



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Office of the Town Clerk

(Please Publish Forthwith—Once Only—Zoned Legal Notice)

Tanya D. Lane MMC
Town Clerk

LEGAL NOTICE TOWN OF NEWINGTON TOWN COUNCIL PUBLIC HEARING

This is to give notice that the Newington Town Council will hold a Public Hearing on Tuesday, June 10, 2008 at 6:50 P.M. at Town Hall, 131 Cedar Street, Newington, CT in accordance with the provisions of the Town Charter Article IV, in regard to the following proposed ordinance.

PROPOSED ORDINANCE # 0709-1

TITLE: AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE CODE OF ORDINANCES OF THE TOWN OF NEWINGTON; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES AND A GENERAL SEVERABILITY SECTION; PROVIDING FOR AMENDMENTS TO THE CODE AND PENALTIES FOR TAMPERING WITH THE CODE; PROVIDING FOR THE REVISION OF CERTAIN ORDINANCES INCLUDED IN THE CODE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWINGTON THAT:

The following is hereby adopted for the purpose of adopting the Code of Ordinances of the Town of Newington and providing for the revision of certain ordinances included therein as enumerated in Schedule A attached hereto. This ordinance shall be included in the Code as Article III of Chapter 1 once finally enacted by the Town Council.

§ 1-6. Adoption.

The compilation of the Town Charter and ordinances of the Town of Newington, codified and consolidated into parts, chapters and sections in the form attached hereto and made a part hereof, is hereby approved, adopted, ordained and enacted as the "Code of Ordinances of the Town of Newington, Connecticut," hereinafter called the "Code". All provisions contained in the compilation provided for herein and known as the "Code of Ordinances the Town of Newington" shall be in force and effect on and after the effective date of this ordinance.

§ 1-7. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such

provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Council.

§ 1-8. Repeal of inconsistent ordinances.

All ordinances or parts of ordinances of the Town of Newington of a general and permanent nature in force on the date of the adoption of this ordinance which are inconsistent with any provisions of the Code are hereby repealed from and after the effective date of this ordinance; provided, however, that nothing herein shall be construed as repealing or altering the zoning, subdivision or inland wetlands regulations of the Town.

§ 1-9. Severability.

If any clause, sentence, paragraph, section, article or part of this ordinance or of any ordinance appearing in the Code or included in the Code through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-10. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Town Charter or to any of the ordinances known collectively as the "Code of Ordinances of the Town of Newington," or any new ordinances, when enacted or adopted in such form as to indicate the intention of the Town Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code, as amendments and supplements thereto. Nothing contained in this ordinance shall affect the status of the Charter or any ordinance contained herein, and such ordinances may be amended, deleted or changed from time to time as the Town Council deems desirable.

§ 1-11. Penalties for tampering with Code.

Any person who, without authorization from the Town Council, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Newington, or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Newington to be misrepresented thereby, or who violates any other provision of this ordinance, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$90.

§ 1-12. Changes in previously adopted legislation.

A. In compiling and preparing the Charter and ordinances for publication as the Code of the Town of Newington, no changes in the meaning or intent of such Charter or ordinances have been made. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said ordinances, as authorized by the Town Council. It is the intention of the Town Council that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.

B. In addition, the changes, amendments or revisions enumerated in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

§ 1-13. When effective.

This ordinance shall be effective after adoption and 15 days after publication according to the Town Charter.

SCHEDULE A
(as referred to in § 1-12B)

Repealed sections

The following sections of the 1974 Newington Code of Ordinances are repealed:

1. Sections 2-3, 2-4 and 2-5, Regional Council of Elected Officials.
2. Sections 2-121 to 2-123, Office of Economic Development.
3. Section 2-11, Industrial Park Development Fund.
4. Sections 13-17 to 13-19, Regional Planning Authority.
5. Section 8-2, Leaving animals unburied.
6. Chapter 8 ½, Food and Food Establishments.
7. Section 8-3, Disinfection of contaminated premises.
8. Section 8-1 Maintenance of slaughterhouses.
9. Sections 4-16 to 4-22, Swimming pools.
10. Section 9-1, Abandoned refrigerators.

Charter

The following style and formatting revisions were made to the Charter:

1. Used a section symbol (§) rather than “Section” to facilitate indexing.
2. Preceded each section number with a “C” to facilitate indexing (so, for example, Section 103 is now § C-103).
3. Used standard citation of numbers, with one through nine spelled out, and 10 and up cited numerically; and fractions, percentages and dollar amounts cited numerically only (e.g., ¾, 10% and \$100).
4. Capitalized the word “Town” and the word “Charter” when referring to the Town of Newington and the Newington Charter to match the style being used in the rest of the Code.
5. Applied consistent capitalization rules regarding names of officials, departments, boards, committees, etc. For example, “police department” would become “Police Department;” “mayor” would become “Mayor;” “board of fire commissioners” would become “Board of Fire Commissioners;” etc.
6. Changed the first major breakdown within a section from “(A)” to “A” to match the style being used in the rest of the Code.
7. Provided for the numbering of unnumbered paragraphs.

Chapter 1, General Provisions

Article I, Construction and Definitions

Original Section 1-1 (How Code designated and cited) is deleted as being duplicative of a section found in Article III, Adoption of Code, of Chapter 1, General Provisions.

Original Sections 1-6 (Severability of parts of Code) and 1-7 (Altering Code) are deleted because they are duplicative of sections found in Article III, Adoption of Code, of Chapter 1, General Provisions.

Chapter 8, Boards, Committees, Commissions and Bureaus

Article I, Human Rights Commission

Section 8-3 is amended as follows:

The Commission shall consist of nine electors of the Town who shall be appointed by the Town Council for terms of three years, ~~except that, of those members first appointed for terms commencing on December 1, 1975, three~~ Three members shall be appointed for a term of three years, ~~three shall be appointed for a term of two years and three shall be appointed for a term of one year. Annually thereafter, the Town council shall appoint three members to succeed those whose terms expire.~~ expiring on November 30 in an odd-numbered year; three members shall be appointed for a term expiring on November 30 in an even-numbered year, and three members shall be appointed for a term expiring November 30 in an odd-numbered year and commencing the year after the even-numbered-year appointment.

Article IV, Fair Rent Commission

Section 8-13 is amended as follows:

The Fair Rent Commission shall consist of five electors of the Town who shall be appointed by the Town Council for terms of two years, ~~provided those first appointed shall serve for a term~~ expiring on November 30, 1981 in an odd-numbered year. Two members shall be tenants of a dwelling unit; two members shall be landlords of a dwelling unit(s) let for rental within the Town; and one member shall be an elector who is currently neither landlord nor tenant of a dwelling unit. In addition, said Commission shall consist of three alternate members who shall be electors of the Town of Newington and who shall be appointed by the Town Council for terms of two years ~~provided those first appointed shall serve for a term~~ expiring on November 30, 1981 in an odd-numbered year. One alternate member shall be a tenant of a dwelling unit, one alternate member shall be a landlord of a dwelling unit or units let for rental within the Town, and one alternate member shall be an elector who is currently neither landlord or tenant of a dwelling unit. If, during his term, the status of a Commissioner or alternate member changes with respect to whether he is a tenant or a landlord or neither, he shall be disqualified from office and his position shall be deemed vacant. Any vacancy on said Commission from whatever cause arising shall be filled, within a reasonable time, by appointment by the Town Council for the unexpired portion of the term.

Article VI, Environmental Quality Commission

Section 8-21B is amended as follows:

The Commission shall be comprised of the following: two representatives from the Newington Volunteer Fire Department; one representative from the Newington Volunteer Ambulance Corps; two representatives from industry who work or reside in Town; six representatives from the public. Two representatives from the Town Council shall serve

as liaisons. The Town Manager and ~~Town sanitarian~~ a representative of the Central Connecticut Health District shall serve as ex officio members of this Commission.

Article VII, Standing Insurance Committee

Section 8-26 is amended as follows:

The terms of the Council members and the Board of Education members shall be concurrent with their terms as members of the Town Council and the Board of Education, respectively. Three professional members of the Committee shall have terms which expire on ~~November 30, 1989~~ November 30 in an odd-numbered year. Two professional members and the two alternates shall have terms which expire on ~~November 30, 1990~~ November 30 in an even-numbered year. ~~At the expiration of the above noted terms, all~~ All appointments ~~thereafter~~ shall be for a period of two years, ~~to succeed those whose term expires.~~

Article VIII, Development Commission

Sections 8-30 and 8-31 are amended as follows:

§ 8-30. Membership; terms.

- A. The nine regular members of the Development Commission shall have staggered three-year terms which expire expiring on November 30 as follows:
- (1) Two members ~~November 30, 1989~~ for a term ending in an odd-numbered year.
 - (2) Three members ~~November 30, 1990~~ for a term ending in an even-numbered year.
 - (3) Four members ~~November 30, 1991~~ for a term ending in an odd-numbered year commencing the year after the even-numbered year appointment.
- B. ~~The current incumbents shall remain in office until the expiration of their term. At the expiration of the above noted terms, all appointments thereafter shall be for a period of three years, to succeed those whose term expires.~~

§ 8-31. Alternate members.

- A. The three alternate members of the Development Commission shall have staggered three-year terms which expire expiring on November 30 as follows:
- A.(1) Two alternates ~~November 30, 1989~~ for a term ending in an odd-numbered year.
 - B.-(2) One alternate ~~November 30, 1990~~ for a term ending in an even-numbered year.
- B. ~~At the expiration of the above noted terms, all alternates thereafter shall be appointed for a period of three years to succeed those whose terms expire.~~

Article IX, Employee Insurance and Pension Benefits Committee

Section 8-35 is amended as follows:

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The terms of the Council members and the Board of Education members shall be concurrent with their terms as members of the Town Council and the Board of Education, respectively. Three professional members of the Committee shall have terms which expire on November 30, ~~1995~~ in an odd-numbered year. Two professional members and the two alternates shall have terms which expire on November 30, ~~1996~~ in an even-numbered year. ~~At the expiration of the above noted terms, all~~ All appointments ~~thereafter~~ shall be for a period of two years, ~~to succeed those whose term expires~~.

Article XI, Emergency Medical Service Committee

Section 8-47 is amended as follows:

The Emergency Medical Service Committee shall consist of five members of which no less than three shall be active members of the Town's three public safety organizations (one each from fire, police and volunteer ambulance), but no more than two from each, and no less than one member shall be from the public, but no more than two. ~~The members shall serve for two years with terms expiring on the last day of the year. The initial~~ appointments shall be made so as to have a staggered membership, ~~except that those individuals serving as Newington representatives on the most recent bi-Town EMS committee shall continue as members of the EMS committee. Thus, (~~Two appointments shall expire ~~on December 31, 1995~~ in an odd-numbered year, and three appointments shall expire ~~on December 31, 1996~~ in an even-numbered year. ~~Thereafter, each~~ Each member is to serve a full two-year term which shall expire on December 31. Each member shall serve without compensation. A quorum can only be achieved if at least three members are present.

Chapter 13, Citation Hearings

Section 13-3D, the first sentence, is amended as follows:

D. If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of ~~the superior court for the geographical area in which the Town of Newington is located~~ Superior Court facility designated by the Chief Court Administrator, together with an entry fee of \$8...

Section 13-3E is amended as follows:

E. A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to C.G.S. § 52-259, in ~~the superior court for the geographical area in which the Town of Newington is located~~ a Superior Court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

Chapter 28, Emergency Management Agency

Chapter 28 is amended in its entirety to read as set forth below. The following is a synopsis of the revisions made to the chapter:

1. References throughout the chapter to the “Civil Preparedness Agency” were changed to the “Emergency Management Agency” and references to “civil preparedness” were changed to “emergency management.”
2. In § 28-1:
 - a. The definition of “emergency management,” the statutory reference to § 28-1(d) was changed to § 28-1(4).
 - b. The definition of “Emergency Management Advisory Council” was revised by deleting “The Town’s purposes” from the beginning of the definition.
3. In § 28-2, the reference to the Charter was changed from § C-611 to C-612.
4. In § 28-4 the following revisions were made:
 - a. Subsection A: added “which shall include an emergency plan of operations which is set forth in C.G.S. § 28-7a.”
 - b. Subsection F: added “and shall have the authority to act in conformity with the C.G.S. § 28-8a.”
 - c. Subsection G: added “or Acting.”

Chapter 28, Emergency Management Agency, shall read as follows:

Chapter 28

EMERGENCY MANAGEMENT AGENCY

§ 28-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EMERGENCY MANAGEMENT — The meaning as set forth in C.G.S. Title 28, Chapter 517, § 28-1(4), as amended.

EMERGENCY MANAGEMENT ADVISORY COUNCIL — The membership of the Town's Local Emergency Planning Committee (LEPC) appointed by the Town Manager, as authorized by Title III of the federal Superfund Amendments Reauthorization Act of 1986 (SARA).

DIRECTOR OF EMERGENCY MANAGEMENT — The Town's Local Emergency Management Coordinator, as appointed by the Town Manager.

§ 28-2. Establishment.

There is hereby established, in accordance with § C-612 of the Newington Town Charter and with Title 28, Chapter 517 of the General Statutes of Connecticut, an emergency management agency.

§ 28-3. Organization.

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The Emergency Management Agency shall consist of a Director of Emergency Management, and an Emergency Management Advisory Council, who shall be appointed by the Town Manager and shall serve at the discretion of the Town Manager. With reasonable conformance to applicable federal and state statutes, the Director shall organize the Advisory Council into such subdivisions as may be necessary for the efficient conduct of the business of the Agency. The Emergency Management Advisory Council shall advise the Director in emergency management matters and policy and shall be composed of representatives of Town agencies concerned with emergency management, including, but not limited to, law enforcement, fire protection, communications, housing, public health, public works, education and human services, and representatives of interests, including business, labor, agriculture, veterans, women's groups and others which are important to the emergency management program in the community.

§ 28-4. Responsibilities and authority.

- A. The Emergency Management Agency shall be responsible for the development and maintenance of plans and programs that may be needed in order to effectively respond to an emergency caused by an enemy attack upon this country or by any natural or man-made disaster, including, but not limited to, hurricane, tornado, earthquake, flood, explosion, winter storm, hazardous chemical spill, power outage, or transportation accident which shall include an emergency plan of operations which is set forth in C.G.S. § 28-7a.
- B. Said agency shall be empowered, subject to the limitation of budget appropriations, to obtain needed equipment and supplies to fulfill its responsibilities.
- C. The Director of Emergency Management shall also have authority to act in conformance with C.G.S., Chapter 517, § 28-7.
- D. In an emergency situation, the Town Manager shall be in full charge of all Town personnel and equipment to preserve public health and safety and to alleviate the aftereffects of such emergency, except that such authority shall not supersede that of the on-scene senior fire officer (incident commander).
- E. The Town Manager as chief executive officer may declare a state of emergency for the Town of Newington if, in his/her opinion, such a declaration is necessary. He/she shall file such declaration with the Town Clerk, and it shall be effective for up to 30 days unless earlier voided by the Town Manager or by action of the Town Council.
- F. In a disaster situation, the Town Manager shall be empowered to apply to the state and also through the state to federal agencies for any appropriate disaster assistance which may be made available and shall have the authority to act in conformity with C.G.S. § 28-8a.
- G. For purposes of carrying out the emergency response functions under this chapter only, the Town Manager line-of-succession shall be as follows:
 - (1) Assistant or Acting Town Manager.
 - (2) Local Emergency Management Coordinator.
 - (3) Fire Chief.
 - (4) Police Chief.

Chapter 32, Ethics, Code of

Section 32-7D is amended as follows:

D. Campaign contributions. The provisions of this section shall be inoperative for contributions made to candidates for elected office in the Town or to solicitations for such contributions. Contributions of this sort shall be governed by ~~Chapter 150 of the Connecticut General Statutes~~ C.G.S. § 9-600 et seq.

Section 32-11A is amended as follows:

A. Membership.

(1) There is hereby established a Board of Ethics which shall consist of seven members consisting of two Democrats, two Republicans, and three unaffiliated or other party persons appointed by the Town Council for terms of four years. ~~except that, of those members appointed, four shall be for a term expiring November 30, 1992, and three shall be for a term expiring November 30, 1993. No more than two members shall be of the same political party~~ Four members shall be appointed for terms expiring on November 30 in an even-numbered year, and three members shall be appointed for a term expiring on November 30 in an odd-numbered year.

(2) There shall be two alternate members of the Board of Ethics. ~~who shall have staggered terms which expire as follows: one alternate, November 30, 1992, and one alternate, November 30, 1993. At the expiration of the above noted alternates' terms, all alternates thereafter shall be appointed for a period of four years to succeed those whose terms expire.~~ One alternate shall be appointed for a term expiring on November 30 in an even-numbered year, and one alternate shall be appointed for a term expiring on November 30 in an odd-numbered year. All alternates shall be appointed for a period of four years.

Chapter 43, Fiscal Year

Section 43-1 is amended as follows:

The Town hereby establishes a new fiscal year of July 1st to June 30th, ~~commencing July 1, 1974, as provided in § C-801 of the Town Charter, and adopts the uniform fiscal year and becomes a complying municipality as provided in Chapter 110 of the General Statutes, Revision of 1958~~ C.G.S. § 7-382.

Section 43-2 is amended as follows:

A. Taxes for fiscal years ~~commencing on and after July 1, 1974~~ shall be payable in two installments, ~~1/2 the first half~~ the first half on July 1 and the second half on the following January 1. ~~but if~~ If the total tax payable on any list shall be less than ~~\$200~~ \$500, the full amount of such tax shall be due and payable on July 1 in each year. ~~commencing July 1, 1974.~~

~~Commencing July 1, 1994, if the total tax payable on any list shall be less than \$500 the full amount of such tax shall be due and payable at that time.~~

B. Motor vehicle taxes shall ~~continue to~~ be due and payable in one installment.

Chapter 55, Historian, Town

Original Section 2-138, Gender; number; construction, was moved to Ch. 1, General Provisions, Art. I, and revised to refer to the "the Code" rather than "this article." The following similar sections in other chapters of the Code have been removed: Original Sections 13-39(b); 11-92; 4 ¾-16; Section 6-29b of Ord. No. 0103-2.

Chapter 59, Housing Agencies

Section 59-11 is amended as follows:

The Newington Affordable Housing Monitoring Agency shall consist of five members who shall serve staggered five-year terms, ~~the first of which shall expire on November 30, 1991; the second, November 30, 1992, the third, November 30, 1993; the fourth, November 30, 1994; the fifth, November 30, 1995, with no more than four members from one party expiring on November 30 in a given year. The term of only one member shall expire in a given year. There shall be no more than four members from one party.~~ If an existing agency is appointed to monitor affordable housing, the make-up of that body shall constitute the make-up of the Newington Affordable Housing Monitoring Agency.

Chapter 91, Planning and Zoning

Article I, Zoning Board of Appeals

Section 91-1 is amended as follows:

~~The provisions of § 8-5 of the General Statutes, providing for alternate members of the zoning board of appeals are hereby adopted.~~ The Zoning Board of Appeals is established and its membership constituted as provided in § C-602 of the Charter.

Section 91-2 is amended as follows:

There shall be five regular members and three alternate members of the Zoning Board of Appeals appointed by the Council for a staggered term of five years. The regular members shall be appointed one each year for a term of five years ~~commencing the first Monday in October expiring on November 30 in a given year. One of the original alternate members shall serve for three years, one for four years and one for five years from the first Monday of October, 1960, and thereafter each new alternate member shall be appointed for a term of five years.~~ The three alternate members shall be appointed one each year for a term of five years expiring on November 30 in a given year.

Sections 91-5 and 91-6 are amended as follows:

§ 91-5. Membership; terms.

~~A.—The seven members of the Town plan and zoning commission shall have staggered terms~~

which expire as follows:

- ~~(1) Three members, November 30, 1987.~~
- ~~(2) One member, November 30, 1988.~~
- ~~(3) Three members, November 30, 1989.~~

~~B. The current incumbents shall remain in office until the expiration of their terms. At the expiration of the above noted terms, all appointments thereafter shall be for a period of four years, to succeed those whose term expires.~~

The number of members and alternates on the Town Plan and Zoning Commission shall be as provided in § C-601 of the Town Charter.

- A. The seven members of the Town Plan and Zoning Commission shall have staggered terms of four years expiring on November 30 as follows:
 - (1) Three members for a term ending in an odd-numbered year;
 - (2) One member for a term ending in an even-numbered year;
 - (3) Three members for a term ending in an odd-numbered year commencing the year after the even-numbered-year appointment.
- B. The three alternate members of the Town Plan and Zoning Commission shall have staggered terms of four years which expire on November 30 as follows:
 - (1) Two alternates for a term expiring in an odd-numbered year;
 - (2) One alternate for a term expiring two years thereafter.

§ 91-6. ~~Alternate members.~~ Designation of alternate to sit.

~~A. The three alternate members of the Town plan and zoning commission shall have staggered terms which expire as follows:~~

- ~~(1) Two alternates, November 30, 1987.~~
- ~~(2) One alternate, November 30, 1989.~~

~~B. The current incumbents shall remain in office until the expiration of their terms. At the expiration of the above noted terms, all alternates thereafter shall be appointed for a period of four years to succeed those whose terms expire.~~

~~C. The eChairperson shall designate an alternate to sit who is of the same political party as the absent regular member, except that, at the Chairperson's discretion, and provided C.G.S. § 9-167a, as may be amended from time to time, is not violated by said designation, any alternate may be seated when an alternate of the same political party is not available. In addition, at the eChairperson's discretion, provided C.G.S. § 9-167a, as may be amended from time to time, is not violated by said designation, any alternate may be seated who has participated in a prior public hearing, provided the regular member replaced by the alternate agrees to disqualify himself/herself from said matter.~~

Chapter 104, Registrars of Voters

Section 104-1 is amended as follows:

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~~Commencing at the regular election of November, 1978, and quadrennially thereafter, the~~
The Registrars of Voters for the Town of Newington shall be elected for terms of four
years in accordance with C.G.S. § 9-189(a)~~of the Connecticut General Statutes, Revision~~
~~of 1958, as amended to 1977.~~

Chapter 109, Senior and Disabled Center Services, Department of

Sections 109-1 and 109-2 are amended to change the Charter reference from Section 611 to § C-612.

Section 109-1 is amended by changing the “Social Services Department” to “Human Services Department.”

Section 109-3 is amended as follows:

§ 109-3. Responsibilities.

The Director shall be responsible for the ~~day to day~~ delivery of service to the ~~senior citizens and the disabled~~ residents who utilize the Senior and Disabled Center and its resources and services. The programs and services provided by the Department, as well as the duties of the employees under the Director, shall not be in conflict with any other services as provided by the Town Charter. The responsibilities of the Director shall include:

- A. Overall administration of the Joseph P. Doyle Community Complex, including the Senior and Disabled Center;
- B. Budget planning, management and purchasing for the Department of the Senior and Disabled Center services;
- C. Staff assistance to the Commission on Aging and the Handicapped;
- D. Supervision of programs and services provided at or by the Department of the Senior and Disabled Center services;
- E. Supervision for the ~~NEHTRANS program~~ programs and services providing transportation to residents who are older adults or who have a disability.
- F. Supervision of ~~commodities, energy, and other type programs;~~ programs and services providing information, referral and access to benefits.
- G. Such other duties and responsibilities as the Town Council or the Town Manager may assign, in conformance with the Town Charter.

Chapter 130, Adult-Oriented Establishments

Section 130-2, Definitions, is amended to add to the definition of “inspector” the underlined wording:

The Director of Health of the Central Connecticut Health District...

Chapter 136, Alarm Devices

Original Section 9-61, Transmission of digital-coded signals prohibited, and original Section 9-70, Disclaimer of liability, are deleted.

Chapter 147, Amusements

Article I, Police Presence

Section 147-1 is amended as follows:

~~It shall be required to have in attendance at~~ At every public performance or gathering at any theater, at every public dance and at every other public gathering, either a regular or supernumerary member or members of the Town police force, the Police Department shall supply a police officer or a retired police officer, unless the Chief of Police shall deem the attendance of such member or members unnecessary for the welfare or safety of the public in any particular case.

Chapter 170, Building Code

Section 170-1 is amended as follows:

In accordance with ~~Connecticut General Statutes, § 19-395e~~ C.G.S. § 29-253, the State of Connecticut Basic Building Code, as promulgated by the State Building Inspector and the State Building Code Standards Committee and approved by the ~~public works commissioner~~ Commissioner of Public Safety, shall constitute the Building Code of the Town.

Chapter 182, Buildings, Vacant and Blighted

Section 182-6D is amended by changing “§ 51-280” to “§ 52-180.”

Chapter 194, Cemeteries

Section 194-6B is amended by deleting “1970 amended version” at the end of the section as follows: “...in accordance with § C-807 of the Town Charter,~~1970 amended version.~~”

Section 194-12I(1), the first sentence is amended as follows:

Upright monuments in Section D (~~new section~~) may be of variable heights not to exceed four feet in height.

Chapter 250, Hazardous Materials

Section 250-1 is amended by deleting “[(6b)]” in the phrase “Column [(6b)] 9B.”

Section 250-4 is amended as follows:

Information provided pursuant to this chapter which is designated by the provider as a trade secret(s) in accordance with ~~§ 1-19 of the Connecticut General Statutes, Revision of~~

1958, as amended C.G.S. § 1-210 shall not be considered public information, and its disclosure upon filing with the Town shall be limited to administrative, public health and public safety agents of the Town.

Original § 6-57, Schedule for compliance by existing businesses, is deleted.

Chapter 284, Massage Establishments

Sections 284-4B and 284-16B are amended to add “of the Central Connecticut Health District” after “Director of Health” or “Director of Public Health” in three instances in the two subsections.

Chapter 291, Noise

Section 291-2, Definitions, the definitions of “business zone,” “industrial zone” and “residential zone” are amended as follows:

~~BUSINESS ZONE -- Those areas so designated under Article II, Sections 10, 12, 14, 20, and 23 of the zoning regulations of the Town.~~ Those zone districts listed in Section 2 of the Newington Zoning Regulations and shown on the Official Zoning Map adopted by the Town Plan and Zoning Commission.

~~INDUSTRIAL ZONE -- Those areas so designated under Article II, Sections 15, 17 and 22 of the zoning regulations of the Town.~~ Those zone districts listed in Section 2 of the Newington Zoning Regulations and shown on the Official Zoning Map adopted by the Town Plan and Zoning Commission.

~~RESIDENTIAL ZONE -- Those areas so designated under Article II, Sections 1, 3, 5, 7, 9, and 19 of the zoning regulations of the Town.~~ Those zone districts listed in Section 2 of the Newington Zoning Regulations and shown on the Official Zoning Map adopted by the Town Plan and Zoning Commission.

Section 291-3 is amended by adding a Subsection H reading as follows:

H. Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.

Chapter 332, Refuse and Recyclables

Section 332-2, Definitions, is amended as follows:

1. By deleting the definition of “Director of Public Health.”
2. By revising the definition of “planned unit development” as follows:
Residential developments as defined in former Chapter 124a, or development used for residential purposes as defined in Chapter 828 of the Connecticut General Statutes, as

revised, or individually owned residential units as allowed by the Town Plan and Zoning Commission in the Residence Planned District (RPD).

Sections 332-4A(1) and 332-6B are amended by adding “of the Central Connecticut Health District” after “Director of Health.”

Section 332-4B(3)(b) is amended by changing “Director of Health” to “Town Manager” in two places.

Section 332-12 is amended by deleting the following appearing as original Subsection (d): “Monetary penalties cited in subsection (a) shall not become effective until January 1, 1992.”

Chapter 361, Special Events

Section 361-8B is amended by adding “of the Central Connecticut Health District” after “Director of Health.”

Section 361-14 is amended as follows:

No permit required by this chapter shall be granted unless the applicant shall provide liability insurance for such special event protecting the Town as an additional named insured in the amount to be determined by the Town’s Risk Manager ~~of \$100,000 per person injured and \$300,000 for all persons injured and \$20,000 for all property damage resulting from the special event.~~

Chapter 367, Streets and Sidewalks

Article I, Working Within Street Boundaries

Section 367-1 is amended by adding the word “Town” before “Manager.”

Article II, Work Within Public Right-of-Way

Section 367-3C is amended by changing \$5,000 to \$10,000 in two places.

Section 367-3D is amended as follows:

D. Insurance.

(1) The contractor applying for a license shall furnish to the Town of Newington a valid insurance certificate completed by his agent or insurer for the amounts ~~described as follows~~ determined by the Town’s Risk Manager:

~~(a) Liability: bodily injury limits of \$200,000 each person, \$500,000 each accident;~~

~~(b) Property damage limits of \$100,000 each accident;~~

~~(c) Workmen's compensation;~~

~~(d) Explosion, collapse underground, drain layer, street excavation (including driveways) bond.~~

Section 367-3, Subsections K and O, are amended by changing “men” to “workers.”

Section 367-3L is amended by changing \$5 to \$25.

Sections 367-4I and 367-9 are amended by changing “Form 811, dated 1976” to “Form 816, dated 2004.”

Section 367-5H is amended by changing the word “contractor” to “owner.”

Article III, Sidewalks

Section 367-15C is amended as follows:

- C. Insurance requirements. A proof of insurance certificate shall be furnished to the Town of Newington by the approved contractor covering the period January 1 through December 31 of a given year and shall include ~~the following~~ coverage as determined by the Town’s Risk Manager:
- ~~(1) General liability: Bodily injury, \$100,000 per person, \$300,000 aggregate; property damage, \$50,000 per occurrence, \$50,000 aggregate.~~
 - ~~(2) Contractual liability: Bodily injury, \$500,000 per person, \$300,000 aggregate; property damage, \$50,000 per occurrence, \$50,000 aggregate.~~
 - ~~(3) Property damage, automobile: \$50,000 each occurrence.~~
 - ~~(4) Workmen's compensation.~~

Article IV, Newsracks in Public Rights-of-Way

Section 367-26B, the second to last sentence, is amended as follows:

~~Minimum coverage of such policy shall be \$1,000,000 aggregate for personal injury claims and for property damage claims and \$500,000 per each occurrence~~ determined by the Town’s Risk Manager.

Chapter 383, Tag, Yard and Garage Sales

Section 383-5, the lead-in sentence, is amended by changing “24 hours” to “48 hours.”

Chapter 395, Tobacco Sales

Section 395-4 is amended as follows:

It shall be the duty of the Director of Health of the Central Connecticut Health District/Police Chief, or their designee, to enforce the provisions of this chapter.

Chapter 404, Vehicles and Traffic

Article V, Manager's Authority

Original Section 18-2, Kimberley Road open to two-way traffic, is deleted.

Chapter 410, Vehicles, Junked

Section 410-2, the definition of "major work or modification," is amended as follows:

MAJOR WORK OR MODIFICATION -- Repairs and/or modifications necessary to render a motor vehicle operable which, in the reasonable opinion of the Zoning Enforcement Officer, exceed \$200 \$500.

MOTOR VEHICLE -- Any vehicle propelled or drawn by any power other than muscular, as defined in ~~Connecticut General Statutes § 14-1(30)~~ C.G.S. § 14-1(50), as amended.

Section 410-3B is amended as follows:

Motor vehicle ~~junkyard~~ recycler's yard, licensed pursuant to ~~Connecticut General Statutes~~, C.G.S. § 14-67i, not in violation of any Zoning Regulations of the Town of Newington.

Chapter 427, Wetlands and Watercourses

Article I, Adoption of Regulations

Sections 427-6 and 427-7 are amended as follows:

§ 427-6. Terms of Conservation Commission members. [Added 4-28-1987]

A. ~~The seven members of the conservation commission shall have staggered terms which expire as follows; four members, November 30, 1987; three members, November 30, 1989. The seven members of the Conservation Commission shall have staggered terms of four years. Four members shall have terms expiring November 30 in an odd-numbered year and three members shall have terms expiring November 30 in an odd-numbered year occurring two years thereafter.~~

B. ~~The current incumbents shall remain in office until the expiration of their terms. At the expiration of the above noted terms, all appointments thereafter shall be for a period of four years, to succeed those whose terms expire.~~

§ 427-7. Terms of alternate members of Conservation Commission. [Added 4-28-1987]

A. ~~The three alternate members of the conservation commission shall have staggered terms which expire as follows; two alternates, November 30, 1987; one alternate, November 30, 1989. The three alternate members of the Conservation Commission shall have staggered terms of four years. Two alternates shall have terms expiring November 30 in an odd-numbered year, and one member shall have a term expiring November 30 in an odd-numbered year occurring two years thereafter.~~

~~B. At the expiration of the above noted terms all alternates thereafter shall be appointed for a period of four years to succeed those whose terms expire.~~

A copy of the proposed Ordinance is available in the Town Clerk's office, 131 Cedar Street, Newington, CT.

Dated at Newington, CT this 30th day of May, 2008.

Attest:

Tanya D. Lane, MMC
Town Clerk