

# **ORDINANCES**

**COMPILED, INDEXED AND  
PUBLISHED IN ACCORDANCE WITH  
SECTION 7-148a OF THE  
CONNECTICUT GENERAL STATUTES  
BY THE  
OFFICE OF THE BOARD OF SELECTMEN**

**TOWN OF CANAAN  
108 MAIN STREET  
FALLS VILLAGE, CONNECTICUT 06031**

**2007**

TOWN OF CANAAN ORDINANCES  
Revision of 2007

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## **AN ORDINANCE CONCERNING PUBLICATION AND DISTRIBUTION OF ANNUAL REPORT OF BOARD OF FINANCE**

The requirement to publish certain financial information in the news media has been waived, and instead, this information will be supplied in copies equal to ten (10) percent of the town population. This is in accordance with Section 774 of the Connecticut General Statutes, as amended.

*Adopted at Town Meeting May 20, 1994.*

*Effective June 4, 1994*

*Recorded in "Town of Canaan Town Meeting, Vol. 9" at unnumbered page.*

**AN ORDINANCE CONCERNING HIRING A MUNICIPAL ASSESSOR AND ELECTING THE BOARD OF ASSESSMENT APPEALS**

1. BE IT RESOLVED That the Town of Canaan, acting by town meeting, hereby repeals a certain ordinance concerning the election of Assessors and members of the Board of Tax Review adopted at town meeting on June 30, 1981 and recorded in town records book entitled *Town of Canaan, Town Meeting, Volume 7, Page 116*, hereby abolishing the three-member Board of Assessors and Board of Tax Review.

2. BE IT FURTHER RESOLVED That the Town of Canaan hereby repeals a certain ordinance concerning the appointment of a Certified Assessor and Clerk adopted at town meeting on February 5, 1999 and recorded in town records book entitled *Town of Canaan, Town Meeting, Volume 11, Page 139*.

3. BE IT FURTHER RESOLVED That the Town of Canaan shall hire a Certified Assessor who shall have all the powers, duties, obligations, and rights conferred on municipal assessors by the Connecticut General Statutes, as amended:

a. That the Assessor shall be employed by and serve at the discretion of the Board of Selectmen;

b. That the Assessor shall be a Connecticut Certified Municipal Assessor in good standing and shall have such other qualifications as the Board of Selectmen may require;

c. That the salary of the Connecticut Certified Municipal Assessor shall be fixed by a majority vote of the Board of Selectmen of the Town of Canaan in the same manner as all other requests for appropriations and shall be included in the Annual Town Budget and shall be voted on in the same manner as all other appropriations recommended by the Board of Selectmen. If the town, acting by town meeting, fails to timely fix such salary, the Board of Selectmen shall fix the amount until the salary is established by town meeting.

d. That the Connecticut Certified Municipal Assessor may recommend to the Board of Selectmen, the hiring of such clerical and other assistants as may be required to perform the duties of the assessor's office. The Board of Selectmen may hire said clerk or assistants within the limits of the appropriations provided therefor.

4. BE IT FURTHER RESOLVED That the Town of Canaan, pursuant to the authority provided it in Connecticut General Statutes Section 9-199, hereby adopts an ordinance concerning the election of members of the Board of Assessment Appeals. The Board of Assessment Appeals shall consist of three (3) members, each shall serve a term of four (4) years. The Board of Selectmen shall fill vacancies pursuant to Section 9-220 of the Connecticut General Statutes.

The above ordinance shall become effective fifteen (15) days after publication.

*Adopted at Town Meeting January 24, 2006  
Recorded in "Town of Canaan, Town Meeting, Vol. 14" at Pages 134-137  
Published in The Lakeville Journal, April 6, 2006*

**AN ORDINANCE CONCERNING BAZAARS AND RAFFLES**

BAZAARS AND RAFFLES WILL BE ALLOWED IN THE TOWN OF CANAAN.

The ordinance above is in conformity with the Connecticut General Statutes, Sections 7-170 through 7-186, inclusive.

*Adopted at a Special Town Meeting, June 28, 1988  
Recorded in "Town of Canaan, Town Meeting, Vol. 8" at Page 42*

**AN ORDINANCE CONCERNING APPOINTMENT OF ALTERNATES TO THE BOARD OF FINANCE**

The Board of Selectmen shall provide for the initial appointment, and thereafter by election, of up to three (3) alternate members of the Board of Finance, in accordance with Section 7-340a of the Connecticut General statutes as amended. The term for the alternates will be a four (4) year term.

*Adopted at Town Meeting May 20, 1994*

*Effective June 4, 1994*

*Recorded in "Town of Canaan, Town Meeting, Vol. 9" (page unnumbered)*

**AN ORDINANCE CONCERNING THE ESTABLISHMENT OF A BOARD OF FINANCE**

RESOLVED, That a Board of Finance be established and that the Board of Selectmen appoint six electors and taxpayers as members of such Board, each of whom shall serve from the date of his appointment to the date of the next election and qualification of his successor in accordance with the provisions of Section 774 of the General Statutes.

*Adopted at Town Meeting, June 16, 1953  
Recorded in "Town of Canaan, Town Meeting, Vol. 5" at Page 96*

**AN ORDINANCE CONCERNING INDIVIDUAL VOTE ON BOARD OF  
EDUCATION BUDGET**

Be it ordained that: The Town of Canaan adopts an ordinance wherein the Board of Education Budget be presented and voted on individually, apart from the Selectmen's Budget.

*Adopted at Town Meeting, July 25, 1990  
Recorded in "Town of Canaan, Town Meeting, Vol. 8" at page 80.*

## **AN ORDINANCE CONCERNING PENALTIES FOR BUILDING CODE VIOLATIONS**

That the Town of Canaan hereby approves an Ordinance providing penalties to implement Sections 122.3 and 123.2 of the State Building Code.

Be it ordained by the Town of Canaan

1. Any person who shall violate a provision of the State Building Code or shall fail to comply with any of the requirements thereof or shall erect, construct, alter or repair a building or structure in violation of any approved plan or directive of the building official, or of a permit or certificate issued under the provisions of the Code shall be guilty of a misdemeanor, punishable by a fine of not more than \$50.00. Each day that a violation continues shall be deemed a separate offense.
2. Any person who shall continue any work in or about the building after having been served a stop order, except such work as he is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$25.00 or more than \$100.00. Each day that a violation continues shall be deemed a separate offense.

*Adopted at Town Meeting, March 10, 1972  
Ordinance to become effective April 1, 1972.  
Recorded in "Town of Canaan, Town Meeting, Vol. 6" at page 108*

## **AN ORDINANCE CONCERNING ISSUING BUILDING PERMITS WHEN DELINQUENT TAXES EXIST**

BE IT HEREBY ENACTED AND ORDAINED:

No building permit will be issued for properties for which the amount of delinquent taxes, in any amount, owing to the Town of Canaan are due, except that the Board of Selectmen may specifically vote to authorize the Building Inspector to issue such permit under the following special circumstances:

- a) When such permit is required for essential repairs such as a leaking roof; or
- b) When safety is at issue, such as in the event of correcting structural deficiencies; or
- c) When electrical or mechanical services need essential repair or upgrading, such as inadequate wiring, heating or hot water systems are failing or insufficient; and
- d) All other requirements of the building code are complied with as determined by the Building Inspector of the Town of Canaan.

In voting on such exceptions, the Selectmen will use reasonable discretion and common sense in authorizing permits and will not be unduly severe in their interpretation of this ordinance so as to cause unnecessary hardship.

*Adopted at Town Meeting, January 11, 1997*

*Effective fifteen days after publication.*

*Recorded in "Town of Canaan, Town Meeting, Vol. 10" at page 98.*

*Revised at Town Meeting November 1, 2007*

*Recorded in "Town of Canaan, Town Meeting, Volume 15," at page 25 et seq.*

## **AN ORDINANCE CONCERNING ESTABLISHMENT OF A CONSERVATION AND INLAND WETLANDS COMMISSION**

RESOLVED: That the Town of Canaan hereby establishes a Conservation and Inland Wetlands Commission, the duties of which are spelled out in section 7-131a and section 22a-42, subsections (a), (b), of the 1969 Supplement of the Connecticut General Statutes as amended. of the State of Connecticut. The Commission shall consist of five (5) members who shall be electors of the Town of Canaan, no more than three (3) of whom shall be members of any one political party and shall be appointed by the Chief Executive Officer of the municipality.

The terms of office of said electors appointed to be the original members of said Conservation and Inland Wetlands Commission shall be as follows:

- a. one (1) member for five (5) years
- b. one (1) member for four (4) years
- c. one (1) member for three (3) years
- d. one (1) member for two (2) years
- e. one (1) member for one (1) year

Thereafter on the anniversary date of the original appointment, the Chief Executive Officer shall appoint one (1) elector to be a member to serve for five (5) years.

*Adopted at Town Meeting, August 23, 1972  
Recorded in "Town of Canaan, Town Meeting, Vol. 6" at page 117*

## **AN ORDINANCE CONCERNING THE DECLARATION OF A LOCAL DISASTER EMERGENCY**

- 1. Declaration of local disaster emergency—Authority.** The first selectman of the Town of Canaan is authorized to declare a local disaster emergency in accordance with the terms of sections 28-8a and 38-1(8) of the Connecticut General Statutes (CGS), as the same may be amended from time to time.

*NOTE: Section 28-8a(a) contains a very broad provision that allows the chief executive officer or his/her designee, to, among other things, take such action as he/she deems necessary to mitigate the major disaster or emergency. Section 28-1(8) defines a local civil preparedness emergency or disaster emergency as "an emergency declared by the chief executive officer of any town or city in the event of a serious disaster affecting such town or city."*

- 2. Declaration of local disaster emergency—Effect.** Upon the declaration of a local disaster emergency by the first selectman of the Town of Canaan, the first selectman and the local emergency management director shall exercise all powers and authority granted to the municipality and/or its chief executive officer under Title 28 of the CGS.

- 3. Activation of emergency operations center; determination of need for declaration of local disaster emergency.** In times of serious disaster or civil emergency, the first selectman is authorized to activate the Town of Canaan Emergency Operations Center situated in Town Hall, 108 Main Street, Falls Village. The chief of the Falls Village Volunteer Fire Department, the municipal health officer, the emergency management director, or their designated representatives, shall assist the first selectman in evaluating the need for the declaration of a local disaster emergency.

Nothing shall be construed to mean that the first selectman has authority beyond that stated herein. Specific situations or scenes shall be under the direct command of the appropriate officer of the responding emergency services department.

- 4. Coordination with Area Coordinator.** In times of serious disaster or civil emergency, the Town of Canaan First Selectman will coordinate his/her response activities with the appropriate Area Coordinator from the Connecticut Department of Emergency Management and Homeland Security.

*Adopted at Town Meeting, May 10, 2007.*

*Recorded in "Town of Canaan, Town Meeting, Vol. 15" at pages 15-16.*

## **AN ORDINANCE CONCERNING EMERGENCY 911 STREET NUMBER ASSIGNMENT AND AFFIXING**

BE IT ORDAINED BY THE TOWN MEETING OF THE TOWN OF CANAAN

SECTION 1. Purpose. The purpose of this ordinance is to promote public safety and convenience by providing a street numbering system whereby addresses may be identified with ease and speed essential to a quick response of emergency services, fire, police and medical care.

SECTION 2. Assignment of Street Numbers. Pursuant to Section 7-148c of the General Statutes of the State of Connecticut, revision of 1958, as amended, the office of the Assessor shall assign street numbers to all buildings, parts of buildings, and house lots fronting on any street or highway within the town of Canaan, and may change numbers if necessary, to have a more orderly numbering system. When new streets are laid out, the office of the Assessor shall promptly assign numbers to each lot on said street. The office of the Assessor may assign numbers to streets or highways, all or portions of which have not been accepted by the town or which pass through private property. Such assignment of numbers shall not be construed as acceptance of such streets or highways or any portion thereof. Whenever the office of the Assessor has assigned a street number to a property, the office of the Assessor shall promptly notify by mail the owners or agents of the property affected and also the occupants of any buildings or part thereof, to which a number has been assigned. The office of the Assessor shall maintain maps and a card file showing the street numbers assigned to each property, and such maps and files shall be open to public inspection.

SECTION 3. Affixing of Street Numbers. Each owner or agent or occupant shall affix to said building or part thereof, or on some object appurtenant thereto, the street number or numbers assigned by the office of the Assessor. All numbers shall be affixed so as to be visible from the street or highway. The Falls Village Volunteer Fire Department, Inc. is available with recommendations for proper location of numbers. Numbers assigned for each location shall be no less than three (3) inches in height and reflectorized. Numbers shall be affixed within sixty (60) days of receipt of notice from the office of the Assessor.

SECTION 4. Effective Date. This ordinance shall become effective fifteen (15) days after publication in a newspaper having a circulation in the Town of Canaan.

SECTION 5. Fine. A fine of \$2.00 per day not to exceed \$50.00 per month shall be imposed for non-compliance of this ordinance.

*Adopted at Town Meeting, June 30, 1987  
Recorded in "Town of Canaan, Town Meeting, Vol. 8" at page 23*

## **AN ORDINANCE CONCERNING TAX EXEMPTION OF PROPERTY OF THE FALLS VILLAGE CHILDREN'S THEATER COMPANY**

Be it Hereby Ordained That:

Section 1. All lands and any improvements thereon acquired by the Falls Village Children's Theater Company, situated at 103 Main Street, if qualified for exemption from property taxation pursuant to Connecticut General Statutes Section 12-81(7), as it may be amended from time to time, shall be entitled to such exemption as of the Grand List of October 1, 2006, so that any installments of taxes which first become due July 1, 2007 and January 1, 2008 shall be abated by the Tax Collector.

Section 2. The exemption allowed by this ordinance shall be applied retroactively to the taxes on the Grand List of October 1, 2006, and to the real property acquired by the Falls Village Children's Theater Company on or about April 25, 2007, including any interest which has accrued on such July 1, 2007 taxes, and shall remain exempt for so long as such property shall otherwise remain eligible for such exemption in accordance with Connecticut law.

Section 3. This ordinance is adopted pursuant to the provisions of the Connecticut General Statutes Section 12-81b, as amended, and shall be come effective fifteen (15) days after publication in a newspaper having circulation in the Town of Canaan.

*Adopted at Town Meeting, November 1, 2007*

*Recorded in "Town of Canaan, Town Meeting, Vol. 15" at pages 25 et seq.*

**AN ORDINANCE CONCERNING THE BOARD OF SELECTMEN'S APPOINTEES  
TO THE FALLS VILLAGE DAY CARE CENTER BOARD OF DIRECTORS**

Be it known that action taken by the Falls Village Day Care Center Board of Directors has made provision for the public appointment of three (3) members of the Directors of the Day Care Center. The appointment/s shall be made by the Board of Selectmen at their discretion. The term of office of the Directors appointed by the Board of Selectmen shall be staggered in such a manner so that those appointed will have a two or three year term.

In accordance with CGS, Section 7-157, this ordinance shall become effective fifteen days after publication.

*Adopted at Town Meeting May 16, 2006  
Published in the Lakeville Journal May 25, 2006  
Recorded in "Town of Canaan, Town Meeting, Vol. 20" at Pages 201-202*

## **AN ORDINANCE CONCERNING THE ESTABLISHMENT OF A MUNICIPAL FIRE COMMISSION**

RESOLVED: That the Town of Canaan hereby approves an Ordinance establishing a Fire Commission as authorized by Chapter 104, Section 7-301 of the General Statutes of Connecticut.

A. That said municipal fire commission shall be known as the Canaan Fire Commission.

B. That said municipal Canaan Fire Commission shall be responsible for the maintenance of the firehouse, the purchase and maintenance of all fire fighting equipment to be used by the established Falls Village Volunteer Fire Department, Inc., the construction and maintenance of water holes for the purpose of fire protection, to seek proper appropriations and approve proper expenditures for carrying out its work, and to perform all other duties as may be indicated by the General Statutes of the State of Connecticut.

C. That said Canaan Fire Commission shall be electors of the Town of Canaan, no more than four (4) of whom shall be members of any one (1) political party, who shall be appointed by the Board of Selectmen, and who shall serve without pay.

D. 1. The terms of office of said electors appointed to the original members of the Canaan Fire Commission shall be as follows:

- a. Two (2) members for three (3) years
- b. Two (2) members for two (2) years
- c. One (1) member for one (1) year

2. Thereafter, on the first anniversary date of the original appointments the Board of Selectmen shall appoint one (1) elector to serve for three (3) years, and the following two (2) years on the anniversary date two (2) electors each for three (3) years, after which the precise cycle or appointments shall begin again.

E. This Ordinance shall take effect upon date of its passage.

*Adopted at Town Meeting, March 10, 1972  
Recorded in "Town of Canaan, Town Meeting, Vol. 6" at page 106.*

## **AN ORDINANCE CONCERNING FLOOD HAZARD CONTROL MEASURES**

RESOLVED, Whereas, certain areas of the Town of Canaan are subject to periodic flooding from streams, rivers and lakes causing serious damages to properties within these areas; and whereas, it is the intent of this Town Meeting 'to require the recognition and evaluation of flood hazards in all official actions relating to land use in the flood plain areas having special flood hazards; and whereas, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to the General Statutes of the State of Connecticut;

Now, therefore, be it resolved that this Town Meeting hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 1910 of the National Flood Insurance Program Regulations.
2. Vests Building Official and Zoning Administrator with the responsibility, authority, and means to:
  - (a) Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites.
  - (b) Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain.
  - (c) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify flood plain areas, and cooperate with neighboring communities with respect to management of adjoining flood plain areas in order to prevent aggravation of existing hazards.
  - (d) Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain management measures.
3. Appoints Building Official and the Zoning Administrator to maintain for public inspection and to furnish upon request a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

RESOLVED, Whereas, the Town of Canaan has adopted and is enforcing the State of Connecticut Building Code, and whereas Section 113.1 of the aforesaid prohibits any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the Building Official, and whereas, the Building Official must examine all plans and specifications

for the proposed construction when application is made to him for a building permit.

Now, therefore, be it resolved by this Town Meeting of the Town of Canaan as follows:

1. That the Building Official and the Zoning Administrator shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage; and
2. That the Building Official and the Zoning Administrator shall review subdivision proposals and other proposed new developments to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood damage, and hazards; and
3. That the Town Sanitarian shall require new or replacement water supply systems and/or sanitary sewage to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

*Adopted at Town Meeting, November 27, 1972  
Recorded in "Town of Canaan, Town Meeting, Vol. 7" at Page 22*

## **AN ORDINANCE CONCERNING FLOOD HAZARD REGULATION AND ENFORCEMENT**

(1) **BUILDING PERMIT REVIEWS.** That the Building Official and the Zoning Administrator of the Town of Canaan shall review all building permits for new construction or substantial improvements to determine whether proposed sites will be reasonably safe from flooding. If a proposed building site is in a location that has flood hazard, any proposed new construction or substantial improvement must:

- (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure,
- (ii) use construction materials that are resistant to flood damage,
- (iii) use construction methods and practices that will minimize flood damage, and
- (iv) be designed and/or have located electrical, heating ventilation, plumbing, air conditioning, and other service facilities so as to prevent water from entering or accumulating within the components during conditions of flooding.

(2) **MANUFACTURED HOMES.** No manufactured homes (including "mobile" homes) are to be placed in any flood hazard area within the boundary of the Town of Canaan.

(3) **SUBDIVISION PROPOSALS.** That the Building Official and Zoning Administrator shall review subdivision proposals and other proposed new development to assure that:

- (i) all such proposals are consistent with the need to minimize flood damage,
- (ii) all public utilities and facilities, such as sewer, gas, electric, and water systems are located, elevated, and constructed to minimize or eliminate flood damage,
- (iii) adequate drainage is provided so as to reduce exposure to flood hazards, and
- (iv) in Zone A, base flood elevations data shall be provided for subdivision proposals and other development which are five acres or fifty lots, whichever occurs first.

(4) **WATER, SEWER AND WASTEDISPOSAL SYSTEMS.** That the Town Sanitation shall require new or replacement water supply systems, sanitary sewer systems and/or on site waste disposal systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems, and them to be located so as to avoid impairment of them or contamination from them during flooding.

(5) **DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL**

The Building Official shall:

- (a) Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the development

permit. Such permits may include, but are not limited to; Water Diversion, Dam Safety, Corps of Engineers 404.

(b) Notify adjacent communities and the Department of Environmental Protection, Water Resources Unit Prior to any alteration or relocation is a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(c) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(d) Record the elevation (in relation to mean sea level of the lowest floor<sup>^</sup> including basement) of all new or substantially improved or flood proofed structures. When flood proofing is utilized for a particular structure the Building Official shall obtain certification from a registered professional engineer or architect.

(e) When base flood elevation data or floodway data have not been provided on the Flood Hazard Boundary Map for the Town of Canaan then the Building Official shall obtain, review and reasonably utilize any base flood elevation or floodway data available from federal, state or other source in order to administer the provisions of this ordinance.

(f) Should other data be utilized select and adopt a regulatory floodway based on the principal that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the waters surface elevation of that flood more than one foot at any point.

## (6) GENERAL STANDARDS

(a) Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least to two feet above the base flood elevation.

(b) Non-Residential Construction.

1. New construction or substantial improvement of any commercial, industrial, or non-residential structure located in Zone AI-30, AE & AH shall have the lowest floor, including basement, elevated at least to two feet above the level of the base flood elevation; or

Non-residential structures located in all A-Zones may be flood proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for the construction, are in accordance with acceptable standards of practice for meeting the provisions or the subsection. Such certification shall be provided to the Building Official.

(7) FLOODWAYS. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that

encroachments shall not result in any (0.00) increase in flood levels during occurrence of the base flood discharge.

(i) In A-Zones where base flood elevations have been determined, but before a floodway is designated, require that no new construction, substantial improvement, or other development (including fill) be permitted which would increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

(ii) When utilizing data other than that provided by the Federal Emergency Management Agency, the following standard applies: select and adopt a regulatory flood way based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any one point.

(8) MEAN SEA LEVEL. Mean sea level means, for the purpose of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevation shown on a community's Flood Insurance Rate Map are referenced.

(9) "START OF CONSTRUCTION" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(10) SUBSTANTIAL IMPROVEMENT means any combination of repairs, reconstruction, alteration, or improvements to a structure, of which the cumulative cost equals or exceeds fifty per cent of the market value of the structure. The market value of the structure should be,

1. the appraised value of the structure prior to the start of the initial repair or improvement, or
2. in the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of a structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

(11) LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor.

(12) "WATER SURFACE ELEVATION" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(13) This ordinance (and the FLOOD INSURANCE RATE MAP and any subsequent Flood Insurance Study and attending maps which are adopted by reference) shall become effective 15 days after publication of a summary thereof pursuant to the provisions of the General Statutes, Section 7-157b, in a newspaper having circulation in the Town of Canaan.

(14) If discrepancies are found in any part of the map, and are to be corrected, any citizen may appeal through the Board of Selectmen to the Federal Agency responsible for the map construction.

**“Notation:** *The Town of Canaan is in compliance with Section 60.3(d) of National Flood Insurance Program regulations, and has implemented the use of the Flood Insurance Study and the Flood Insurance Rate Map as of September 2, 1988.*”

*Adopted at Town Meeting, March 11, 1988  
Recorded in “Town of Canaan, Town Meeting, Vol. 8” at Page 28  
Revised at Town Meeting, August 24, 1988  
Recorded in “Town of Canaan, Town Meeting, Vol. 8” at Page 46.*

**AN ORDINANCE CONCERNING JOINING THE TORRINGTON AREA HEALTH DISTRICT.**

WHEREAS, the Town of Canaan desires to provide full time public health services to its citizens; and

WHEREAS, the Town of Canaan desires to join the Torrington Area Health District with all the rights and privileges of a full member town as stated in Chapter 368f of the Connecticut General Statutes; and

WHEREAS, the Town of Canaan desires to cancel its contract for services with the Torrington Area Health District effective May 18, 2001, in favor of joining the Torrington Area Health District on May 19, 2001, and appropriates \$1.00 per capita for TAHD services for the 2000-2001 fiscal year in the amount of \$1,052.00;and

WHEREAS, the Town of Canaan, only so long as the Town remains a member of the TAHD, agrees to pay the Torrington Area Health District future annual assessments based on the Town's estimated population made by the State Department of Public Health and a per capita amount set by the Board of Health for the Torrington Area Health District at its annual April budget hearing which is \$3,834.00 for the fiscal year 2001-2002; and

WHEREAS, the Town of Canaan, only so long as the Town remains a member of the TAHD, agrees to pay the Torrington Area Health District an additional fixed amount of \$1,500.00 per year above the per capita amount to meet the expenses of providing full time public health services; and

WHEREAS, the Town of Canaan, agrees that all fees for services to residents of the Town by the Torrington Area Health District shall be determined by, and retained by, the TAHD; and

WHEREAS, the Town of Canaan, by its Board of Selectmen, agrees to appoint one member to the Board of Directors of the Torrington Area Health District for a three-year term;

NOW THEREFORE BE IT RESOLVED, that the Town of Canaan, by vote of its legislative body on May 10, 2001, requests to be admitted to the Torrington Area Health District.

*Adopted at Town Meeting, May 10, 2001  
Recorded in "Town of Canaan, Town Meeting, Vol. 12" at Page 179*

**AN ORDINANCE CONCERNING BECOMING A MEMBER OF THE HOUSATONIC RIVER ADVISORY COMMISSION**

Resolved, That the Town of Canaan hereby join and become a member of the permanent Housatonic River Advisory Commission and that the Board of Selectmen shall appoint one delegate and one alternate as members to the commission. The delegate shall serve for a term of three (3) years and the initial alternate for a two-year term. Thereafter all appointments shall be for three-year periods. All delegates shall serve without compensation.

*Adopted at Town Meeting, May 14, 1979  
Recorded in "Town of Canaan, Town Meeting, Vol. 7" at Page 80.*

## **ORDINANCE CONCERNING THE BOARD OF SELECTMEN'S APPOINTEES TO THE DAVID M. HUNT LIBRARY BOARD**

Be it resolved that the Town of Canaan hereby establishes "The David M. Hunt Library and School Association" as the public library of the community in accordance with Section 11-20 of the Connecticut General Statutes.

The Constitution of the Association shall remain in effect as adopted on September 18, 1889, and as subsequently amended or revised except that Article 2 is amended so as to conform with this ordinance.

The current Board of Directors of the Association shall make provision for the public appointment of 1/3 of the Directors of the library. The appointment authority shall be the Board of Selectmen. The term of office of the directors appointed by the Board of Selectmen shall be for four (4) years with each term to begin in successive years commencing on the Association's Annual Meeting.

The Board of Directors of the Association shall have full authority to expend such funds as may be granted by the town for the Association's use, except where specific funds are granted for a specific purpose.

The By-Laws of the Association shall not be amended so as to prohibit the free use of the library.

This ordinance supersedes the ordinance "Dated at Canaan, Connecticut, December 15, 1976" and is effective upon its passage.

In accordance with CGS, Section 7-157, this ordinance shall become effective fifteen days after publication.

*Adopted at Town Meeting, March 6, 2003*

*Published in the Lakeville Journal on March 27, 2003.*

*Recorded in "Town of Canaan, Town Meeting, Vol. 13" at Page 106.*

# **AN ORDINANCE CONCERNING ESTABLISHING LAND USE APPLICATION FEES**

## Section 1. Authorization and Purposes

- 1.1. To establish a schedule of fees, pursuant to Section 9-1c 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 Town of Canaan Planning and Zoning Commission ("Commission") and the Town of Canaan 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 Town of Canaan ("Town") 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 designated consultant retained by the Town of Canaan and any other Town of Canaan 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) Zoning Permit \$ 55.00  
(does not include b,c,d,e,f,g,h below, and does not include fee referred to in Section 4. Computation of Fees)
  - b) Special Exception/Special Permit \$150.00
  - c) Application to Change Zoning Map \$150.00
  - d) Application to Change Zoning Regulations \$150.00
  - e) Appeal of ZEO Decision to ZBA \$100.00
  - f) Variance Application \$100.00
  - g) Inland Wetlands Application \$105.00
  - h) Subdivisions—Final Subdivision Plan \$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 Town 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.

#### 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

- 5.1. Town of Canaan boards, commissions and other agencies or departments of the Town of Canaan, 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 applications (which were denied or withdrawn, where the review work performed on the previous applications) 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

- 6.1. 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 bill-

ing 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 Town and shall establish the fees and costs for the Commission, the Board and the Zoning Officer of the Town.

*Adopted at Town Meeting, July 16, 2003*

*Published in Lakeville Journal July 31, 2003*

*Recorded in "Town of Canaan, Town Meeting, Vol. 13" at Page 125.*

*Amended Section 3.1 at Town Meeting, June 20, 2006*

*Recorded in "Town of Canaan, Town Meeting, Vol. 14" at Page 225 et seq.*

## **AN ORDINANCE CONCERNING LOWER BARRACK ROAD**

Be it known, that

1. Lower Barrack Road in its entirety, starting with its first intersection with Music Mountain Road, and running thence in a generally southerly direction to its second intersection with Music Mountain Road, a total distance of approximately 7,000 feet, shall remain unpaved for its entire length, and shall not be further widened or improved, except as essential for public safety.
2. Earth grading, earth removal and the removal or re-location of mature trees or stonewalls within the Town's right-of-way on Lower Barrack Road is hereby prohibited except that nothing herein shall be deemed to prohibit the following activities which are expressly permitted.

### **PERMITTED ACTIVITIES**

- a) Routine road maintenance by the Town, including but not limited to road grading, graveling, filling, removal of dead, seriously diseased or seriously damaged trees, removal of branches and other obstructions, repair of any unsafe road conditions or drainage conditions.
- b) Removal of up to a 50' wide section of earth, stonewall or mature trees in order to construct or maintain a new or existing road or driveway intersecting or intended to intersect with Lower Barrack Road. Every reasonable effort shall however be taken by any abutting landowner to minimize or avoid such removals. Any abutting landowner must also secure from the Board of Selectmen written permission to make a curb cut, prior to any removal, cutting or excavating of stonewalls, mature trees or earth within the Town's right-of-way for said road.

### **PENALTY**

In the event any person should violate the terms of this ordinance they shall be fined the sum of \$100.00 per day, for each and every day of such violation.

SUMMARY of this Ordinance shall be published in accordance with Connecticut General Statutes Section 7-157 and shall become effective 15 days after such publication.

*Adopted at Town Meeting, November 17, 1989  
Recorded in "Town of Canaan, Town Meeting, Vol. 8" at Page 64.*

## **AN ORDINANCE CONCERNING JOINING THE \*COUNCIL OF GOVERNMENT**

A motion was made and seconded for the town to adopt an ordinance to join as a member the \*Council of Governments. When this council is formed a former ordinance adopted by town meeting in March 10, 1972 will be rescinded. This was the North West Regional Planning Agency and will be replaced by the Council of Governments [Northwest Council of Governments].

*Adopted at Town Meeting, May 21, 1984 (rescinded Ordinance establishing Northwest Regional Planning Agency, dated March 10, 1972 and Recorded in "Town of Canaan, Town Meeting, Vol. 6" at Page 108)  
Recorded in "Town of Canaan, Town Meeting, Vol. 7" at Page 152.*

**\*NOTATION Agency has since changed its name to Northwest Council of Governments.**

**AN ORDINANCE CONCERNING JOINING THE NORTHWESTERN CONNECTICUT TRANSIT DISTRICT**

BE IT RESOLVED:

In accordance with Sections 7-273b(e), and 7-273c of the Connecticut Statutes, the Town of Canaan is hereby authorized to join the NORTHWESTERN CONNECTICUT TRANSIT DISTRICT, and the Board of Selectmen being further authorized to appoint one Director to serve on the District's Board of Directors for a term of four years, and one Alternate to serve only in the absence of the Director, for a term of four years, any vacancy occurring shall be filled by the Board of Selectmen for the unexpired portion of the term.

*Adopted at Town Meeting May 28, 1991  
Recorded in "Town of Canaan, Town Meeting, Vol. 8" at Page 88*

## **AN ORDINANCE CONCERNING PARKING DURING SNOW REMOVAL**

It shall be unlawful to park vehicles on the streets or highways under the control of the Town of Canaan during snow removal. Any vehicle that may interfere with snow removal shall be towed away at the expense of the owner.

*Adopted at Town Meeting, April 17, 1952.  
Recorded in "Town of Canaan, Town Meeting, Vol. 5" at Page 78*

## **AN ORDINANCE CONCERNING ADDITIONAL PERMIT APPLICATION FEES PERTAINING TO ACTIVITIES REGULATED BY THE TOWN OF CANAAN**

It is hereby ordained that the Town of Canaan adopts provisions for additional permit application fees and expenses required to pay for outside consultant services necessary to process regulatory applications submitted to the Town of Canaan, in accordance with the following articles:

1. In addition to the standing filing fees for regulatory applications submitted to departments of the Town of Canaan and established according to Connecticut General Statutes, the relevant official, commission, board, or the authorized agent thereof, may determine that the assistance of professional consultants, including but not necessarily limited to scientific, engineering and legal consultants, will be required to review the application or to provide monitoring services. Issues for which such review or monitoring may be needed may include, but are not limited to, compliance with existing laws and regulations, the potential for environmental or other impacts, the need for public improvements, drainage improvements, sediment and erosion-control measures, and other environmental safety measures, and the provision of adequate legal conveyances and financial performance security. It is the purpose of this Ordinance to ensure that any fees and expenses reasonably incurred by the official, commission, board or its authorized agent in procuring such service be paid by the applicant as additional fees;
2. If such official, commission, board or authorized agent shall have determined that the assistance of such professional consultants will be necessary, such official, commission, board or authorized agent may, either at the time of receipt of such application, or at any subsequent review or hearing on the application, make an estimate of the projected costs and expenses for such professional consultants. These estimated costs and expenses shall be a surcharge fee due from the applicant, and the application shall be deemed incomplete until such surcharge fee has been paid;
3. Any portion of the surcharge fee not expended by the Town of Canaan on the application shall be rebated to the applicant upon completion of the review, evaluation and issuance of any permits;
4. The estimate of such projected costs shall not be binding upon the respective official, commission, board or authorized agent and, in the event that the surcharge fee is not sufficient to cover the actual cost and expenses of such professional consultants, the applicant shall be billed for any additional cost incurred by the Town of Canaan in excess of the surcharge fee paid by the applicant. This bill shall be paid by the applicant prior to the issuance of any permits; and
5. Officials, commissions, boards and departments of the Town of Canaan are exempt from all fee requirements.

**SEVERABILITY.** If any section, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Pursuant to Section 7-157 of the Connecticut General statutes this Ordinance shall become effective fifteen (15) days after publication.

*Enacted at Town Meeting, March 2, 2005.*

*Published in The Lakeville Journal, March 10, 2005*

*Recorded in "Town of Canaan, Town Meeting, Vol. 14" at Page 11*

*Amended at Town Meeting November 1, 2007*

*Recorded in "Town of Canaan, Town Meeting, Volume 15," at page 25 et seq.*

**AN ORDINANCE CONCERNING APPOINTMENT OF ALTERNATE MEMBERS TO THE PLANNING AND ZONING COMMISSION**

Be it resolved, an ordinance adopted on May 9, 1977, concerning the Canaan Planning and Zoning Commission is hereby amended to provide for the appointment of two (2) alternate members to the Commission by the Board of Selectmen. Such alternate members shall serve in accordance with Section 8-19a of the General Statutes for a term of five (5) years.

*Adopted at Town Meeting, May 9, 1977*

*Recorded in "Town of Canaan, Town Meeting, Vol. 7" at Page 50*

*Amended at Town Meeting, June 20, 2006*

*Recorded in "Town of Canaan, Town Meeting, Vol. 14" at Pages 225 et seq*

**AN ORDINANCE CONCERNING THE DESIGNATION OF THE PLANNING COMMISSION TO THE PLANNING AND ZONING COMMISSION**

RESOLVED: The Town of Canaan hereby designates the Canaan Planning Commission to the Canaan Planning and Zoning Commission pursuant to Section 804a of the Connecticut General Statutes, Revision of 1958, as amended. Such Commission to have all the powers and duties of both a Zoning Commission and a Planning Commission.

The Canaan Planning and Zoning Commission shall henceforth be comprised of seven (7) members, who shall be electors of the Town of Canaan and shall not hold a salaried municipal office. No more than four (4) members shall be of the same political party. The five (5) present members of the Canaan Planning Commission shall serve as members of the Planning and Zoning Commission until the expiration of their respective terms.

The Board of Selectmen shall appoint two (2) new members to the Planning and Zoning Commission, one to serve for five (5) years and one to serve four (4) years, thereafter, on the anniversary of each term, one (1) of two (2) members shall be appointed by the Board of Selectmen for a five (5) year term.

*Adopted at Town Meeting, January 31, 1973  
Recorded in "Town of Canaan, Town Meeting, Vol. 6" at Page 128*

## **AN ORDINANCE CONCERNING NUMBER OF MEMBERS OF THE PLANNING AND ZONING COMMISSION**

The Town of Canaan Planning and Zoning Commission is hereby increased in size by one (1) member, for a total of eight (8) members, who shall be electors of the Town of Canaan and who shall not hold a salaried municipal office. No more than five (5) members shall be of the same political party. Each member shall be appointed by the Board of Selectmen for terms of five (5) years.

*Adopted at Town Meeting, February 5, 1999 (Increased members to nine)*

*Published in Lakeville Journal February 25, 1999*

*Recorded in "Town of Canaan, Town Meeting, Vol. 11" at Page 138*

*Amended at Town Meeting, March 2, 2005 (Decreased members to seven)*

*Recorded in "Town of Canaan, Town Meeting, Vol. 14" at Page 11*

*Amended at Town Meeting, June 20, 2006*

*Recorded in "Town of Canaan, Town Meeting, Vol. 14" at Page 225 et seq.*

## **AN ORDINANCE CONCERNING THE CREATION OF A RECREATION COMMISSION**

### RESOLVED:

- A. That the Town of Canaan, Litchfield County, Connecticut, does hereby create a Municipal Recreation Commission as authorized by Section 7-148 (as amended) of the General Statutes of Connecticut, Revision of 1958.
- B. That said municipal Recreation Commission shall be known as the Canaan Recreation Commission.
- C. That said municipal Recreation Commission shall establish, maintain and conduct parks, playgrounds, baths, swimming pools and areas, gymnasiums, recreation places, public gardens and generally, to establish, maintain and conduct the recreation and athletic facilities, programs and events for the citizens of the Town of Canaan and to make proper appropriations therefor.
- D. That said municipal Recreation Commission shall consist of seven (7) members and one (1) alternate member, who shall serve for a period of three (3) years, without salary, all of whom must be residents of the Town of Canaan. A chairman shall be elected by the members themselves who shall so serve for a period of one (1) year.
- E. That this ordinance shall take effect upon passage.

*Adopted at Town Meeting, April 11, 1968  
Revised at Town Meeting, May 10, 2001 (added Section D )  
Recorded in "Town of Canaan, Town Meeting, Vol. 6" at Page 28.*

**AN ORDINANCE CONCERNING ACCEPTANCE OF PROVISIONS OF ACT OF CONECTICUT GENERAL ASSEMBLY CREATING THE REGIONAL HIGH SCHOOL DISTRICT NO. 1 OF LITCHFIELD COUNTY.**

RESOLVED That the Town of Canaan does hereby declare its intention of accepting the provisions of an act adopted by the General Assembly of the State of Connecticut, approved June 11, 1937 entitled "An Act Creating The Regional High School District in Litchfield County" and does hereby agree to take such action as may be necessary or required to comply with, render effective and perform all its obligations promptly under said act.

RESOLVED That the Town of Canaan does hereby unite with any two or more of the other towns named in said act upon the adoption of resolutions by such towns accepting the provisions of said act in a town meeting warned and held for such purposes, in establishing a district to be known as the "Regional High School District No. 1 of Litchfield County" and consents to the enlargement of said district in the manner provided in said act.

RESOLVED That a sufficient sum of money is hereby appropriated annually to pay the proportional share of the Town of Canaan of the cost of building, equipping, and operating a regional high school as determined by the regional high school board.

RESOLVED That the full faith and credit of the Town of Canaan is hereby pledged to the payment of principal and interest of all bonds issued by said "Regional High School District No. 1 of Litchfield County" and such bonds, when issued, shall be obligatory upon the Town of Canaan, and the inhabitants thereof according to their tenor and purport.

RESOLVED That the Selectmen, Board of Education, Treasurer, and other town officials are hereby directed to do and perform all acts deemed necessary or advisable to make operative the provisions of said act and to perform the duties of the Town hereby assumed and to do and perform all acts required of them or of Town by the regional high school board including the payment of such sums of money as may be required to defray principal and interest upon bonds issued by said "Regional High School District No. 1 of Litchfield County."

*Enacted at Town Meeting, September 8, 1937  
Recorded in "Town of Canaan, Town Meeting, Vol. 4" at Page 255*

## **AN ORDINANCE CONCERNING ENDORSEMENT OF THE CREATION OF TWO SEPARATE REGION ONE BOARDS**

RESOLVED, That the citizens of the Town of Canaan support and endorse the governing resolution adopted by the Regional One Board of Education, February 22, 1993, which directed legislative action to be taken to create two separate Region One boards, as follows:

- A. A Housatonic Regional High School Board composed of appointed representatives from each of the six towns in Region One.
- B. A Region One governing board, preferably composed of the chairpersons of each of the town boards of education, and the chairperson of the high school board.

*Adopted at Town Meeting, June 4, 1993*

*Recorded in "Town of Canaan, Town Meeting, Vol. 9" at unnumbered Page.*

**AN ORDINANCE CONCERNING ESTABLISHING THE ELECTION OF THE REPRESENTATIVE TO THE REGIONAL SCHOOL DISTRICT NUMBER ONE BOARD OF EDUCATION**

BE IT ORDAINED:

1. That the representative from the Town of Canaan to the Regional School District Number 1 shall henceforth be elected at the regular town elections on the first Tuesday following the first Monday of November every two (2) years commencing in November 1995, providing such date shall be approved by the Secretary of State's Office; otherwise, commencing in November 1997;
2. That the term of the elected representative to the Regional School District Number 1 shall commence on the day following such election and be for the term of two (2) years and until his or her successor is elected and qualified.
3. That vacancies during the term shall be filled by vote of the Town of Canaan Board of Education to serve until the next regular town election. At the next regular town election, a representative who shall serve for the remaining portion of that term shall be elected.
4. That the elected representative to the Regional School District #1 will be an ex-officio member of the local Board of Education, Town of Canaan.
5. An alternate to this position shall be appointed by the Canaan Board of Education and be allowed to vote. The alternate shall serve for a two-year term.

*Adopted at Town Meeting, September 8, 1937  
Recorded in "Town of Canaan, Town Meeting, Vol. 4" at Page 255.*

**AN ORDINANCE CONCERNING INCREASING THE TERMS OF TOWN CLERK AND REGISTRARS OF VOTERS**

BE IT ORDAINED by Town Meeting of the Town of Canaan that, pursuant to the provisions of Public Act 100 of the January 1972 Session of the General Assembly, the Town Clerk and the Registrars of Voters of the Town of Canaan shall, at the next succeeding regular election for such office and thereafter, be elected for a term of four (4) years from the first Monday of January succeeding his election in the case of the Town Clerk and from the Wednesday following the first Monday of January succeeding their election in the case of the Registrars of Voters.

*Adopted at Town Meeting, August 23, 1972  
Recorded in "Town of Canaan, Town Meeting, Vol. 6" at Page 117.*

## **AN ORDINANCE CONCERNING SAND AND GRAVEL OPERATIONS**

PREAMBLE: As stated, the following is an ordinance to regulate what is commonly known as 'sand and gravel' operations of large size.

It does not apply to any other form of mining, quarrying or the removal of other materials than the sand, gravel, soils, fill, or small materials described in the ordinance and commonly excavated and sold by 'sand and gravel companies.'

It does not prohibit 'sand and gravel' operations but merely provides for licensing after certain regulations are complied with.

Nor does it apply such regulations to the kind of small amounts of the materials described.

It does not apply to any excavations already made in the town, even those of large size.

Its purpose is threefold:

To protect the appearance of the Town and thereby protect the property values of everyone in it, and to protect the tax values accruing to the Town.

To prevent the disfigurement of the Town by huge uncontrolled sand, gravel and soil strip mining operations, and to make sure that all such excavation areas are kept free from junk, trash and garbage and are properly 'healed' and landscaped afterwards (as now required by many towns elsewhere).

To protect the health and safety of the Town's inhabitants, such as children who might fall into open pits and adults whose automobiles might be involved in accidents due to careless spillage of stones and wet earth on the highways or at truck entrances to the sites.

To protect the Town against lawsuit for accidents caused by the Town's failure to provide or require certain safeguards at dangerous sites.

To give the Town and its property owners some say over the unlimited exploitation and removal, to other places, of the Town's valuable natural resources.

To protect the Town against the cost of repairs due to damage and destruction of road surfaces by trucks of unlimited number and size.

The Town would prefer to use a minimum of legal force. Instead, it seeks the help and cooperation of sand and gravel operators in protecting its appearance, values, health and safety. It would hope, too, that all such operators, including those presently in business, would take steps to prevent unsightliness, noise and the accumulation of junk and trash that hurt the Town.

It is hoped that operators may, in the future, voluntarily contribute or set aside certain attractive wooded areas, scenic spots. This would go far to relieve the eyesore problems and the health nuisance problems of the past.

In this way, the taxpayers and the sand and gravel operators can work together in harmony for the future good of the Town.

RESOLVED:, That this is an ordinance to regulate the mining and removal of sand and gravel from the Town of Canaan, also the mining and removal of small stone, loam, topsoil, dirt, clay and other small-sized materials commonly associated with what is known as a "sand and gravel operation."

This ordinance will not have any retroactive effect and will not affect any existing operations in the Town.

The excavation and removal of sand, gravel, small stone, clay, loam, dirt, mineral, or other earth product shall be permitted upon written permission of the Board of Selectmen, after public hearing, with the exception of the following, which may be undertaken without a permit:

Necessary foundation and trench excavation for home, building, or outbuilding construction up to a maximum of 6400 square feet for which a building permit has been issued.

If the work authorized in subparagraph "1.a" and "1.b" continue in incomplete status Excavation and removal of less than 300 cubic yards over a period of 30 days from any single parcel of land recorded as such in the office of the Town Clerk.

for more than one (1) year then the exception shall be void and other provisions of this ordinance shall apply to all such work.

Application for said permit shall be made to the Board of Selectmen by the property owner or his authorized agent on forms provided by the Board of Selectmen. The application shall be accompanied by a plan of operations including the following maps, plans, and specifications:

Location of the premises, lands immediately surrounding, and the amount of material to be excavated or removed.

Grading plan showing existing contours and proposed future contours and showing topography of the area after operations. Such maps and plans should also include the surrounding area within 200 feet of the excavation where applicable and to be drawn to a scale not less than forty (40) feet to the inch and with contour lines at intervals of not more than ten (10) feet.

Existing and proposed drainage of the site.

Proposed ingress to the excavation, and method of removal of products from the premises, including number of trucks and weights thereof.

Number of vehicles and types of machinery to be used on the site, hours of operation as well as the locations and types of any buildings to be erected.

Details of regrading and revegetation of the site at the conclusion of the operations, including existing ground cover and vegetation, and proposed ground cover or ground stabilization vegetation and landscaping.

Written permission for inspection of the site at any reasonable time by a duly authorized representative of the Board of Selectmen.

The Board of Selectmen shall approve the plan and grant the permit only when it is satisfied that the following conditions will be complied with:

The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Board of Selectmen to revoke the permit.

The applicant shall file with the Board of Selectmen a performance bond to the extent of \$3,000 per 500 feet square.

No fixed machinery shall be erected or maintained within 200 feet of any property or street line.

No excavation shall take place within 100 feet of any property line or of a street line.

At all stages of operations, proper drainage shall be provided to prevent stagnant water, erosion, excessive runoff, pollution of streams and rivers by silting or otherwise, and damage to public or private property, wells, streams, rivers, roads or drainage facilities.

During the period of excavation and removal, evergreen trees at least six (6) feet tall and barricades or fences shall be erected as deemed as necessary by the Selectmen for the protection of the public.

Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation shall be provided with a dustless surface. Any spillage on the highway or earth material deposited by truck wheels shall be removed daily.

No equipment, processing plant, or vehicles directly or indirectly engaged in the excavation, processing, or transportation of earth materials shall be operated, repaired or services on the premises earlier than 7:00 a.m., nor later than 6:00 p.m., Monday through Friday, nor earlier than 8:00 a.m., nor later than 5:00 p.m. on Saturdays; all such operations on Sunday and legal holidays are prohibited.

At no time shall more than one contiguous area of not more than 500 feet square be opened within the permit area, provided, however, excavation and removal in excess of 500 feet square is permitted within the terms of the license where such excavation is deemed essential to the public convenience or welfare, for town, state or federal buildings or public utilities facilities. The remainder of the permit area shall either be undisturbed land or shall have been restored. The failure to actively work an excavation area for a period of six months (excluding the months of December, January, February and March) shall be prima facie evidence that the area should be restored.

Proper measures, as determined by the Board of Selectmen, shall be taken to minimize the nuisance of noise and flying dust and rock. Machinery shall operate quietly and shall be properly maintained for maximum quietness. All blasting shall be by a licensed blaster. Noise-control measures may include, when considered necessary, limitations upon the practice of stockpiling excavated materials upon the site. Any violation of these provisions shall result in revocation of the permit. An accumulation of wrecked vehicles, garbage, trash or worn-out machinery on the premises shall constitute a violation of this ordinance and the permit shall be revoked immediately. When excavation and removal operations or either of them is completed, the excavation area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical). A layer of topsoil, of a quality approved by the Board of Selectmen, shall be spread over the excavated area, except exposed rock surfaces, to a minimum of four (4) inches in accordance with the approved contour Plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Board of Selectmen. All debris shall be promptly removed or buried.

Any such permit shall expire one (1) year from date of issuance unless renewed by the Board of Selectmen. The Board of Selectmen shall not renew or extend any permit unless the operator is able to show that the excavation already completed conforms with the plan of operations as approved. The Board of Selectmen shall appoint a board of three (3) inspectors to report to the Selectmen that the requirements have been complied with.

The failure of a permit holder to actively work the area covered by the permit for a period of six (6) months (excluding the months of December, January, February and March) shall be prima facie evidence that the work authorized by the permit has been completed and permit is then terminated. The burden shall be upon the permit holder to prove to the contrary.

No such permit shall be effective until after a public hearing is held by the Board of Selectmen, at which parties in interest and citizens shall have an opportunity to be heard. Such hearing shall be held within thirty (30) days after the date of application. Notice of time and place of such hearing shall be published in the form of legal advertisement appearing in a newspaper having a substantial circulation in the Town of Canaan at least five (5) days and not more than ten (10) days before such hearing. The Board of Selectmen shall approve or disapprove the permit within thirty (30) days after the hearing.

Penalties: Violation of this ordinance shall be punishable by a fine not less than \$50.00 a day nor more than \$100.00 a day.

This ordinance may be amended by vote of Town Meeting.

This ordinance shall become effective with its passage.

*Adopted at Town Meeting, June 10, 1970*

*Recorded in "Town of Canaan, Town Meeting, Vol. 6" at Page 67.*

*Revision adopted at Town Meeting November 1, 2007*

*Recorded in "Town of Canaan, Town Meeting, Volume 15," at page 25 et seq.*

## **AN ORDINANCE CONCERNING SOLAR HEATING AND COOLING SYSTEMS**

Be it resolved, as recommended by the State Department of Planning and Energy, the Town of Canaan hereby authorizes a property tax exemption for solar heating and cooling systems as set forth in Section 12-81 (56)(a), (b), and (c) of the General Statutes. This ordinance is effective upon passage.

*Adopted at Town Meeting, May 9, 1977  
Recorded in "Town of Canaan, Town Meeting, Vol. 7" at Page 50.*

## **AN ORDINANCE CONCERNING MAKING SWIMMING POOLS INACCESSIBLE TO SMALL CHILDREN**

### BE IT RESOLVED:

- A. That any outdoor, in-ground swimming pool capable of holding at least two feet of water in depth at any point shall be completely enclosed by means of a secure fence or wall not less than four feet above the ground at any point. All openings in the fence or wall shall be secured by a gate or door equipped with a self-closing, self-latching mechanism placed at least four feet above the ground, or made inaccessible from the outside to small children except that this requirement shall not apply to any door leading directly from a dwelling to which the fence or wall is attached.
- B. Any outdoor, above-ground swimming pool which is at least two feet in depth and the top of whose outside walls or surrounding deck is less than four feet above the ground at any point shall comply with the requirements of Section 1 of the Connecticut State Building Code.
- C. Any outdoor, above-ground swimming pool which is at least two feet in depth and the top of whose walls and surrounding deck are four or more feet above the ground at all points shall comply with the requirements of Section 1 of the Connecticut State Building Code, or in lieu thereof, shall have removable or swing-up ladders or steps at all points of access to the deck or pool. These steps or ladders shall be swung up and removed whenever the pool is not in use.
- D. The Building Inspector, or his assistant, shall be responsible for enforcement of the provisions of this ordinance. Any owner of a swimming pool found to be in violation of the provisions of this ordinance who, after written warning by certified mail, fails to correct the violation within thirty days, shall be fined \$100 for each day thereafter that the violation is allowed to continue. Any person cited hereunder may appeal the enforcement officer's decision to the Board of Selectmen within ten days after receipt of written warning by the Building Inspector.
- E. The requirements and penalties of this ordinance shall be in addition to those contained in the Connecticut State Building Code and shall apply to any pool presently in existence or any future pools built in the Town.
- F. The Board of Selectmen is authorized to enforce the provisions of this section against any non-complying owner of a swimming pool by obtaining a court-ordered injunction. Any expenses or costs incurred in obtaining a judicial order will be assessed against the owner.
- G. This ordinance shall be effective fifteen days after publication in a newspaper with a circulation in the Town of Canaan.

*Adopted at Town Meeting, December 5, 1988  
Recorded in "Town of Canaan, Town Meeting, Vol. 8" at Page 50  
Amended at Town Meeting November 1, 2007  
Recorded in "Town of Canaan, Town Meeting, Volume 15," at page 25 et seq.*

**AN ORDINANCE CONCERNING COLLECTION OF TAXES IN AMOUNTS LESS THAN FIVE DOLLARS**

Any property tax due in the Town of Canaan in an amount less than five dollars may be waived at the discretion of the Tax Collector.

*Adopted at Town Meeting, January 12, 2001  
Recorded in "Town of Canaan, Town Meeting, Vol. 12" at page 171*

**AN ORDINANCE CONCERNING TEACHERS' CONTRACT REJECTION  
OR RATIFICATION**

The Board of Selectmen will call a town meeting to discuss, and then either ratify or reject future Teacher Contract Agreements which have been ratified by the Board of Education.

*Adopted at Town Meeting, January 16, 1992  
Recorded in "Town of Canaan, Town Meeting, Vol. 8" at Page 97*

## **AN ORDINANCE CONCERNING DUTIES, HOURS, SALARY, HEALTH AND RETIREMENT BENEFITS OF TOWN CLERK**

BE IT ORDAINED by the Assembly of the Town Meeting that the following statements will describe the position of the Town Clerk in the Town of Canaan, Falls Village, Connecticut.

1. The Town Clerk shall have duties as specified by the Connecticut General Statutes, Section 7, Chapter 92.
2. The Town Clerk shall have the following minimum office hours: Monday, Tuesday, Wednesday, and Thursday from 9:00 AM to 3:00 PM.
3. The Town Clerk shall receive the following salary of \$15,990. with allowance for adjustment, (i.e. cost of living, certification incentive, etc. to be recommended by the Board of Selectmen to the Board of Finance) which shall be in lieu of all fees.
4. The Town Clerk shall be the principal point of contact for those members of the general public seeking information and legitimate business with the Town as per the policies of the Board of Selectmen.
5. The Town Clerk shall have such health and retirement benefits as are deemed appropriate as may be established by the Board of Selectmen.

*Adopted at Town Meeting, June 4, 1993  
Recorded in "Town of Canaan, Town Meeting, Vol. 9" (unnumbered)  
Revised at Town Meeting, June 4, 1999  
Recorded in "Town of Canaan, Town Meeting, Vol. 11" at Page 156*

## **AN ORDINANCE CONCERNING BIENNIAL TOWN ELECTIONS**

### **RESOLVED:**

- (A) That the next annual meeting be held in an odd-numbered year and biennially thereafter and that the election of all town officers required by law, prior to this special meeting to be elected annually, to hold office for the term of two years from the date of their election, and until their successors shall be elected and shall have qualified.
- (B) That the schedule hereinafter mentioned be accepted and adopted by the Town of Canaan for the election of town officers and terms of service of rotating boards as by Statute for biennial election. (Sec.497 & 499).

*Adopted by Town Meeting, June 16, 1953  
Recorded in "Town of Canaan, Town Meeting, Vol. 5" at page 96*

## **AN ORDINANCE CONCERNING PERMIT TO DISTURB A TOWN HIGHWAY**

BE IT ORDAINED:

Section I. That a written application on a form prescribed by the Selectmen for a permit to disturb a town highway must be presented to the First Selectman, signed by the interested parties.

Section II. If the Selectmen require it, the applicant is to furnish a surety bond or certified check deposited in the amount required, which will be forfeited if the permittee does not comply with the directions of the Selectmen.

Section III. It shall be the duty of the permittee to see that the traveling public is safeguarded, and that its rights are not unduly curtailed. The portion of the highway which is torn up shall be adequately protected at all times to avoid possibility of accidents. Barricades, red flags, and also, lights at night shall be placed so as to properly warn the public of danger.

Section IV. Whenever any opening or excavation shall be made in any street, highway, or public right-of-way, those making the openings shall, as soon thereafter as possible, thoroughly and completely fill such openings and tamp and puddle the earth therein so that the same shall not settle, and the top twelve (12) inches of fill shall consist of approved road gravel, and then they shall repave the immediate area to the condition in which it existed before such opening was made, and also from time to time, for six (6) months thereafter, shall make such repairs as may deemed necessary by the Selectmen.

Section V. Failure of a permittee to properly replace an opening will result in the cost of such repairs as are done by the Town to be assessed against and collected from the permittee in lieu of the bond.

Section VI. The above regulation shall be applicable to building a road or sidewalk entrance on a town highway. All driveways shall be constructed with suitable sight lines as specified. No culverts shall be installed in the ditch without permission. Driveways which slope toward the highway shall not extend beyond the roadside or curb or outside edge of shoulder. On minus grades berms shall be constructed across the entrance.

*Adopted at Town Meeting, October 26, 1971  
Recorded in "Town of Canaan, Town Meeting, Vol. 6" at Page 92*

## **AN ORDINANCE CONCERNING ANNUAL TOWN MEETING**

To amend the Ordinance/requirement requiring the Annual Town Meeting to be held on the first Monday in October, to read:

"The Town shall hold an Annual Town Meeting."

*Adopted at Town Meeting, October 6, 1980*

*Recorded in "Town of Canaan, Town Meeting, Vol. 7" at Page 101*

**AN ORDINANCE CONCERNING THE DATE TOWN OFFICERS TAKE OFFICE**

BE IT RESOLVED: That the Ordinances of the Town of Canaan be, and hereby are, amended to the extent that any person elected to any office or board of the Town of Canaan, with the exception of Town Clerk, shall take office on the date of their election, not withstanding any contrary provision of law.

*Adopted at Town Meeting, October 6, 1975  
Recorded in "Town of Canaan, Town Meeting, Vol. 7" at Page 26*

## **AN ORDINANCE CONCERNING TAILERS, TRALER CAMPS OR TRAILER PARKS AND MOBILE HOME PARKS**

### Section One: DEFINITIONS

A. 'Trailer' shall mean any vehicle or object without motive power of it's own, but which is designed to be drawn by, or used in connection with a motor vehicle, and which is so designed and constructed or reconstructed or added to be means of such accessories as to permit use and occupancy thereof for human habitation, whether resting on wheels, jacks or other foundations, and shall include the type of vehicle known as a mobile home.

B. 'Temporary Trailer' shall mean a temporary trailer used for business, office, and for storage purposes in connection with a bona fide construction project and located on a construction site within the Town of Canaan (Falls Village) during the period of construction.

C. 'Recreational Vehicle' shall mean any vehicle that is primarily used for recreational pleasure including but not limited to motor homes, travel trailers, campers, camping trailers, boats, snowmobiles, and associated trailers.

D. 'Trailer Park or Mobile Home Park' shall mean any premises used or permitted to be used for the parking of more than one trailer or mobile home.

### Section Two: LICENSES

A. No trailer shall be located off the public highway except upon license of the Board of Selectmen granted in accordance with the provisions of these regulations. Application for license shall be made to the Board of Selectmen on a form prescribed by them.

B. All licenses shall be for the calendar year of issuance only and must be renewed annually by the first day of February.

### Section Three: ONE TRAILER

#### A. One Trailer (human habitation)

A single trailer, licensed by the Selectmen, may be parked and occupied for a period of not to exceed one (1) year by the owner of the premises on which it is located, provided that such owner is in the act of constructing a house for his own occupancy; and further provided, that he submit with his license application a certificate from the Health Officer stating that suitable provisions for household water and sanitary sewage disposal have been made.

#### B. One Trailer (temporary office)

A single trailer, licensed by the Selectmen, may be parked and used as a temporary office at the job site in connection with any type of construction work provided that it is not used for human habitation. Said trailer shall not be on any single job site for a period of more than six (6) months.

#### C. One Trailer (occupied prior to October 17, 1968)

A single trailer, licensed by the Selectmen, may be parked and used for human habita-

tion, if occupied prior to October 17, 1968, provided a certificate from the Health Officer is submitted to the Selectmen with the license application, stating that suitable provisions for household water and sanitary sewage disposal have been made.

Section Four:

The provisions of this modification of the Trailer and Trailer Camp Ordinance of 1958 wherein they contain requirements conflicting with said Ordinance of 1958 shall be considered as substitutes for the earlier provisions and in all other respects are intended as additions to said Ordinance of 1958.

FEES:

The fees to be charged for trailers in the Town of Canaan:

One trailer, commercial/industrial	\$200.00
Individual home trailers when permitted by P&Z	\$100.00

PENALTIES:

Any person who violates any provision of this ordinance shall be fined not more than \$100.00 for each day for non compliance. Each day for failure to comply will constitute a separate violation.

*Adopted at Town Meeting, October 17, 1968  
Recorded in "Town of Canaan, Town Meeting, Vol. 9" at unnumbered Pages  
Amended at Town Meeting, May 10, 2007  
Recorded in "Town of Canaan, Town Meeting, Vol. 15, Pages 15 et seq.*

## **AN ORDINANCE CONCERNING TOWN OF CANAAN TRANSFER STATION**

Be it ordained by the legal voters of the TOWN OF CANAAN:

1. Each person, business or institution generating solid waste within the Town of Canaan shall separate from other solid waste for the purpose of recycling, all items designated by Connecticut General Statute 22a-241b.
2. Only persons with a valid Town of Canaan transfer station sticker will be allowed use of the transfer station facilities. Such use will occur only during operating hours in accordance with posted rules and regulations.
3. Residential Recycling
  - a. Residential property means real estate containing one or more dwellings units but shall not include hospitals, motels or hotels.
  - b. Each resident is required to deliver recyclable materials to the designated containers at the municipal drop-off center as governed by Town policy or the Transfer Station Supervisor, or is required to contract a hauler to collect said materials for delivery to the municipal drop-off center, or to other municipally designated and approved recycling facility. Only waste generated within Town will be accepted at the Town Transfer Station refuse area. "Cover materials" are regulated by the Board of Selectmen.
  - c. The manner in which recyclable materials generated by residents shall be packed, cleaned, sorted and packaged shall be designated by the Board of Selectmen.
  - d. From the time of placement of designated materials at the curb or other designated residential collection or drop-off locations, such materials become the property of the Town of Canaan.
  - e. Occupants of premises within the Town must apply to the Town Clerk for a sticker to be able to dispose of refuse or recyclable materials at municipal facilities. The sticker shall be displayed in such a manner as the Selectmen shall prescribe. Such license to dispose may be revoked or suspended as set forth in this Ordinance, and appeals therefrom may be taken to the Board of Selectmen.
  - f. The following items are hereby designated and may be amended by the Board of Selectmen: cardboard, corrugated or other glass and metal food and beverage containers, storage batteries, waste oil, leaves, newspapers, office paper and scrap metal.
4. The Board of Selectmen is empowered to set and regulate fees involved in the use and maintenance of the Transfer Station.
5. Refuse Collector
  - a. Any person who intends to operate as a refuse collector in the Town shall register annually on forms provided by the Town Clerk.
  - b. Refuse collectors shall notify the Board of Selectmen of generators who have discarded recyclables with solid waste and shall assist in the Town to identify persons responsible.
6. Scavenging Prohibited
  - a. It shall be a violation of this ordinance for any person, other than the generator of recyclable materials or a registered collector, to scavenge such materials.
  - b. Scavenging shall include collecting, recovering, hauling, storing or disposing of recyclable and other materials, other than that authorized in this ordinance. (See also Board of Selectmen policy dated January 14, 1985.)

7. Non-profit organizations

Nothing in this ordinance shall prohibit any residential waste generator from donating recyclables to any non-profit organization provided that no such organizations shall pick up any recyclables left at the curbside.

8. Penalties

Whoever violates the provisions of this ordinance shall, upon conviction, be fined not more than \$500 for each offense. Each and every day such violation continues shall be deemed a separate offense.

9. The Town's First Selectman is hereby designated as the municipal officer who shall receive information and respond to questions regarding recycling from the Department of Environmental Protection. The First Selectman shall receive from licensed collectors and from operators of resource recovery facilities and solid waste facilities the notices required to be sent to the Town pursuant to Section 4 of Public Act 90-220.
10. Except as provided in Section 10, this ordinance shall take effect fifteen days after publication in a newspaper having circulation in the Town of Canaan, or by January 1, 1991, whichever is later.
11. The Town of Canaan reserves the right to inspect solid waste placed at curbside or delivered to the municipal drop-off center to determine compliance with Section 1 of this ordinance.
12. Commercial businesses and others classified as commercial or industrial will be held responsible to report to the municipality the quantities of recyclables and other materials generated in the waste stream as mandated by the Department of Environmental Protection. (PA 9D-220).
13. The Board of Selectmen is authorized to determine hours of operation, set householder household user fees and negotiate institutional/commercial user fees and to establish operational rules for the transfer station facility.
14. Violators of this ordinance may be subject to a fine of not more than \$100 for each offense.

*Adopted at Town Meeting, December 18, 1990*

*Amended with the addition of Item 12 at Town Meeting, March 25, 1994.*

*Recorded in "Town of Canaan, Town Meeting, Vol. 8" at Page 85.*

*Amended at Town Meeting November 1, 2007*

*Recorded in "Town of Canaan, Town Meeting, Volume 15," at page 25 et seq.*

**AN ORDINANCE CONCERNING BOARD OF SELECTMEN  
APPOINTMENT OF ASSISTANT TREASURERS.**

BE IT HEREBY ENACTED AND ORDAINED That, in addition to, and not in lieu of, the authority of the Town Treasurer to appoint such deputies as he or she may choose pursuant to Section 7-80(a) of the Connecticut General Statutes, the Canaan Board of Selectmen may appoint one or more Assistant Treasurers as may be necessary to fulfill the duties of the Town Treasurer in the event of the absence or incapacity of the Town Treasurer.

This ordinance shall become effective 15 days after publication.

*Adopted at Town Meeting November 1, 2007*

*Recorded in "Town of Canaan, Town Meeting, Volume 15," at page 25 et seq.*

## **AN ORDINANCE CONCERNING SOLICITATION BY VENDORS, PEDDLERS, AND HAWKERS IN VEHICLE OR BY FOOT**

BE IT RESOLVED, That:

The Board of Selectmen, in Regular Meeting, May 13, 1991 moved to have the residents of the Town of Canaan, adopt the following ORDINANCE:

As used in this ordinance, vendor/peddler/hawker shall mean any person, whether principal or agent, who shall go from place to place in the Town of Canaan, selling or bartering, or carrying for sale or barter, or exhibiting therefore, any goods, wares or other merchandise either on foot or from any animal or vehicle.

- Section 1. No person except those exempted by the Statutes of the State, or by this ordinance, shall sell upon the public highways of the Town, any goods, wares or other merchandise at public or private sale or auction, or sell or peddle such articles from house to house within the Town of Canaan unless such person shall first obtain a permit from the First Selectman.
- Section 2. Each such vendor/peddler/hawker shall pay as a fee for such a permit the sum of \$200.00 per year (from date of issuance) for each team or vehicle. The amount of \$25.00 will be charged for a temporary permit limited to one day.
- Section 3. Any vendor/peddler/hawker so permitted shall engage in business within the Town ONLY on days other than SUNDAYS, and/or HOLIDAYS, and no person as defined herein before in this ordinance shall solicit orders of purchase for future delivery of any goods, wares or merchandise, including magazines and other printed matter from door to door, or on any street or highway within or by telephone from and within the Town of Canaan before the hour of sunrise or after the hour of sunset. The permit issued will be carried on the person, and shall be displayed upon request of anyone.
- Section 4. This ordinance shall not apply to sales by farmers and gardeners of the produce of their farms and gardens or to the sale, distribution and delivery of milk, tea, coffee, spices, groceries, meats and bakery goods, nor shall this ordinance apply to sales by anyone on behalf of any church, school, community organization or Boy Scouts, Girls Scouts, 4H and Future Farmer Groups, American Veterans Organization or any other non-profit making clubs, nor shall this apply to the sales of newspapers in the community.
- Section 5. The vending/selling of food or consumable products prepared at the location of the vending, the vendor shall notify the Health Department, Town of Canaan, who may issue the necessary permit, provided the vendor is in compliance with the Health Code as outlined in the Connecticut General Statutes, Chapter 368a, Section 19a-36 and Sections 19a-200 through 230, inclusive, along with all local applicable ordinances and regulations of the Town of Canaan.
- Section 6. A certificate of insurance covering any mobile vending apparatus must be submitted at the time of the application to vend, peddle or sell any goods.
- Section 7. Any person/persons violating any provision of this ordinance shall be fined not more than \$50 for each offense, and each sale made without such permit shall constitute a separate offense.

The qualifications and procedures regarding vending activities which may put the vendor/peddler in contact with children under the age of 18, UNACCOMPANIED BY AN

ADULT, will require a background and personal record investigation, as to character of the said vendor/peddler submitted to the Connecticut State Police. If the First Selectman deems a background check necessary the cost thereof will be paid by the applicant.

Compliance with this ordinance may be waived by the First Selectman by discretion where public benefit would seem to so indicate.

An Ordinance enacted on October 12, 1916, revised on July 1, 1926, and found in the Town Meeting Minutes Book, Volume 4 was repealed and the herein Ordinance, as provided for in the General Statutes of the State of Connecticut, Section 21. paragraphs 36 through 38, was substituted therefor.

*Adopted at Town Meeting, May 28, 1991*

*Recorded in "Town of Canaan, Town Meeting, Vol. 8" at Page 90*

*Amended at Town Meeting November 1, 2007*

*Recorded in "Town of Canaan, Town Meeting, Volume 15," at page 25 et seq.*

## **AN ORDINANCE CONCERNING PUBLIC HEALTH NURSING SERVICES**

RESOLVED, That the Town of Canaan hereby accepts assignment of the agreement for provision of public health nursing services to the Town of Canaan by the W. Bradford Walker Community Health Association [\*VNA Northwest, Inc.];

RESOLVED, That the Town of Canaan hereby authorizes the Selectmen to appoint two representatives to serve on the Board of Directors of the W. Bradford Walker Community Health Association, Inc. [\*VNA Northwest, Inc.] and to fill vacancies on said Board of Directors as they may occur.

*Adopted at Town Meeting, September 4, 1973  
Recorded in "Town of Canaan, Town Meeting, Vol. 7" at Page 3*

*\*NOTE: Agency renamed VNA Northwest, Inc. in 1997.*

## **AN ORDINANCE CONCERNING THE APPOINTMENT OF WATER COMMISSIONERS**

RESOLVED That the Board of Selectmen be authorized to appoint five (5) members to the Canaan Water Commission, who shall be electors of the Town of Canaan, to serve three (3) years each, to administer the affairs of the town water system. To create staggered terms, at the expiration of terms in December 2006, the Board of Selectmen shall appoint one (1) member for a term of one (1) year, two (2) members for terms of two (2) years, and two (2) members for terms of three (3) years. Thereafter, at the expiration of their terms in December, members shall be appointed for terms of three (3) years. The Board of Selectmen shall fill unexpired terms by appointment for the remainder of the unexpired term.

*Adopted at Town Meeting, May 31, 1951*

*Recorded in "Town of Canaan, Town Meeting, Vol. 5" at Page 59.*

*Amended at Town Meeting, August 31, 1992*

*Effective September 1, 1992*

*Recorded in "Town of Canaan, Town Meeting, Vol. 8" at unnumbered page.*

*Amended at Town Meeting November 1, 2007*

*Recorded in "Town of Canaan, Town Meeting, Volume 15," at page 25 et seq.*

## **AN ORDINANCE CONCERNING THE CREATION OF A ZONING BOARD OF APPEALS**

RESOLVED: There is hereby created a Zoning Board of Appeals consisting of five (5) regular members and three (3) alternate members who shall be electors of the Town of Canaan and hold no salaried municipal office. No more than three (3) regular members of two (2) alternate members shall be of the same political party. Said members shall be initially appointed by the Board of Selectmen and thereafter elected by electors of the Town as follows:

On the adoption of this ordinance the Selectmen shall appoint two (2) members of such Board of Appeals to serve until the next succeeding biennial election of the Town and three (3) members of the Board of Appeals to serve until the second succeeding biennial election of the Town, or until their successor or successors shall have been elected and shall have qualified. Thereafter the members of the Zoning Board of Appeals shall be elected to serve terms of four (4) years at the biennial Town election in the year in which their individual terms expire.

On the adoption of this ordinance the Selectmen shall appoint one (1) alternate member of the Board of Appeals to serve until the next succeeding biennial election of the Town and two (2) alternate members of the Board of Appeals to serve until the second succeeding biennial election of the Town or until their successor or successors shall have been elected and shall have qualified. Thereafter alternate members of the Zoning Board of Appeals shall be elected to serve terms of four (4) years at the biennial election in the year in which their term of office expires.

*Adopted at Town Meeting, January 31, 1973  
Recorded in "Town of Canaan, Town Meeting, Vol. 6" at Page 129.*