



Borough of Stonington  
Ordinances  
as of  
January 22, 2019

*NOTE: The ordinances contained herein are local ordinances only. In addition, the Federal, State, and Town governments regulate or prohibit various activities. Borough ordinances passed by the Board of Warden and Burgesses may be subject to petition within fifteen days of publication pursuant to Section 2 of Chapter 5 of the Borough Charter, and Borough voters may initiate an ordinance by presenting to the Clerk-Treasurer a petition signed by fifty or more voters in accordance with provisions of the Borough Charter.*

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## **SBO-01 STREETS AND SIDEWALKS**

No person shall dig up or cause to be dug up any street, sidewalk or public land except with permission of the Board of Warden and Burgesses (hereinafter referred to as the Board) or its designee. Prior to granting such permission, the Board or its designee may require a bond equal to \$2500 or the cost of restoring said street, sidewalk, or public land to a safe condition.

2. No person shall place or cause to be placed any obstruction on any street, sidewalk or public land in such a way as to render passage unsafe to pedestrians or vehicles. Safety shall be determined by the Street Commissioner.

3. Every person owning property abutting a sidewalk or served by a private access street shall maintain conditions safe for passage of pedestrians on said sidewalk or for vehicles on said private-access street. A "private access street" shall be defined as any private street, way, alley, or right-of-way providing access for emergency vehicles to more than one principal use as defined in the Zoning Regulations of the Borough of Stonington. Safety shall be determined by the Board.

4. Upon determination that a violation has occurred of Sections 1, 2 or 3 of this Ordinance, the Sidewalk Commissioner shall set a reasonable amount of time in which the person responsible for such violations may correct the condition and shall notify the violator in writing of the violation and the period of time for correction. If the condition is not corrected within the specified period, the Board shall have the authority to correct it and to charge the person responsible for the violation a reasonable fee for such service.

If the obstruction or damage to a sidewalk is caused by the encroachment or uncontrolled growth of trees owned or maintained by the Borough, it shall be corrected at the expense of the Borough. Such expense shall be limited to the repair of the actual damage caused by such tree/s.

5. Every person owning property abutting a sidewalk shall remove snow, sleet, and ice from sidewalks within 12 hours after cessation of a storm and in such a way as to create a safe path at least two feet wide on said sidewalk. Safety shall be determined by the Sidewalk Commissioner or the Street Commissioner.

The Borough of Stonington adopts the provisions of Section 7-163a of the Connecticut General Statutes, as follows:

A. Notwithstanding the provisions of C.G.S. Section 13a-149 or any other general statute or special act, the Borough shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the Borough is the owner or is in possession and control of land

abutting such sidewalk, other than land used as a highway or street, provided the Borough shall be liable for its affirmative acts with respect to such sidewalk.

B. (1) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his or her property as the municipality had prior to the effective date this Ordinance and shall be liable to persons injured in person or property where a breach of such duty is the proximate cause of such injury.

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

C. It is the intention of the Borough that this Ordinance shall conform to, and the Ordinance shall be deemed to conform to, any applicable amendments to C.G.S. § 7-163a that may take effect after the date of adoption of this Ordinance.

6. Upon determination that a violation of Section 5 above has occurred, the Sidewalk Commissioner or the Street Commissioner shall have the authority to correct the violation and to charge the person responsible for such violation a reasonable fee for such service and assess a fine up to \$100.

7. If any charges resulting from sections 4 or 6 above for correction of a violation on a street, sidewalk, or private access street remain unpaid for a period longer than 90 days, a notice of claim of lien shall be sent to the person owning the property. If, prior to the date of filing of the lien, the Borough of Stonington receives a request from the property owner for a hearing, the property owner shall have an opportunity to be heard, and after such hearing the Board shall determine the appropriate amount to be paid and liened. In no event shall the amount of the lien be greater than the original charges provided for in the notice to the landowner. If no request for hearing is received, a lien certificate shall be filed in the Land Records.

8. All public highways, roads, streets, alleys and private access roads in the Borough are hereby designated as Fire Lanes.

9. No person shall ride a bicycle, skateboard, or similar device on sidewalks of Water Street or Main Street.

10. In the event of an emergency, following notification by the Town of Stonington Department of Police Services, the Warden and/or Street

Commissioner shall be authorized to implement an emergency plan.

*Revised December 1, 1993, paragraphs 5 and 6 revised October 4, 2000; re-passed April 15, 2006*

*Paragraph 1 revised September 27, 1997; re-passed April 15, 2006*

*Paragraph 5 revised and passed May 13, 2004*

*Paragraph 4 revised and passed July 15, 2013*

*Revised June 20, 2016*

## **SBO-02 MOTOR VEHICLES**

1. The Board of Warden and Burgesses (hereinafter referred to as the Board) shall act as the Borough Traffic Authority pursuant to sec 14-297 of the Connecticut General Statutes.
2. No person shall operate a motor vehicle on a Borough street at a greater speed than 20 miles per hour.
3. No person shall park or allow to remain on any public street or public property, any trailer or motor vehicle for a period of more than seventy-two hours.
4. The Board may use yellow-painted curbs to designate No Parking areas.
5. In order to provide safe passage for emergency vehicles, the Board is authorized to establish Tow Zones for any No Parking area, and any vehicle parked in a Tow Zone in violation of this Ordinance shall be removed and said removal and any storage charges shall, in addition to any other penalties, be at the expense of the owner of said vehicle.
6. The following streets are hereby designated one-way streets and no persons shall operate any motor vehicle or bicycle on them in the direction opposite to the one stated:
  - a) Water Street, between High Street and the south side of Cannon Square - south only
  - b) Omega Street - east only
  - c) Hancox Street - north only
  - d) Diving Street, from Hancox Street to Main Street - west only

- e) School Street - north only
- f) Trumbull Street - west only
- g) any other street designated one-way by sign authorized by the Board

7. Except where there is a designated driveway or entrance, it is prohibited to operate a motor vehicle on any Borough sidewalk. Violation is punishable by a fine.

*Revised December 1, 1993; re-passed December 19, 2016*

### **SBO-03 PARKING**

1. Parking tickets may be issued by any officer appointed or contracted with by the Board of Warden and Burgesses (hereinafter referred to as the Board) for violation of Section 14-251 or Section 14-307 of the Connecticut General Statutes or for violation of any parking ordinance of the Borough of Stonington.

2. No person shall park any motor vehicle:

- a) with the inside wheels more than twelve inches from the curb
- b) at any curb which has been painted yellow by authority of the Board, whether at a corner, across from a driveway, or elsewhere
- c) on the east side of Water Street, between High Street and the Point
- d) on either side of Church Street, between Main Street and the east side of the Borough Hall
- e) on the south side of Broad Street, east of Main Street
- f) on the south side of Harmony Street
- g) on the south side of Omega Street
- h) on the east side of Hancox Street
- i) on the east side of School Street
- j) on the west side of Main Street adjacent to Cannon Square
- k) on the east side of Main Street between Cannon Square and Diving Street

- l) on the north side of Church Street, between Water Street and Main Street
- m) on the south side of Cross Street
- n) on the south side of High Street, between Gold Street and Water Street
- o) for more than two hours on the west side of Water Street between High Street and Union Street, between 8:30 A.M. and 5:30 P.M.
- p) for more than four hours on the west side of Water Street, between Union Street and 24 Water Street, between 8:00 A.M. and 6:00 P.M.
- q) for more than four hours on either side of Main Street, between Wall Street and Cannon Square and Diving Street, between 8:00 A.M. and 6:00 P.M.
- r) for more than four hours on the north side of Bayview Avenue between 8:00 A.M. and 6:00 P.M. except Saturdays, Sundays and holidays
- s) from 24 Water Street to the end of Water Street
- t) on the north side of Ash Street
- u) on Wall Street, between Water Street and Main Street
- v) at Wayland's Wharf between the hours of 5:00 P.M. and 8:00 A.M. for more than two hours except Borough residents who have obtained a sticker from the Borough Office
- w) in any area restricted by signs or markings as authorized by the Board.

*Revised December 1, 1993; re-passed April 15, 2006; Revised Sec v) and re-passed July 19, 2010*

*Sec o) revised August 2, 1995; re-passed April 15, 2006*

#### **SBO-04 OFF STREET PARKING**

Any property owner who wishes to create access from a public street for an off-street parking place for residential use shall submit a drawing of the proposal to the Street Commissioner and the Zoning Officer. After evaluation by the Street Commissioner and the Zoning Officer, the Street Commissioner shall present the application to the Board of Warden & Burgesses. Within sixty-five days of receipt, the Board will grant or deny the request based on the following considerations:

1. The number of street parking spaces that may be lost



2. The compliance with current zoning regulations
3. Notification of neighbors residing within 100 feet of the proposed driveway
4. Vehicular and pedestrian safety, as well as traffic flow on the public right of way.

*Passed September 14, 1999, re-passed July 18, 2009*

## **SBO-05 ORDINANCE ESTABLISHING PARKING RESTRICTIONS**

1. Authorization. This ordinance is adopted pursuant to Sections 7-148 and 14-307 of Connecticut General Statutes.
  
2. Purpose. The public streets of the Borough of Stonington are almost uniformly narrow. Portions of the main thoroughfares within the Borough allow travel in only one direction. Residential, commercial and other buildings and structures are typically located very close to the streets. Many properties within the Borough are too small to allow on-site parking, so property owners must use the street for their motor vehicles, further restricting the flow of traffic along the streets. Pedestrian and vehicular traffic is often heavy along the main thoroughfares of the Borough. For these reasons, it is necessary to restrict on-street parking by large motor vehicles within the Borough to help assure a safe and convenient traffic flow and to minimize the potential for accidents due to restricted lanes and sightlines.
  
3. Parking Restrictions. All motor vehicles and trailers listed in Section 4 of this ordinance shall be subject to the following parking restrictions:
  - a. a. No such vehicle or trailer shall be parked on any street within the Borough except as expressly allowed in subsections b, or c. below.
  - b. b. A vehicle or trailer that is used for making deliveries of goods or receiving goods for delivery may be parked on a street within the Borough for only such period of time as is necessary to deliver or receive such goods.
  - c. c. A vehicle or trailer that is necessary for the performance of a service may be parked on a street within the Borough for only such period of time as is necessary to provide the service.

4. Vehicles Affected. Except as provided in Section 5 of this ordinance, the provisions of Section 3 of this ordinance shall apply to all motor vehicles and trailers having one or more of the following characteristics:
  - a. a. Height in excess of eight (8) feet.
  - b. b. Length in excess of eighteen (18) feet.
  - c. c. Width in excess of seven (7) feet.
  - d. d. More than four (4) wheels in contact with the ground.
  - e. e. Gross vehicle weight or gross combinations weight rating in excess of ten thousand (10,000) pounds.
  
5. Exemption. This ordinance shall not apply to any vehicle needed to respond to a fire, medical emergency, police emergency, or similar emergency.
  
6. Penalties. Each violation of this ordinance shall be subject to a fine or civil penalty of one hundred dollars (\$100). Each day upon which such violation occurs shall be considered a separate and distinct violation and shall be subject to an additional fine or civil penalty.

*Passed April 19, 2002; Re-passed December 16, 2013*

#### **SBO-06 SNOW EMERGENCY**

1. "Snowstorm" shall be defined as such time as two inches of snow have fallen and thereafter until the cessation of the snowfall and until the completion of snow plowing operations on those streets affected by these regulations.

2a. Water Street, Main Street, and Elm Street are hereby designated snow emergency routes.

2b. Parking shall be prohibited upon Water Street and alternate sides of Main Street and Elm Street in the Borough of Stonington at times when a snowstorm occurs, except when such snowstorm occurs between the hours of 10:00 P.M. and 7:00 A.M., when all motor vehicles must be removed from Water Street and alternate sides of Main Street and Elm Street by 8:00 A.M.

2c. "Alternate side parking" shall mean that parking is permitted on one side of the street only, such that on even-numbered days of the month motor vehicles may be parked on that side of the street housing even-numbered addresses, and on odd-numbered days of the month, parking is allowed on that side of the street with odd-numbered addresses. A new day shall be deemed to begin at 8:00 A.M. for purposes of this ordinance.

3. Any vehicle found parked in violation of this ordinance may be removed, or conveyed by or under the direction of a member of the Town of Stonington Police Department by means of towing the same or otherwise, to a private garage in the Town of Stonington. Such removal shall be at the risk of the owner. Before the owner or person in charge of such vehicle shall be permitted to remove the same from the custody of the garage where it was towed, he shall furnish evidence of his identity and ownership or right to possession and shall pay to the private garage, towing and storage charges reasonably incurred in such removal.

4. The provisions of this ordinance shall not apply to emergency vehicles while on an emergency call, public service vehicles, or physicians and ambulances on emergency calls.

5. Any person who shall violate or fail to comply with any section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding one hundred dollars.

*Passed February 2, 1994; re-passed December 19, 2016*

### **SBO-07 GARBAGE, TRASH, RECYCLING AND BRUSH**

1. The Borough shall provide for the regular collection and disposal of household trash and garbage, which shall include only those materials accepted at the Town of Stonington landfill as household trash and garbage under regulations of the Town of Stonington, as revised, and such materials must be packaged in accordance with Town regulations. Garbage shall be kept in such a manner that it is not accessible to animals at any time. Yellow bags put out for collection shall be in closed containers, except for the day of collection only, when yellow bags may be put out at the curb no earlier than 6:00 A.M.

2. The Borough shall provide for collection and disposal of materials designated as recyclable materials by the Board of Warden and Burgesses. The Borough Commissioner of Sanitation shall be authorized to make restrictions and specifications as to the type, nature, and placement of recyclable materials. The list of recyclable materials and a summary of restrictions and specifications shall be posted at the Borough Hall. No recyclable materials shall be included with household trash and garbage.

3. The Borough may provide for collection and disposal of leaves, clippings, brush, and other garden materials. Such materials shall be placed at curb side on the appointed days. They shall be contained in paper (not plastic) bags or open containers or in bundles tied with string. The bundles shall be no longer than 4 feet and weigh less than 40 pounds. Material not conforming to these requirements will not be picked up by the Borough Street Department and must be removed by the resident.

4. Materials packaged for collection shall be placed at curbside or other designated location no more than 12 hours in advance of any collection, and containers for such materials as well as any material not removed by the Borough's agents shall be removed from any public area within 12 hours after collection. The placement of any material for collection by a Borough agent or private carter shall not relieve the person placing such materials from responsibility for compliance with State Statutes regarding litter.

5. The Borough may allow placement of containers in public places for collection of trash generated in those public places by individuals. The Borough Commissioner of Sanitation shall be authorized to make restrictions and specifications as to the type, nature, and placement of such materials and container. No person shall dispose of materials from his place of residence or business in said containers.

6. The removal of bulky waste, commercial rubbish, and hazardous wastes shall be the owner's responsibility. Any materials excluded from or incurring a charge for disposal at the Town of Stonington Landfill shall be the owner's responsibility.

7. Food waste, including but not limited to fish parts and bait, generated by grocers, restaurants, fishing operations, and similar commercial activities must be kept in closed and secured containers not accessible to animals.

8. Food for domestic or wild mammals shall not be left outside.

9. Materials and contingencies not addressed in this ordinance shall be subject to the Solid Waste Ordinance adopted by the Town of Stonington January 13, 1986.

*Passed June 18, 1992. Revised August 3, 1994, & November 2, 1994; re-passed April 15, 2006.*

*Revised October 4, 1995 and January 3, 1996; re-passed April 15, 2006; revised October 19, 2015*

## **SBO-08 PUBLIC PROPERTY**

1. No person shall destroy or mutilate any tree or shrub planted for public use, shade or ornament.
2. The consumption of alcoholic beverages on or in public property including streets, sidewalks, parks, grounds, beaches, docks, buildings, and piers of the Borough shall be prohibited, unless applicable state, town, and borough permits are obtained. The Board of Warden & Burgesses may establish a policy that allows the consumption of alcoholic beverages on Borough-owned public property.

*Revised December 1, 1993; re-passed April 15, 2006; Revised October 20, 2008; revised and passed January 22, 2019*

## **SBO-09 DOGS**

1. All dogs shall be on a lead of no more than 10 feet in length when on any street, sidewalk, public right-of-way, or public park of the Borough of Stonington. Parks covered by this ordinance are: Wadawanuck Square, Cannon Square, Stonington Point, Wayland's Wharf, La Grua Park, and Wimpfheimer Park.
2. Owners or custodians of dogs shall be responsible for the immediate removal and proper disposal of any feces discharged by their dogs when such discharge occurs in any of the areas enumerated in section 1.
3. The Borough ordinance regulating dogs shall be enforced by the Department of Police Services of the Town of Stonington.

*Re-passed December 1, 1993; re-passed April 15, 2006, Revised June 15, 2015*

## **SBO-10 PEDDLING, VENDING, SOLICITING IN STONINGTON BOROUGH**

1. Except as exempted by regulations or statutes of the State of Connecticut, no person or organization shall engage in vending of any goods, wares, or services, or in soliciting of any nature either on public streets or public property within the Borough, or in peddling goods or services on private property, without first obtaining a Vendor Permit from the Board of Warden & Burgesses (hereinafter referred to as the Board). In evaluating any request for such a Vendor Permit, the Board shall consider the need for such vendor activity at the location(s) proposed and the likely impacts on traffic, parking, congestion, noise, pedestrian and vehicular safety, neighborhood aesthetics, etc., that the Vendor's activity could have on that part of the Borough, as well as potential conflicts with other established businesses with similar activities within the Borough. The Vendor Permit, if granted, shall specify the days and hours of operation, and define the specific location(s) and extent of the vending/peddling/soliciting activity. The Board's decision, including any specific limitations, will be given to the applicant

as soon as practical, but not later than one month after a complete application is received by the Board. An approved Vendor Permit must be displayed by the Vendor and visible at all times while engaged in the permitted activity.

2. The Vendor Permit fee shall be \$10 per day of proposed peddling, vending or soliciting activity, not to exceed \$500 per year, to be paid in advance and included with the Vendor Permit application. If the Permit is denied, the Permit fee shall be returned to the applicant. Fees associated with unfulfilled portions of the Permit activities (i.e., vendor uses fewer days than permitted) shall not be refunded. Vendors who have been issued a Permit but then violate the terms and conditions of the Permit may have the permit revoked by the Board.

3. Soliciting or peddling by groups such as Girl or Boy Scouts of America, Stonington Schools system, Borough churches, and the Stonington Community Center and other IRS category 501c (3) non-profit charitable organizations may be exempt from the fees specified in paragraph 2 but must follow the procedures given in paragraphs 1 and 2.

*Passed December 1, 1993. Revised August 3, 1994; re-passed April 15, 2006; Revised March 30, 2015; Revised May 7, 2015*

### **SBO-11 BIDS**

1. For any purchase or contract exceeding the sum of \$7,500 the Board of Warden and Burgesses (hereinafter referred to as the Board) shall invite competitive bids by legal advertisement in any local newspaper, except as provided in section 2 of this ordinance. As soon as possible after the deadline for receiving said bids, the bids shall be opened and read by the Board or its duly authorized agents. The Board may designate an agent or a subcommittee to review bids on certain projects and to present those bids with their recommendations to the Board. However, the Board may reject any and all bids received.

2. By unanimous vote, the Board may waive the requirements of section 1 of this ordinance in order to accept a single bid or to limit bidding.

*Revised December 1, 1993; re-passed April, 15, 2006; revised October 2, 2008*

### **SBO-12 SALARIES AND STIPENDS OF ELECTED OFFICIALS**

1. Salaries- The warden shall receive \$10,000 per year, each burgess shall receive \$600 per year, the clerk-treasurer shall receive \$3000 per year, the assessor shall receive \$720 per year, and the tax collector shall receive \$600 per year. Elected official salaries shall be paid monthly.

2. Commissioner Stipends- The street commissioner shall be paid a stipend of \$5,500 per year. The building commissioner shall be paid \$1000 per year; the fire commissioner shall be paid \$1000 per year; the sidewalk commissioner, police commissioner, sanitation & utilities commissioner, and trees & parks commissioner shall each be paid \$500 per year. Commissioner stipends shall be paid monthly.

3. Effective July 1, 2015.

*Revised May 2, 2001; re-passed April 15, 2006, revised April 21, 2007; re-passed May 7, 2007; revised March 16, 2009, re-passed April 2, 2009; revised April 27, 2013, re-passed May 18, 2013, revised April 18, 2015.*

### **SBO-13 TAX COLLECTIONS**

1. In order to facilitate the collection of taxes, the tax collector of the Borough may enter into one or more agreements with the Town of Stonington for the provision of tax collection services. No such contract shall be effective unless it is approved by both the tax collector and the Board.

*Passed June 20, 2005; Re-passed December 21, 2015*

### **SBO-14 FIRE DEPARTMENT**

1. The Stonington Borough Fire Department shall consist of department staff, one fire company, the Stonington Borough Volunteer Fire Company, Inc. (SBVFC), and associated equipment and facilities. The Borough of Stonington shall establish a formal legal agreement between the SBVFC and the Department. The department staff shall consist a Chief, a Deputy Chief, an Assistant Chief, a Treasurer, and a Secretary. The Chief shall be responsible for the efficiency, discipline, and good conduct of the Department, including associated companies. He shall have primary responsibility to direct firefighters and fire police to see that all proper things are done to extinguish fires and preserve order at fires. The Chief may, at his or her discretion, or by order of the Warden and Fire Commissioner, answer and/or respond to calls for emergency help. The Deputy Chief shall be second in command to the Chief and shall be primarily responsible for the upkeep and maintenance of all fire, life-saving and first aid equipment, and all real property, except as may otherwise be directed by the Chief. The Assistant Chief shall be third in command to the Chief and Deputy Chief, and shall have primary responsibility for the coordination of training and the documentation of all training and education of department members, except as may otherwise be directed by the Chief. The Fire Police shall report directly to the chief or his designee. The duties of the fire police shall be to respond to all

alarms when possible, to keep law and order at fires, to direct traffic, to preserve fire lines and to stand by at fires when ordered by the Fire Chief.

2. The process for appointing the Department Chief shall be in accordance with the Borough Charter. The Chief will nominate individuals to serve as deputy chief and assistant chief and present those candidates to the Board of Warden & Burgesses (the Board) for consideration. The Board may reject one or both nominations, in which case the Chief will present new candidates. All department officers serve for two year terms from date of appointment. Department officers may be removed for cause by the Board.

3. The Stonington Borough Volunteer Fire Company Inc. shall select its line officers in accordance with the Bylaws of the company. That company will have the following line officers: Captain, First Lieutenant, and Second Lieutenant. Administrative officers consist of Steward, Secretary, Engineer, and Treasurer.

4. The Fire Chief shall establish a chain of command to supervise and direct the management of all engines and other fire equipment. All department members and company members shall be obliged to obey the Chief's orders. The Chief or his designee shall direct the firefighters in the discharge of their duties and shall take all measures necessary to arrest the progress of fires. He or she shall have general command of the fire company and shall see that the company takes proper care of the engines, hoses, ladders and other equipment so that they are at all times in good working order and ready to use. With the consent of the Warden and Fire Commissioner, the Chief may order all necessary repairs.

5. The Board shall inspect the fire company facilities and equipment at least once each year. Department staff shall be present during such inspections.

6. Any member of the Stonington Borough Fire Department or The Stonington Borough Volunteer Fire Company Inc. who is a resident of the Borough shall be eligible for an abatement on his or her real estate property taxes imposed by the Borough of Stonington, such abatement not to exceed \$500 (Five Hundred Dollars) per annum, for any real estate in the Borough of Stonington which he or she owns, provided that such member has remained on uninterrupted "active status" as such term is defined in the relevant By-Laws of the Department or Company for one year beginning June 1 of the year preceding the year for which the tax abatement is claimed. If any member who resides in the Borough of Stonington does not own real estate in his or her name, he or she shall be eligible for a tax abatement, not to exceed \$500 (Five Hundred Dollars) per annum, for any motor vehicle which is taxable by the Borough of Stonington and which is owned by such member, provided that he or she qualifies for active status as hereinabove set forth. To obtain such abatement, said member shall apply by sending a letter to the Clerk-Treasurer of the Borough claiming the abatement effective as of the date of the next assessment. The Clerk-Treasurer will verify that said member is a resident and is on active status with the



Stonington Borough Fire Department. If the Clerk-Treasurer determines that the member qualifies for the abatement, the Clerk-Treasurer shall notify the member of the abatement and its amount. Said abatement will remain in effect for subsequent tax years provided the member remains on active status and a resident of the Borough of Stonington. The Clerk-Treasurer shall notify in writing the Tax Assessor and the Tax Collector as to any member who qualifies for such abatement. The Board is empowered to establish other incentive programs to encourage volunteer participation.

8. The Board shall appoint a Borough Fire Marshal who must be qualified under State of Connecticut requirements.

*Revised December 1, 1993, paragraph 10 passed October 4, 2000, revised May 16, 2005. Revised August 18, 2014*

#### **SBO-15 FIREHOUSE BOND ORDINANCE (Expired December 19, 2016)**

#### **SBO-16 BOROUGH HALL IMPROVEMENTS ORDINANCE (Expired December 19, 2016)**

#### **SBO-17 PLANNING & ZONING COMMISSION AND ZONING BOARD OF APPEALS**

1. There shall be a Planning and Zoning Commission of the Borough of Stonington consisting of seven regular members and three alternate members who shall be electors of the Borough of Stonington holding no salaried Borough office, who shall serve without compensation and in accordance with the provisions of Chapter 124 of the General Statutes of the State of Connecticut, Revision of 1958, as amended.

2. Members and alternates of the Planning and Zoning Commission shall be appointed by the Board of Warden and Burgesses. The term of office is three years with current members serving until successors are appointed and have qualified.

3. There shall be a Zoning Board of Appeals of the Borough of Stonington consisting of five regular members and three alternate members who shall be electors of the Borough of Stonington holding no salaried Borough office, who shall serve without compensation and in accordance with Chapter 124 of the General Statutes of the State of Connecticut, Revision of 1958, as amended. Members and alternates of the Zoning Board of Appeals shall be appointed by the Board of Warden and Burgesses, and unexpired terms shall be filled in the same manner. Regular members and alternate members appointed subsequent

to the effective date of this amendment shall serve for terms of three years, with current members serving until successors are appointed.

4. No regular or alternate member of the Planning and Zoning Commission or the Zoning Board of Appeals shall be appointed to serve more than two consecutive full three year terms, whether in the capacity as a regular member, alternate, or both. The filling of an unexpired term does not count toward the limit on terms. Any person who has served two consecutive, full three year terms in any capacity or capacities may be appointed again only after one year of non-membership, with the exception that in the event that in any one year three regular members are subject to term limitation, one of them may be appointed for an additional term.

5. Administrative Procedures. Both the Planning & Zoning Commission and the Zoning Board of Appeals shall select their own chair persons from among the regular members. Alternate members may not vote on matters brought before either body, except when they have been seated by the chair in the absence of, recusal of, or disqualification of one or more regular members. The chair shall indicate for the record at the beginning of each meeting which alternate(s), if any, is seated for that meeting. The Planning & Zoning chair shall seat alternates in rotation so that, to the extent possible, they participate an equal number of times. State statute (CGS Chapter 124) dictates that regular members of Zoning Board of Appeals should designate one of the alternates to be seated in their place when they expect to be absent. If the regular member fails to designate his replacement, the chair shall do it at the beginning of the meeting. A quorum of the P&Z Commission is four; a quorum of the Zoning Board of Appeals is three. Seated alternates count for purposes of determining whether a quorum is present.

6. Any member of the Planning and Zoning Commission or of the Zoning Board of Appeals may be removed for cause by the Board of Warden and Burgesses.

*Passed October 1, 1975, revised 1982, 1985, 1990, December 1, 1993, and May 16, 2005*

*Passed January 7, 1998. Revised September 6, 2000; Re-passed July 19, 2010; Revised January 19, 2016*

## **SBO-18 ORDINANCE REQUIRING NOTICE OF DEMOLITION OF CERTAIN BUILDINGS**

1. Authorization: Pursuant to the provisions of Section 29-406(b) of the Connecticut General Statutes, this ordinance establishes a waiting period of not more than ninety (90) days from the date of receipt of a completed demolition

permit application before granting any permit for the demolition of certain buildings or parts thereof, located within the Borough of Stonington. For purposes of this ordinance, "building" is defined as any structure intended for shelter, housing, or enclosure of persons or materials, and "demolition" is defined as the permanent removal, without replacement, of more than ten percent (10%) of the exterior surface area of an existing building as measured in square feet. This definition is applicable to changes involving the exterior of a building and does not include internal renovations.

2. Purpose: The purpose of this ordinance is to help protect the character of the Borough of Stonington by encouraging historic preservation, rehabilitation, and reuse of buildings, or parts thereof, within the Borough, by providing adequate time for all interested parties to consider and put forth appropriate alternatives to the demolition of such buildings, where they are not otherwise protected; and to allow time to create a photographic record of such buildings and to obtain proven dimensional information for future zoning determinations.

3. Applicability: No demolition shall occur within the Borough until a demolition permit is issued in accordance with the requirements of any pertinent State Statutes, state or local codes and regulations, and with the provisions of this ordinance. No demolition permit will be required for any proposed work which is the subject of an application to the Stonington Borough Planning and Zoning Commission under Article 9 (Site Plans) or Article 10 (Special Permits) of the Zoning Regulations.

4. Permit Procedure:

4.a. Any person who is proposing demolition within the Borough of Stonington under Connecticut General Statutes 29-406(b) shall file with the Zoning Officer of the Borough of Stonington an "Application for Demolition Permit" on the form available at the Town of Stonington Building Department. This application will be forwarded to the Building Official of the Town following the review allowed by this ordinance. In no event shall the review period exceed ninety days. In addition to all other requirements established for demolition within the Town, the applicant shall also file the following information with the Borough:

4.a.1. A photograph or plan of the building clearly indicating what is to be demolished and the percentage change.

4.a.2. The reason for the proposed demolition.

4.b. The Zoning Officer shall inform the Planning & Zoning Commission of all applications received. In the event that the Planning & Zoning Commission determines that a particular application merits public comment and review, it shall so notify the applicant in writing. The applicant shall thereupon send copies of the application, including all attachments, to all owners of property within 100 feet of

the lot where the demolition is to occur. Such notice shall be by mail or facsimile, and the applicant shall provide proof of notice to the Commission. Such notice shall inform the recipients that any comments or objections to the proposed demolition should be submitted in writing to the Stonington Planning & Zoning Commission prior to its next regularly scheduled meeting.

4.c. The Planning & Zoning Commission may ask the applicant to attend a meeting of the Commission to review comments received, as well as Commission concerns regarding the application and to consider alternatives to the proposed demolition.

4.d. The Planning & Zoning Commission, if it finds that review of the proposal is not merited or necessary, may instruct the Zoning Officer to forward the application to the Building Official any time prior to the expiration of the ninety day review period.

4.e. At the conclusion of the ninety day review period, or sooner if authorized by the Commission, the Zoning Officer shall forward the application to the Building Official together with a letter advising the Building Official that the review allowed by this ordinance is complete. At the expiration of the ninety day review period, the requirements of this ordinance shall be deemed satisfied.

5. Exemptions: In case of an unsafe building, the Building Official may take any emergency measures prescribed by the State Building Code or the Connecticut General Statutes.

6. Penalty: Any property owner or authorized agent of the property owner who violates any provision of this ordinance shall be subject to a fine in the amount of one hundred dollars (\$100), which amount shall be assessed each day as long as the violation continues (up to \$9000) and/or such other penalties as assessed under law.

7. Fee: A fee to cover the costs of processing the demolition permit under the provisions of this ordinance shall be established, not to exceed fifty dollars (\$50).

8: Effective Date: The effective date of this ordinance shall be July 16, 1999.

*Passed July 16, 1999, revised October 18, 2004; Revised January 20, 2015*

## **SBO-19 AN ORDINANCE ESTABLISHING INDIVIDUAL COST BASED FEES FOR MUNICIPAL LAND USE APPLICATIONS**

### Section 1: Authorization and Purposes

1.1 To establish a schedule of fees, pursuant to Section 8-1c of the Connecticut General Statutes, which requires new development to fund the actual municipal administrative costs of reviewing, evaluating and processing land use applications, and ensures that fees do not cause new development to subsidize municipal expenses which are not directly attributable to reviewing, evaluating and processing land use applications.

1.2 To establish a reasonable and equitable schedule of fees for reviewing, evaluating and processing land use applications to the Planning and Zoning Commission ("Commission") and the Zoning Board of Appeals ("Board") which calculates fees separately and individually for each land use application.

1.3 To improve the services provided to land use applicants for reviewing, evaluating and processing land use applications.

1.4 To encourage land use applicants to submit complete land use applications which comply with applicable Borough of Stonington ("Borough") regulations and to submit plans, proposals and/or applications with a minimum of errors and omissions.

### Section 2: Definitions

2.1 Land Use Application - Any application to the Commission or Board, including but not limited to those requiring fees as listed in Section 3 of this Ordinance.

2.2 Review, Evaluation and Processing - Review, evaluation and processing shall include all functions performed in direct connection with a land use application by the Commission, Board, Zoning Officer, fire department, any consultant retained by the Borough; and any other municipal or other governmental staff/agency.

2.3 Applicant - Any person or entity who submits a land use application, or his or her agent or successor in interest.

### Section 3: Fees Charged for Land Use Applications

3.1 The Commission and Board are authorized to collect fees for the processing of land use applications in accordance with the following schedule:

a) All of the following:	\$ 25.00
Fence less than 4 ft in height (Sect. 3.6.1 of the Zoning Regulations)	
Sign (Sect. 3.7.7)	
Customary Home Occupation (Sect. 3.5.1)	
Zoning Compliance - if no other application required (Sect. 11.2)	
Minor Site Plan Amendment (Sect. 9.9)	
Demolition Permit (Ordinance Requiring Notice of Demolition of Certain Buildings)	
b) Site Plan - without Public Hearing (Sect. 9.4)	\$ 100.00
- with Public Hearing (Sect. 9.4, 9.12)	\$ 200.00
c) Coastal Site Plan - without Public Hearing (Sect. 3.3.1.1)	\$ 100.00
- with Public Hearing (Sect. 3.3.1.6)	\$ 200.00
(if both b) and c) required, only one fee shall be charged)	
d) Special Permit (Sect. 10.2)	\$ 200.00
e) Amendment to Zoning Regulations and/or Zoning Map (Sect. 12.2)	\$ 300.00
f) Planned Area Development - Preliminary Review (Sect. 7.7)	\$ 200.00
- Formal Applic. (Sect. 7.8)	\$1000.00
g) Zoning Board of Appeals Variance (Sect. 13)	\$ 200.00
h) Subdivisions - Preliminary Layout (Sect. 3.2 of Subdiv. Regs)	\$ 200.00
- Final Subdivision Plan (Sect. 3.3 of Subdiv. Regs)	\$ 300.00
	+\$100.00/lot

3.2 In addition to the fixed fees set forth in Section 3.1, the Commission or Board shall collect payment for direct costs of materials and services performed by those, other than Borough employees, who are directed by the Commission or Board to undertake or participate in the review, evaluation and processing of land use applications. Services may include, but not be limited to, professional consulting services (i.e., legal, engineering, architectural, planning etc.), specialized inspections, third party professional certifications, and stenographic and transcription services. In the alternative, or in addition, the Commission may require an applicant to provide certifications, inspections or professional consultant reports at the applicant's expense.

3.3 In addition to all other fees required by this Ordinance, the applicant shall pay any fees that may be required by state law, including but not limited to the fees that are required by Section 22a-22j of the Connecticut General Statutes.

#### Section 4: Computation of Fees

4.1 The expense of those services required under Section 3.2 shall be approved by the Commission or Board based upon an estimated cost of review prepared by the Zoning Officer and approved by the Commission or Board. One hundred fifty percent (150%) of the estimated cost of review shall be deposited with the Zoning Officer by the applicant within fifteen (15) days of the receipt by the applicant of the notification of the required amount. Failure of the applicant to deposit the required amount shall be deemed a failure of the applicant to submit an appropriate fee for the application, and the application shall be deemed incomplete.

4.2 Upon completion of the professional review under Section 3.2 and final action on the application, the Zoning Officer shall determine the actual costs incurred for the review, and the Commission or Board shall refund any excess funds to the applicant. Applicants shall not be responsible for costs incurred or professional assistance which exceeds one hundred fifty percent (150%) of the estimated cost of review.

#### Section 5: Exemptions

All boards, commissions and agencies of the Borough of Stonington or the Town of Stonington, including fire company properties for fire protection purposes, shall be exempt from the payment of fees established pursuant to this Section. The Commission or Board may reduce or waive application fees where (1) the applicant is a non-profit entity which qualifies for tax deductible charitable contributions under regulations of the U. S. Internal Revenue Service or (2) the application is for low or moderate income housing or special needs housing. The Commission or Board may also credit all or a portion of application fees from previous application(s) which were denied or withdrawn, where the review work performed on the previous application(s) may be of benefit in reviewing the new application. The Commission or Board exempting an application from payment of a fee, in whole or in part, shall state in the minutes of the meeting at which the application was received the fee type exempted, the percentage exempt, and reasons for granting the exemption. This exemption shall not prohibit the Commission or Board from requiring consultant reports, professional certification or conducting inspections to ensure conformance with land use regulations.

#### Section 6: Appeal

An applicant may challenge any aspect of a fee payable under this Ordinance by submitting a written appeal within thirty (30) days of the date of the challenged billing to the Chairman of the Commission. The Commission shall hear the appeal within sixty-five (65) days and make a ruling within an additional sixty-five (65) days from the completion of the hearing. The filing of an appeal shall not relieve the applicant from the duty to pay fees hereunder in a timely manner. Any

such payments, if on appeal, shall be made under protest by the applicant, and the remedy, if the appeal is sustained, shall be by rebate.

## Section 7: Validity

7.1 If any Section, clause or phrase of this Ordinance is, for any reason found to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

7.2 This Ordinance shall become effective immediately after being posted and published according to law.

7.3 The provisions of this Ordinance and the fees established herein shall supersede any existing fees, whether established by regulation or policy, of land use agencies or officers of the Borough and shall establish the fees and costs for the Commission, the Board and the Zoning Officer of the Borough.

*Passed October 6, 1999, re-passed July 18, 2009*

*Reference numbers changed September 6, 2000, to correspond to new zoning regulations , Section 3.3 of Cost Based Fees added January 2005.*

## **SBO-20 STONINGTON BOROUGH HOUSING PARTNERSHIP**

1. The Board of Warden & Burgesses of Stonington Borough hereby declares that a local housing partnership be formed, in accordance with section 8-336f of the Connecticut General Statutes, in order to develop ways to increase the supply and availability of affordable housing in Stonington Borough.

1. The Board of Warden & Burgesses of the Borough of Stonington hereby creates the Stonington Borough Housing Partnership. Said partnership shall consist of no more than twelve members, appointed by the Warden according to provisions of Section 8-336f (b) of the Connecticut General Statutes. The effective date of this ordinance shall be September 7, 1994.

*Passed September 7, 1994; re-passed December 19, 2016*

## **SBO-21 HARBOR MANAGEMENT**

1. There shall be a Harbor Management Commission established pursuant to Section 22a-113k(b) of the Connecticut General Statutes. Said Commission shall consist of ten members; five members shall be from the Town of Stonington and five members shall be from the Borough of Stonington. The five members from the Borough of Stonington shall be appointed by the Board of Warden and Burgesses and the term of all members shall be three years, except at the first



appointment to the Commission three members appointed by the Board of Warden and Burgesses shall hold office for one year, and two members for two years. Any vacancy shall be filled by the Board of Warden and Burgesses. The Commission shall have all powers authorized by Chapter 444a, Section 22a-113k et seq. of the Connecticut General Statutes.

The Harbor Management Commission shall have jurisdiction over the following described waters:

A. The waters lying east of Wamphassuc Point, south of the Conrail railroad embankment and the shoreline eastward to the Borough of Stonington, west of the western shoreline of the Borough of Stonington and north of the westerly breakwater and of a line between its eastern end and the red and green buoy "SP" lying south of Stonington Point, and to

B. the waters lying east of the eastern shoreline of the Borough of Stonington and north of the line running from the aforesaid buoy "SP" true east to the Connecticut-Rhode Island border, thence following the state border north and thence generally eastward to buoy "19", thence north to the tip of Pawcatuck Point.

Any fees duly approved pursuant to Section 22a-113s shall be deposited into an account maintained by the Harbor Management Commission and administered by the Town of Stonington and used for the maintenance and improvement of the above described waters for the public and for expenses for personnel and equipment directly related to the function of the Commission or the harbor master or the deputy harbor master. The Commission shall present a proposed annual budget for approval by the Board of Warden and Burgesses and the Board of Selectmen and shall make monthly reports as to receipts and expenditures to the Board of Warden and Burgesses and the Board of Selectmen.

The "Stonington Harbor Management Ordinance", is part of the [Stonington Harbor Management Plan](#).

*Establishment requires concurrent ordinances of Town and Borough. Passed by Borough May 17, 1989. Passed by Town May 31, 1989. Re-passed by Borough March 3, 1999, re-passed July 18, 2009*

## **SBO-22 COUNCIL OF GOVERNMENTS**

1. The Borough of Stonington hereby adopts Sections 4-124i through 4-124p of the Connecticut General Statutes, providing for the formation of the Southeastern Connecticut Regional Council of Governments, and does hereby join such Regional Council of Governments when and as such Council is duly established in accordance with said statutes, upon adoption of said statutes by not less than sixty percent (60%) of the eligible municipalities within the Southeastern

Connecticut Planning Region, as defined by the Secretary of Office of Policy and Management or his designee, and upon certification by the Secretary of the Office of Policy and Management or his designee that a Regional Council of Governments has been duly established.

*Passed May 6, 1992; re-passed December 19, 2016*

**SBO-23 WEB BASED REGIONAL GEOGRAPHIC INFORMATION SYSTEM  
(Expired December 31, 2017)**

**SBO-24 USE OF DUMPSTERS**

1. No dumpsters shall be permitted on Borough streets, sidewalks or other Borough property without a permit signed by the Borough's Street Commissioner.
2. Applications for dumpster permits may be obtained from and submitted to the Borough office by the property owner or authorized agent.
3. No dumpster permit shall be approved or issued unless the Street Commissioner finds that the proposed location of such dumpster will not:
  - a. unreasonably interfere with the movement of vehicular or pedestrian traffic;
  - b. cause any substantial safety hazards; and
  - c. interfere with or hinder the progress of any Borough repair, maintenance, or improvement work.

The Street Commissioner may place a limit on the length of time a dumpster may remain in its permitted location if he or she finds that such limit may be necessary to prevent any of the circumstances set forth in this section 3.

4. Dumpsters for which a permit has been issued may be placed at their specified locations for seven days without charge. Fees will be charged thereafter, beginning at the rate of \$100 per week and increasing by an additional \$100 per week up to a maximum of \$500 per week. The fee shall remain at \$500 per week until the dumpster is removed. If a dumpster is removed for any reason and then returned to essentially the same location in less than five days, it will be considered to have been there continuously. Fees required under this section shall become due and payable when the dumpster is removed for good. The fee for a partial week shall be the same as the fee for a full week.
5. Dumpsters placed on Borough streets, sidewalks or other Borough property without a permit, and dumpsters left in any such location beyond any time limit specified on the permit, or without payment of the required fees when due, shall be subject to fines in accordance with SBO-G01, in addition to any fees required under section 4.

6. Dumpsters must be removed at the time of expiration of the permit, or upon the failure of the applicant to pay any required fees when due. Such removal shall be at the expense of the applicant.

*Passed July 19, 2010; Revised September 15, 2014*

### **SBO-25 DISPOSAL OF BOROUGH PERSONAL PROPERTY**

The Warden is authorized to dispose of personal property that the Warden, or applicable Commissioner, deems either unsuitable for Borough use or considered surplus. Disposal may take the form of sale, trade-in, donation or scrap, as determined by the Warden. When the Warden determines the item, or group of like items, has a value in excess of \$3,000, the Warden shall solicit sealed bids for the sale thereof, by publication once in a newspaper having circulation in the Borough. The sealed bids shall be opened publically. The Warden shall report any sale or publication of potential sale of personal property to the Burgesses. Disposal of real property shall by means and method as approved by the Warden and Burgess, and applicable state statutes.

*Passed December 21, 2011*

### **SBO-26 FISCAL YEAR**

1. The fiscal year for the Borough of Stonington shall run from July 1st through June 30<sup>th</sup> of the following year.
2. Property taxes for the new fiscal year shall be collected during the month of July.

*Passed March 27, 2017*

### **SBO-G01 GENERAL**

1. Violation of any ordinance shall be punishable by a fine not in excess of \$100, payable to the Borough of Stonington, except where otherwise provided by Ordinance or by the General Statutes of Connecticut.

*Revised December 1, 1993; re-passed December 19, 2016*

## **SBO-A1 APPROPRIATIONS BY ORDINANCE**

1. The sum of \$8495 is hereby appropriated from undesignated General Fund balance to the Wayland's Wharf Fund.

*Passed March 18, 1998*

2. The sum of \$6000 is hereby appropriated from undesignated General Fund balance to the Wayland's Wharf Fund.

*Passed April 1, 1998*

3. A special appropriation is hereby made from undesignated General Fund balance to the 1998/99 budget in the amount of \$8265, of which \$7500 are added to line 157 "Zoning Officer Wages/Salary" and \$765 to line 158 "Payroll Tax & Insurance".

*Passed June 18, 1998*

4. A special appropriation is hereby made from undesignated General Fund balance to be included in the 1998/99 budget in the amount of \$14,500, to be used for revision of Zoning Regulations and Master Plan.

*Passed July 30, 1998*

5. The sum of \$2000 is hereby appropriated from undesignated General Fund balance to Special Projects, for contribution to the Town of Stonington Veterans Memorial Fund.

*Passed April 7, 1999*

6. \$5000 are hereby taken from undesignated General Fund balance and appropriated to line 1409 Bicentennial Celebration.

*Passed October 20, 2000*

7. The sum of \$2,500 is hereby appropriated from undesignated General Fund balance to Special Projects, for contribution to the renovations of the playground at the Town Dock.

*Passed July 15, 2002*

8. A special appropriation is hereby made from the Building Fund in the amount of \$491,341, from the undesignated Fund Balance of the Capital and Non-Recurring Fund in the amount of \$150,000, and such proceeds as may be required from the sale of the Borough Highway Garage at 3 Grand Street to the Firehouse Project Fund.

*Passed June 30, 2003*

9. A special appropriation is hereby made of \$47,000 from the General Liability Fund, and \$58,000 from the Accumulated Revenue Fund to line 1601, Debt Service.

*Passed May 7, 2007*

10. The sum of \$15,371.50 is hereby appropriated from the Capital and Nonrecurring Fund to the Clock Fund for repairs to the Borough Clock.

*Passed January 2, 2008*

11. The sum of \$67,717.32 is hereby appropriated from the Infrastructure Reserve Fund to the Building Fund of the Capital and Nonrecurring Fund for renovations and improvements to Borough Hall.

*Passed March 8, 2013*

12. The sum of \$47,317.87 is hereby appropriated from Other Income (Miscellaneous) to the Capital & Nonrecurring Fund. This sum is the amount received from VFIS against the Borough's claim for water damage sustained in the fire house due to a broken water line on March 1, 2014. The funds are to be used to pay for repairs and improvements to the fire house, with any unused portion to remain in the Capital & Nonrecurring Fund.

*Passed June 13, 2014*

13. Fire Trucks Lease-Purchase Ordinance

A special appropriation is hereby made of \$100,000.00 from the General Fund Reserve and \$150,000.00 from the Capital and Nonrecurring Fund, totaling \$250,000.00, which shall serve as the initial deposit for a nine (9) year lease-purchase agreement with Oshkosh Capital for acquisition of two fire trucks from Pierce Manufacturing Inc., as recommended by the Stonington Borough Fire Department. Each annual lease payment, commencing with the upcoming budget for the 2015-16 fiscal year shall be in the amount of \$113,103.00, for a total obligation over the nine year lease period of \$1,267,117.00. The Warden and Treasurer, on behalf of the Burgesses, are hereby authorized to execute such documents as are necessary to effectuate this two-truck lease-purchase agreement.

*Passed January 20, 2015*