buried therein without any profit, gain or emolument whatsoever to the purchaser or proprietor, and such interment will be subject to all the by-laws, rules and regulations.
- e. The perpetual care of plots is basic in nature, and includes mowing of the grass and trimming around monuments.
- f. The raising of lots or mounds over graves is prohibited.

- g. Each burial plot shall be limited to one of the following:
 - 1. The interment of one human body;
 - 2. The interment of one human body and two cremation urns; or
 - 3. The interment of no more than two cremation urns.
- h. The scattering of cremated remains is prohibited on Cemetery property.
- i. No grave may be opened and no burial may take place in a Town-owned Cemetery except by a licensed Funeral Director or his employees under the supervision of the Sexton or Cemetery Attendant.
- j. Inasmuch as the deed to a lot only conveys the right of burial therein, it shall be the duty of the Sexton to enter upon any lot and prohibit, modify or remove any object of adornment or work done contrary to the rules which may be considered objectionable or injurious to the lot or to an adjoining lot.
- k. When a lot is sold to two or more persons they take title as tenants-in-common.

4. Interments:

- a. Only human remains may be interred in Town cemeteries.
- b. All caskets must be enclosed in a permanent outer burial vault suitable for earth burial.
- c. A 48 hour minimum notice is required to open a grave prior to the time of interment.
- d. After entering the Cemetery, funeral processions are under the control of the Sexton or Cemetery Attendant.
- e. All burials from the vault must take place before Memorial Day. If desired by the family, final burials from the vault may take place without minister or family. In this case, the burial will be performed at the convenience of the Cemetery.
- f. No burials will be scheduled on Town specified holidays.
- g. The Sexton has full control over scheduling burials during the winter months (December 1st to April 15th). Every effort will be made to accomplish the burial when requested. However, weather conditions, location and terrain of the plot, ability to locate plot corners, safety of Town employees, safety of the family and guests attending the service, and highway department snow removal obligations will all be considered in the decision as to if and when the service could be provided.
- h. A request for disinterment should be made in writing. A permit issued by the Registrar of Vital Statistics must be presented to the Cemetery before disinterment may take place.
- i. The Cemetery will use reasonable care in making all removals, but will not be liable for any damage to a burial vault or casket.

5. Plantings:

- a. On lots that contain a memorial, one flower pot may be placed on each side of or in front of the headstone.
- b. On lots that have a central memorial, one flower bed, if desired, may be installed adjacent to either side of the memorial.
- c. The planting of new trees or shrubbery will not be allowed on any lot.
- d. Existing shrubbery which becomes overgrown or unsightly will be removed by Cemetery personnel.
- e. All floral decorations must be in flower boxes, flower pots or containers, and are limited to one container per grave.
- f. The Town reserves the right to restrict the placing and type of container and to remove any which do not conform to the Cemetery's standards of beauty and safety.

- g. Turf shall not be removed or damaged in any way to facilitate the placing of decorations on the lot.
- h. The placing of bricks or any other objects beneath containers is prohibited.
- i. Artificial decorations are not permitted in the growing season between April 1st & November 1st.
- j. The placing of any types of balloons, pinwheels, bird feeders or Sheppard's hooks is strictly prohibited.
- k. No shrubs, flower boxes or plants embedded in the ground are allowed in the "Veteran Section". Flower pots may be placed near the headstone on Holiday weekends.

6. Memorials:

- a. All memorial work must be certified material acceptable to the Cemetery. It must be guaranteed against chipping, cracking or disintegration from natural causes. Artificial coloring of any type is prohibited.
- b. All workmen employed in the erection of memorials or work of any kind must be subject to the control of the Sexton or Cemetery Attendant. No work vehicles or equipment are allowed on lawn areas without the prior approval of Cemetery personnel.
- c. Water provided at the cemeteries is not for commercial use.
- d. Foundations for monuments or headstones shall be of concrete and shall be four feet deep, or as deep as the adjoining grave. Foundations for markers shall be three feet deep.
- e. All foundations shall be built in conformance with standard details provided by the Cemetery. Contractors building foundations and installing monuments shall coordinate all work with the Cemetery Attendant.
- f. The Cemetery Attendant must inspect and approve in-place foundation formwork prior to the casting of concrete. A (48) hour minimum notice is required to schedule inspections. An inspection fee will be charged in accordance with the Town Cemetery Fee Schedule.
- g. Any dealer or contractor that violates the rules of the Cemetery may be denied the privilege of installing memorials in the Cemetery.
- h. Markers must have a stub of no less than six inches and be set on a concrete foundation and cemented to it.
- i. No memorial shall be erected upon any lot until the lot has been paid for in full.
- j. Memorials erected in the single grave section of cemeteries shall not exceed three feet in height.
- k. Pictures, photographs or any other material attached to a memorial in any way is not permitted.
- l. The Town does not assume responsibility for the care of monuments or markers or for any damage to them, accidentally or by willful action.
- m. If any monument or marker in the Town's cemeteries becomes unsafe, unsightly, or in need of repair or resetting, the Cemetery Attendant will attempt to notify the owner of the lot of such condition and shall request that repairs be made under the Attendant's supervision. The Town is not obligated to place, replace, or repair any monument or marker though case by case repair may be considered.

7. Receiving Vault:

Any person desiring a burial in a Town Cemetery may have use of the vault.

8. **Fees:**

Fees charged for all services shall be in accordance with the current published Cemetery Fee Schedule, which may be amended from time to time by action of the Board of Selectmen.

9. **Violations:**

Violations of any provision of the ordinance may result in a fine of \$100.00 to be issued by the Town of Winchester Police Department. Each action of violation and each day a violation occurs or continues constitute a separate offense.

ADOPTED BY THE BOARD OF SELECTMEN ON AUGUST 20, 2012, PUBLISHED IN THE REGISTER CITIZEN AUGUST 25, 2012; TO BE EFFECTIVE SEPTEMBER 17, 2012.

SEC. 195 NOISE REGULATION

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

Sec. 1 - Purpose of Article

It is recognized that people have a right to and should be ensured an environment free from excessive sound, vibration and other activities that may jeopardize their health, safety or welfare or degrade the quality of life. This article is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the residents of the Town.

Sec. 2 - Construction Activities

- A. No person shall engage in any activity related to the erection, excavation, demolition, alteration or repair of any building, or the excavation of streets and highways, nor in the operation of trucks, tractors, bulldozers, payloaders, compressors, or other heavy equipment other than between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday, and other than between the hours of 9:00 a.m. and 6:00 p.m. on Sundays and legal holidays, except in case of urgent necessity in the interest of public safety, and then only with a permit from the director of public works, which permit may be granted for a period of not to exceed three days while the emergency continues, and which permit may be renewed for periods of three days or less while the emergency continues.
- B. The Director of Public Works, in deciding whether to issue or renew any such permit shall consider the following criteria:
 - 1. The reasons for the requested permit as they relate to the public health and safety;
 - 2. The requested hours for construction activities;
 - 3. The type of construction activities to take place and the type of construction equipment to be utilized;
 - 4. The noise reasonably likely to be generated from the construction activities and equipment;
 - 5. The area where the construction activities are to be performed, with consideration to residential versus commercial uses, density of population, and the number of people to be affected by the activities and noise;
 - 6. The number of days for which the permit or renewal is requested.

Sec. 3 - Mobile Loudspeakers

No person shall use, play or operate, for any purpose whatever, any loudspeaker or sound amplifying device including, but not limited to radios, tape decks, musical instruments, compact disc players, or public address systems, in or attached to or on any vehicle moving or standing on any highway or public place in the town, or in any place where the sound therefrom is cast directly upon any of the highways or public places in the town, or in any place where the sound therefrom is cast directly upon any of the highways or public places, without first obtaining a permit from the chief of police or his designee; provided, however, that:

- A. Permits shall not be granted for advertising or commercial use;
- B. Such device shall only be operated from 9:00 a.m. to 6:00 p.m. on weekdays and from 10:00 a.m. to 5:00 p.m. on Saturdays, Sundays and legal holidays;

C. Such device shall not be operated in the vicinity of hospitals, convalescent or nursing homes or schools while in session, or churches while services are being conducted.

Nothing in this article shall prohibit the use of such devices on vehicles of the town while engaged in necessary public business, or on emergency vehicles.

Sec. 4 - Fixed Loudspeakers

No person shall use, play or operate any loudspeaker or sound amplifying device including, but not limited to radios, tape decks, musical instruments, compact disc players, or public address systems, in or attached from any stand, platform or any other structure or part of any structure which abuts or is adjacent to a public place or street, or to use, play or operate a loud speaker or sound amplifying device which is attached to the outside of any building or premises abutting or adjacent to a public place or street, without first obtaining a permit from the chief of police or his designee and paying an annual permit fee of \$100.00, except for public functions or emergency use. The permit obtained shall list specific days and hours of operation as determined by the Chief of Police or his designee considering the needs of the applicant and the comfort of the public.

Sec. 5 - Residential Activities

No person shall engage in the operation of lawn mowers, chain saws, lawn tractors or similar devices except between the hours of 7:00 a.m. and 9:00 p.m. Monday through Saturday and between the hours of 9:00 a.m. and 9:00 p.m. on Sunday or any legal holiday. No person shall use, play or operate any radio, phonograph, tape player, musical instruments, compact disc player, loudspeaker or other sound amplifying device at a volume which shall disturb the occupants of adjacent residences or units at any time.

Sec. 6 - Enforcement

- A. The Chief of Police or his designee shall enforce the provisions of this article.
- B. Civil remedies. This article may be enforced by injunction, action for abatement, or other appropriate civil remedy. The Town may recover from such violation any and all costs and fees, including reasonable attorney fees expended by the Town in enforcing the provisions of this ordinance.
- C. Criminal penalties. Every person who violates any provision of this article shall be fined not more than \$100.00. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

Sec. 7 - Exemptions

The following are exempt from the provisions of this article:

- A. Sanding and snow removal operations by state, municipal or private contractors;
- B. Noises made by alarm systems;
- C. Any public address system allowed under the Town of Winchester zoning regulations.

Sec. 8 - Severability

If, for any reason, any word, clause, paragraph, or subsection of this Ordinance shall be held to make the same unconstitutional or superceded by any State law or regulation, this Ordinance shall not thereby be invalidated and the remainder of the Ordinance shall continue in effect.

ADOPTED BY THE BOARD OF SELECTMEN ON AUGUST 19, 2013;
PUBLISHED AUGUST 22, 2013 AND EFFECTIVE SEPTEMBER 6, 2013.

SEC. 196 MOTOR VEHICLE DELINQUENCY FEE

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

Each taxpayer who has been delinquent in the payment of any property tax or installment thereof on a motor vehicle and whose delinquency was reported to the Commissioner of Motor Vehicles pursuant to Connecticut General Statute Section 14-33, in addition to the delinquent taxes and all interest thereon, shall pay to the tax collector a fee of five dollars (\$5.00) for each such reported delinquency.

ADOPTED BY THE BOARD OF SELECTMEN ON MARCH 4, 2013;
PUBLISHED IN THE REGISTER CITIZEN ON MARCH 8, 2013 AND
EFFECTIVE APRIL 1, 2013.