

TITLE XV: LAND USAGE

Chapter

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- 151. WETLANDS COMMISSION; REGULATIONS
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CHAPTER 150: GENERAL PROVISIONS

Section

150.01 Zoning permit and petition fees

§ 150.01 ZONING PERMIT AND PETITION FEES.

It is hereby ordained pursuant to Conn. Gen. Stat. § 8-3(c) that the following fees are in effect for zoning permits and petitions in the town:

<i>Zoning Permits</i>	
<i>Declared Construction Cost</i>	<i>Zoning Permit Fee</i>
\$100 to \$4,999	\$5
\$5,000 to \$19,999	\$10
\$20,000 to \$49,999	\$50
\$50,000 to \$99,999	\$100
\$100,000 to \$249,999	\$125
\$250,000 to \$499,999	\$150
\$500,000 to \$1,000,000	\$200
For each \$100,000 thereafter	\$25

<i>Other Zoning Fees</i>	
Fee for special use applications (under § 2.2.2.1 of the zoning regulations)	\$200
Fee for site plan review	\$35
Fee for petition to change zoning regulations	\$100

Fee for petition to change zoning map	\$100
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(Ord. passed 3-12-1987)

CHAPTER 151: WETLANDS COMMISSION; REGULATIONS

Section

151.01 Preservation and use

151.99 Penalty

§ 151.01 PRESERVATION AND USE.

(A) (1) The wetlands and water courses of the town are an indispensable and irreplaceable but fragile natural resource with which the citizens of the town have been endowed. The wetlands and water courses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of ground water and to the existence of many forms of animal, aquatic and plant life.

(2) Many wetlands and water courses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and water courses. That unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the town and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the town for its citizens now and forever more.

(3) The preservation and protection of the wetlands and water courses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the town.

(4) It is, therefore, the purpose of this section to protect the citizens of the town by making provisions for the protection, preservation, maintenance and use of the wetlands and water courses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deferring and inhibiting the danger of flood and pollution;

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protecting the quality of wetlands and water courses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the town's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the town and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the town, the safety of the natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

(B) There is hereby established pursuant to the provisions of Conn. Gen. Stat. § 22a-42 a Town Commission which shall be known as the Bridgewater Conservation and Inland Wetlands Commission (BCAIWC). The BCAIWC shall have and may exercise all of the authority heretofore vested in the Commissions by Conn. Gen. Stat. § 22a-42, in addition to all authority heretofore vested in the Town Conservation Commission. The BCAIW Commission shall consist of seven members appointed by the Board of Selectmen. In addition, one alternate shall be appointed by the Board of Selectmen.

(C) (1) The Wetlands Commission is authorized to promulgate regulations in conformity with regulations promulgated by the Commissioner of Environmental Protection, as are necessary to protect the wetlands and water courses, as defined by Conn. Gen. Stat. § 22a-42, within the territorial limits of the town. Prior the adoption or amendment of those regulations, the Wetlands Commission shall file, in the office of the Town Clerk, a copy of its proposed regulations, together with any maps representing areas affected thereby, and shall no earlier than 35 days thereafter hold at least one public hearing thereon, notice of the time and place of which shall be published in a newspaper having general circulation in the town at least seven days prior to the date of the hearing. The notice shall make reference to the filing of the proposed regulations in the office of the Town Clerk. Upon adoption by the Wetlands Commission, the regulations shall be forwarded to the Commissioner of Environmental Protection and to the Town Council for approval. The regulations thus approved, together with any maps delineating wetlands and water courses made a part thereof, shall be filed in the office of the Town Clerk and shall become effective upon the filing or upon a later effective date specified in the regulation or amendment and notice thereof shall be published in a newspaper having general circulation in the town.

(2) Amendments to regulations shall be promulgated in the manner provided in division (C)(1) above.

(D) In exercising the authority granted herein, the Wetlands Commission shall:

(1) Develop comprehensive programs in furtherance of the purposes of this section;

(2) Advise, consult and cooperate with agencies of the town, state, the federal government, other states and with persons and municipalities in furtherance of the purpose of this section; to this end, all applications for building permits, subdivision plans or other permits which involve or may involve a regulated activity made to any other Town Board or Commission shall be subject to review by the

Commission at its request;

(3) Encourage, participate in or conduct studies, investigations, research and demonstrations, and collect and disseminate information relating to the purpose of this section;

(4) Retain and employ consultants and assistants on a contract or other basis for rendering legal, financial, technical or other assistance and advice in furtherance of any of its purposes, specifically including, but not limited to, soil scientists of the United States Soil Conservation Service for the purposes of making on-site interpretations, evaluations and findings as to soil types and/or utilize the services of the town officials and employees as it may deem appropriate;

(5) Promulgate regulations as are necessary to protect the wetlands and water courses or any of them individually or collectively;

(6) Inventory or index the wetlands and water courses in a form, including pictorial representations, and list plant species, as the Commission deems best suited to effectuate the purposes of this section; and

(7) Exercise all incidental powers necessary to enforce regulations and to carry out the purposes of this section.

(E) Any person aggrieved by a decision of the town, acting through the Wetlands Commission, shall have the right of appeal provided by Conn. Gen. Stat. § 22a-42.

(F) Any person, violating this section or the regulations promulgated thereunder shall be subject to the remedies and penalties provided by Public Act 155 of 1972.

(G) Any Commissioner with a conflict of interest in a particular case before the Commission will be automatically disqualified from participation in the resolution of that case.

(H) This section shall become effective 15 days after publication thereof in a newspaper having a circulation in the town.

(Ord. passed - -; Ord. passed 6-25-1981; Ord. passed 1-14-1988)

§ 151.99 PENALTY.

(A) Any police officer or any other person authorized by the First Selectman may issue citations for violations of the inland wetlands and watercourses regulations of the town to the extent and in the manner

provided by this section.

(1) Any person authorized to serve a citation under this section shall be referred to as a Citing Officer. Any citation may be served either by hand delivery or by certified mail, return receipt requested, to the person named in the citation.

(2) If the person named in a citation sent by certified mail refuses to accept the mail, the citation may be sent by regular United States mail. The Citing Officer shall file and retain an original or certified copy of the citation.

(B) A citation may be issued for any and each violation of the inland wetlands and watercourses regulations of the town.

(C) (1) The fine for each citation shall be determined in accordance with the following schedule:

<i>Nature of Violation</i>	<i>Amount of Fine</i>
Conducting a regulated activity within a wetland or watercourse without a permit	\$1,000
Conducting a regulated activity within a regulated area other than a wetland or watercourse without a permit	
First violation	\$500
Second or subsequent violation by same person	\$1,000
Failure to comply with permit conditions	
First violation	\$500
Second or subsequent violation by same person	\$1,000
Failure to comply with enforcement order where a wetland or watercourse has been filled, excavated, polluted or altered	\$1,000
Failure to comply with other enforcement orders	
First violation	\$500
Second or subsequent violation by same person	\$1,000

(2) Notwithstanding the foregoing schedule, in the event the Citing Officer, or a Hearing Officer acting pursuant to division (G) below, finds that a violation was unintentional, the amount of the fine may be reduced to \$250, provided the violation did not involve or result in the filling, excavation, pollution or

alteration of a wetland or watercourse and that the person receiving the citation has not committed a prior violation for a period of at least one year.

(D) Any person receiving such a citation shall be allowed a period of 30 days from his or her receipt of the citation to make an uncontested payment of the fine specified in the citation. The fines shall be made payable to the Town Treasurer. If the citation has been sent by regular mail pursuant to the provisions of division (A) above, the day of receipt of the citation shall be deemed to be three business days after the day of mailing of the citation.

(E) If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation to the Treasurer within the time allowed under division (D) above, the Land Use Coordinator shall send a notice to the person cited, informing the person:

(1) Of the allegations against him or her and the amount of the fines;

(2) The person cited may contest liability before a Hearing Officer appointed by the First Selectman, as provided in division (I) below, by delivering to the Land Use Coordinator, in person or by mail, within ten days of the date of the notice, a written demand for a hearing;

(3) If the person cited does not demand a hearing, an assessment and judgment shall be entered against him or her; and

(4) The judgment may issue without further notice.

(F) If the person who is sent notice pursuant to division (E) above wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, either in person or by mail, to the Land Use Coordinator. All fines shall be made payable to the Treasurer of the town. The payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the notice described in division (E) above shall be deemed to have admitted liability, and the Land Use Coordinator shall certify to the Hearing Officer that such person has failed to respond. The Hearing Officer shall thereupon enter and assess the fines provided for by this section and shall follow the procedures set forth in division (H) below.

(G) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. The hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of notice, provided the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The presence of the Citing Officer shall be required at the hearing if requested by the person who was issued the citation. A person wishing to contest liability shall appear at the hearing and may present evidence in his or her behalf. The Citing Officer or another designated

municipal official may present evidence on behalf of the municipality. If the person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against him or her upon a finding of proper notice and liability under the applicable provisions of the inland wetlands and watercourses regulations. The Hearing Officer may accept written information by mail from the person who received the citation and may determine thereby that the appearance of the person is unnecessary. The Hearing Officer shall conduct the hearing in the order and form and with the methods of proof as he or she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his or her decision at the end of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, the Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against the person as provided by this section.

(H) If the assessment is not paid on the date of its entry, the Hearing Officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after the mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court for the county, together with an entry fee of \$8. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.

(I) The First Selectman shall appoint one or more Hearing Officers to conduct the hearings provided by this section. No Citing Officer or police officer may be appointed as a Hearing Officer pursuant to this section.

(Ord. passed - -)

CHAPTER 152: OPEN SPACE

Section

- 152.01 Statement of purpose
- 152.02 Definitions
- 152.03 Open space land
- 152.04 Designation of open space land
- 152.05 Effective date

§ 152.01 STATEMENT OF PURPOSE.

The purpose of this chapter is to better define areas of the town which qualify for designation as open space land pursuant to Conn. Gen. Stat. § 12-107e.
(Ord. passed - -)

§ 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEVELOPED LOTS. All acreage in excess of minimum lot size requirements can go into open space provided the excess is over one acre no matter where it is in town.

OPEN SPACE LAND. Any area of land, including forest land, land designated as wetland under Conn. Gen. Stat. § 22a-30 and not excluding farm land, the preservation or restriction of the use of which would:

- (1) Maintain and enhance the conservation of natural or scenic resources;
- (2) Protect natural streams or water supply;
- (3) Promote conservation of soils, wetlands, beaches or tidal marshes;

(4) Enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves, nature reservations or sanctuaries or other open spaces;

(5) Enhance public recreation opportunities;

(6) Preserve historic sites; or

(7) Promote orderly urban or suburban development.

(Conn. Gen. Stat. § 12-107b(3))

UNDEVELOPED LOTS. Vacant land in a subdivision or not in a subdivision, acreage in excess of the minimum lot size requirements can go into open space as long as the excess land is a minimum of one acre. Ex: four-acre zoning: anything over the four acres can go into open space, unless the land is in a subdivision created before the subdivision regulations came into effect (before March 6, 1968) then all the land can go into open space.

(Ord. passed - -; Ord. passed - -)

§ 152.03 OPEN SPACE LAND.

Whereas, the Town Planning and Zoning Commission found and recommended that the open and undeveloped areas of the town as defined below qualify for designation as “open space land” in the Town Open Space Plan pursuant to the provisions of Conn. Gen. Stat. § 12-107e.

(Ord. passed - -)

§ 152.04 DESIGNATION OF OPEN SPACE LAND.

Be it resolved to designate the following areas in the town as “open space land” pursuant to the provisions of Conn. Gen. Stat. § 12-107e:

(A) Qualified parcels of land, as hereinafter defined, located in any zone other than commercial or industrial zones;

(B) (1) Vacant or unimproved parcels of land which have been given subdivision or resubdivision approval by the Town Planning and Zoning Commission as building lots, and which meet the minimum required lot size in that zone, shall not be considered open space land.

(2) Vacant or unimproved parcels of land which have been given subdivision or resubdivision approval by the Town Planning and Zoning Commission, which are in excess of the required lot size in that zone, on condition that the excess contiguous land equals or exceeds the minimum lot size in that zone, the

contiguous excess land shall be defined as open space land.

(C) (1) Vacant or unimproved parcels of land of record, as recorded by the Town Assessors' Records, which have never been approved as lots by the Planning and Zoning Commission, which parcels equal or exceed the required lot size in that zone, the entire parcel shall be defined as open space land.

(2) Parcels of land of record, as recorded by the Town Assessor's Records, whether approved lots by the Planning and Zoning Commission, or not, upon which there are buildings or other human-made structure, but has contiguous land in excess of the required lot size in that zone where the contiguous excess land equals or exceeds the minimum lot size in that zone, the excess vacant or unimproved land shall be defined as open space land. However, if the parcel of land contains two or more residential dwellings, then the contiguous excess land must equal or exceed twice the minimum lot size in that zone, and then only the contiguous excess land in excess of the minimum lot size in that zone, shall be defined as open space land. As an example, where, in a four-acre zone, there is a 12-acre parcel which has two residential dwellings on four acres, and eight acres of vacant land, only four contiguous acres would be open space land. If the same parcel only has a single residential dwelling then all of the eight contiguous excess acres would be defined as open space land.

(D) Each parcel of land of record as recorded in the Town Assessor's Records shall be treated as a separate parcel for these purposes;

(E) For purposes of this provision, the terms *VACANT* or *UNIMPROVED* shall mean land without building(s) or any other human-made structure's excluding dams or cemeteries, all as determined by the Town's Assessor;

(F) The property owner must make application to the town's Assessor for all classification of land as open space land, in accordance with the provisions of Conn. Gen. Stat. § 12-107e, subsection (b), (c) and (d). In addition, a map must be submitted with the application depicting the open space land; and

(G) (1) Effective on the date of approval of a building permit for a human-made structure on any land designated open space land by the Assessor, the land shall be deemed to have changed use, shall be removed from open space land designation and a conveyance tax paid if required under the Connecticut General Statutes.

(2) Effective on the date of approval as a subdivision or resubdivision of land designated open space land by the Assessor, the land shall be deemed to have changed use, shall be removed from open space designation and a conveyance tax paid if required under the Connecticut General Statutes.

(Ord. passed - -)

§ 152.05 EFFECTIVE DATE.

This chapter shall take effect and become effective 15 days after publication thereof in some newspaper having a circulation in the town. This chapter will commence and be effective with regard to the October 1, 2006 Grand List. Properties previously classified as open space land under prior ordinances defining open space land shall continue to be classified as open space land.

(Ord. passed - -)

CHAPTER 153: SIGN REGULATIONS

Section

- 153.01 Purpose
- 153.02 Definitions
- 153.03 General provisions
- 153.04 Administration
- 153.05 Specific types of signs
- 153.06 Zones and special regulations
- 153.07 Maintenance

- 153.99 Penalty

§ 153.01 PURPOSE.

(A) To promote the safety, comfort and well being of the users of streets, roads and highways in the town;

(B) To reduce distractions and obstructions from signs which would adversely affect traffic safety, and to alleviate hazards caused by signs projecting over or encroaching upon public ways;

(C) To discourage excessive visual competition in signage and ensure that signs aid orientation and adequately identify uses and activities to the public; and

(D) To preserve and enhance town character by requiring new and replacement signage which is:

- (1) Creative and distinctive;
- (2) Compatible with the surroundings;
- (3) Appropriate to the type of activity to which it pertains;
- (4) Expressive of the identity of the individual proprietors or of the community as a whole; and

(5) Appropriately sized in its context, so as to be easily readable.
(Ord. passed - -2008)

§ 153.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FACADE. The exterior surface of a building.

FLASHING SIGN. A sign whose illumination is not kept constant in intensity at all times when in use, and which exhibits changes in light, color, direction or animation. Illuminated signs which indicate the date, time and temperature will not be considered ***FLASHING SIGNS***.

FREE STANDING SIGN. A self supporting sign not attached to any building, wall or fence but in a fixed location. This does not include portable or trailer type signs.

ILLUMINATED SIGN. Any sign lit by electrical bulbs, fluorescent lights or neon tubes. Neon tubes used as abstract, graphic, decorative or architectural elements shall be considered to constitute an ***ILLUMINATED SIGN***.

LANDMARK SIGN. An older sign of artistic or historic merit, uniqueness or extraordinary significance to the town as identified by the Board of Selectmen.

LINTEL. The horizontal support member across the head of a door or window.

MOVABLE SIGN. Any sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels, or supported by legs.

OFF-PREMISES SIGNS. Any sign which is not on the premises of the business, including a billboard.

ON-PREMISES SIGNS. Any sign that advertises, calls attention to or identifies the occupant of the premises on which the sign is maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or for rent.

PROJECTING SIGN. A sign which is located above, or projects above, the lowest point of the eaves or the top of the parapet wall of any building or which is painted on or fastened to a roof.

SIGN. Any display of lettering, logos, colors, lights or illuminated neon tubes visible to the public

from outside of a building or from a traveled way, which either conveys a message to the public, or intends to advertise, direct, invite, announce or draw attention to, directly, a use conducted, goods, products, services or facilities available, either on the lot or on any other premises, excluding window displays and merchandise.

SPECIAL PERMITTED USES. A sign which falls under § 153.06(C) below.

TEMPORARY SIGN. A sign intended to be used for a period of no more than 30 days.

WALL SIGN. Any sign which is painted on, incorporated into or affixed parallel to the wall of a building, and which extends not more than six inches from the surface of that building.
(Ord. passed - -2008)

§ 153.03 GENERAL PROVISIONS.

(A) *Permitted signs.* Only signs which refer to a permitted use or an approved conditional use as set forth in the zoning regulations are permitted, provided the signs conform to the provisions of this section.

(B) *Prohibited signs.*

(1) Billboards, streamers, pennants, ribbons, spinners or other similar devices shall not be constructed, posted or erected in any zone. Exceptions include flags and buntings exhibited to commemorate national patriotic holidays and temporary banners announcing charitable or civic events.

(2) Internally illuminated signs, flashing signs, roof signs, signs containing moving parts, and signs containing reflective elements which sparkle or twinkle in the sunlight are not permitted.

(3) Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted.

(4) No sign in a residential zone shall be larger than four square feet unless listed under § 153.06(C) below. No sign in a commercial or industrial zone shall be larger than 32 square feet

(5) No sign, except for a traffic, regulatory, or informational sign, shall use the words "stop", "caution" or "danger", or shall resemble "stop" or "yield" signs in shape and color.

(6) All on-premises signs identifying a contractor, architect, landscape architect and/or engineer's name, address and other pertinent information are not permitted.

(7) All off-premises signs advertising property being sold, rented or leased are not permitted. Open house commercial directional signs are prohibited.

(8) Marquee, moveable, painted wall and awning signs are not permitted.

(9) Any sign not specified as permitted is not permitted.

(C) *Illuminated standards.*

(1) No person may erect a sign which flashes, rotates or has motorized moving parts.

(2) No person may erect a sign with exposed electrical wires.

(3) Strings of bulbs are not permitted, except as part of a holiday celebration.

(4) No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises on which it is located is open for business.

(5) No person may erect a sign that constitutes a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.

(6) No internally illuminated sign is permitted.

(D) *Placement standards.*

(1) No person may erect a sign which is affixed to a fence, utility pole or structure, or tree, shrub, rock or other natural object.

(2) Signs shall not be mounted on roofs or extend above the roof line.

(3) No sign, together with any supporting framework, shall extend to a height above the maximum building height in a district.

(4) Signs shall not cover architectural details such as, but not limited to, arches, sills, moldings, cornices and transom windows.

(5) No sign shall be located within or shall hang over the right-of-way of any street, sidewalk, driveway, walkway or accessway.

(6) No sign shall be located so close to a streetline as to obstruct lines of sight. The required lines

of sight are:

(a) Local and residential streets and unclassified streets: 150 feet;

(b) Town collector street: 200 feet; and

(c) Town and state arterial streets: 250 feet. No sign shall interfere in any way with vehicular or pedestrian traffic, traffic signs or visibility of motorists by virtue of the location, color or size of the signs.

(E) *Safety standards.* No person may erect a sign which:

(1) Is structurally unsafe;

(2) Constitutes a hazard to public safety and health by reason of inadequate maintenance, dilapidation or abandonment;

(3) Obstructs free entrance or exit from a required door, window or fire escape;

(4) Obstructs light or air or interferes with the proper functioning of the building; or

(5) Is capable of causing electrical shock.

(F) *Exceptions.* For the purpose of this section, the term ***SIGN*** shall not include:

(1) Signs erected, posted and maintained for public safety and welfare or pursuant to any governmental function, law, bylaw or other regulation;

(2) A bulletin board or similar sign not exceeding 16 square feet in display area, in connection with any church, museum, library, school or similar public or semi-public structure, provided that the top of the sign shall not be more than eight feet above ground level, and provided that it does not possess any of the characteristics listed in division (C)(2) above;

(3) Directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, and where display area does not exceed three square feet or extend higher than four feet above ground level. The sign will conform in all respects with the requirement of this code; and

(4) Signs relating to trespassing and hunting, not exceeding one square feet in area.

(G) *Nonconforming signs.*

(1) *Continuance.* A nonconforming sign lawfully existing at the time of adoption or subsequent

amendment of this chapter may continue, although the sign does not conform to provisions of this chapter.

(2) *Maintenance.* Any lawfully existing sign cannot be enlarged, except to conform to the requirements of this chapter.

(3) *Replacement.* Any sign replacing a nonconforming sign shall conform with the provisions of this section, and the nonconforming sign shall no longer be displayed.

(Ord. passed - -2008) Penalty, see § 153.99

§ 153.04 ADMINISTRATION.

(A) *Permits.*

(1) No sign shall be erected, displayed, altered or enlarged until an application has been filed, and until a permit for that action has been issued. Applications shall be on forms prescribed by the Sign Officer. At a minimum, all applications shall include a scale drawing specifying dimensions, materials, letter sizes, colors, support systems and location on land or buildings, with all relevant measurements.

(2) Permits shall be issued only if the Sign Officer determines the sign complies or will comply with all applicable provisions of this chapter. The application may be filed by the owner of the land or the owner of the building, or any person who has authority to erect a sign on the premises.

(3) The Sign Officer shall act within 30 days of the receipt of the applications together with the required fee. The Sign Official's action or failure to act may be appealed to the Board of Selectmen.

(B) *Fees.* The actual contract cost evaluated by the current Town Building Valuation Schedule will determine the fee. This fee schedule may be amended from time to time by town meeting.

(C) *Enforcement.* The Sign Officer shall be designated by the Board of Selectmen, and is hereby authorized to enforce this chapter. The Sign Officer is authorized to order the repair or removal of any sign and its supporting structure which is judged dangerous, or in disrepair, or which is erected or maintained contrary to this bylaw.

(D) *Removal of signs.*

(1) Any sign which has been ordered removed by the Sign Officer, or is abandoned or discontinued, shall be removed by the person, firm or corporation responsible for the sign within seven days of written notice to remove.

(2) All movable signs are in violation of this chapter and will be removed immediately and

discarded.

(E) *Measurement of sign area.*

(1) Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.

(2) For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of a different color than the natural color, or finish material of the building.

(3) For a sign consisting of individual letters or symbols attached to or painted on a surface, building wall or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

(4) The area of supporting framework (for example brackets, posts and the like) shall not be included in determining the area if the framework is incidental to the display.

(5) When a sign has two faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

(F) *Measurement of height.* The height of any sign shall be measured from the existing ground level up to the highest point of the sign.

(Ord. passed - -2008) Penalty, see § 153.99

§ 153.05 SPECIFIC TYPES OF SIGNS.

(A) *Address.* One sign displaying the street number or name of the occupant of the premises, or both.

(1) Such a sign may include identification of an on-premises approved home business or a second sign may be used to identify the home business.

(2) The signs may be attached to the building or may be on a post not more than eight feet high, and setback at least three feet from the public right-of-way. Any like sign cannot extend over any part of the public right-of-way.

(3) The signs may not exceed two square feet in area.

(4) Signs displaying street number or name are not subject to the permitting process. Identification of the home business is subject to the permitting process.

(B) *Free standing.* A self-supporting sign not attached to any building, wall, or fence but in a fixed location. This does not include portable or trailer type signs. Dimensional standards for free-standing signs in different zones are specified in the table below, which relates requirements to the character of each area and the speed at which traffic usually travels within those zones.

	<i>Commercial/Industrial</i>	<i>Town Green</i>	<i>Residential</i>	<i>Special Permitted Uses in Residential</i>
Typical speed limit (mph)	45-50	25-35	25-30	25-30
Free standing pole sign				
Height (max. feet)	16	10	8	10
Area (max square feet)	16	10	4	10
Ground clearance (min. feet)	8	7	4	4
Other free standing signs				
Height (max. feet)	4	4	4	4
Area (max square feet)	32	16	4	16
Ground clearance (min. feet)	0	0	0	0

(1) Free standing signs may have no more than two sides.

(2) In Commercial and Industrial Zones only, a lot with frontage on two roads with a minimum of 200 feet of road frontage on each road may have two free standing signs, not less than 175 feet apart.

(3) In Commercial and Industrial Zones, a lot must have a minimum of 100 feet of road frontage to erect one free standing sign; maximum permitted is one unless there is frontage on two roads, (see division (B)(2) above).

(4) In Commercial and Industrial Zones, the free standing sign (and/or a directory sign) shall be limited to identifying the name and address of the business or businesses occupying the lot. Each business listed on a directory sign shall be limited to a single line of lettering which shall exceed four inches in height and 48 inches in width.

Bridgewater - Land Usage

(5) In Commercial, Industrial and Town Green Zones, no sign shall be within 20 feet of the boundary of a residential district.

(C) *For sale/rent/lease.* An on-premises sign advertising the property being sold, rented or leased:

(1) The signs shall not exceed four square feet;

(2) The signs shall advertise only the property on which the sign is located;

(3) A maximum of one sign may be maintained on any property being sold, rented or leased and it shall be removed by the owner or agent within seven days of sale, rent or lease;

(4) The signs shall advertise only on the property which is being sold/rented/leased;

(5) For sale/rent/lease signs are not subject to the permitting process; and

(6) A sign not over 16 square feet in area advertising the sale or lease of lots and/or buildings within an approved subdivision is permitted for a period of not more than one year. The Sign Officer may extend the period of time for not more than one additional year. These signs are subject to the permitting process.

(D) *Off-premise.* Directional signs for special functions such as parades shall be permitted as long as no advertising is displayed. The signs are not subject to the permitting process, but must be removed immediately after the event.

(1) Tag sale signs are allowed by permit only. Only three official tag sale signs furnished by the Sign Officer may be posted. No signs may be posted on trees, utility poles or traffic islands. Signs which interfere with traffic sightlines will be removed.

(2) Signs for fund-raisers held by town organizations are allowed by permit only, but are not subject to permit fees. These signs may be displayed no more than seven days prior to the event and must be removed immediately following the event. A sign for such an event may be displayed on the property of that organization and one other location that is approved by the Sign Officer or the First Selectman.

(E) *Political signs.* A sign designed to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a national, state or other local election.

(1) The signs are permitted if they are stationary and unlighted.

(2) The signs may not exceed four square feet in area.

- (3) The signs are not subject to the permitting process.

(F) *Public service signs.* A sign located for the purpose of providing directions towards or indication of use not readily visible from the street.

- (1) The signs necessary for public safety and convenience shall not exceed two square feet in area.
- (2) The signs shall bear no advertising.
- (3) The signs are not included in computing total sign area allowed.
- (4) The signs are not subject to the permitting process.

(G) *Illuminated signs.*

(1) Signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare.

(2) Gas filled light tubes shall be allowed for indirect illumination when placed in such a manner that the tubes are not exposed to view from any point along the public roadway or sidewalk.

(3) Signs shall not be illuminated directly or indirectly between the hours of 11:00 p.m. and 6:00 a.m. unless the premises are open during those hours.

- (4) Illuminated signs shall not be permitted to shine onto residential properties and traveled ways.

(H) *Wall signs.* A sign which is attached parallel to the exterior surface of a building or structure.

- (1) Such a sign shall not project more than 12 inches from the building surface.
- (2) Such a sign shall not obscure architectural features of the building, not limited to features such as arches, sills, moldings, cornices and transoms.
- (3) The sign shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.
- (4) The signs shall have an aggregate area not exceeding one and one-half square feet for each lineal foot of building face parallel to a street lot line, or 10% of the wall area to which it is attached,

whichever is less. Where a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately.

(5) Where two or more wall signs are affixed to one wall, the gross display area shall be the sum total area of all signs.

(6) Wall signs shall not extend higher than the eave line of the principle building.

(7) No part of a wall sign, including the display surface, shall extend more than six inches from the building surface.

(8) The size of signs attached to buildings may increase in area (over allowable size) by 25% for every 100 feet of building setback. This shall apply to buildings setback more than 100 feet from the road right-of-way, and the increase may be pro-rated according to the actual setback distance.

(I) *Individual letters or symbols.* These may be attached to a building surface, wall or signboard.

(1) Letters or symbols shall not project more than six inches from the building surface.

(2) The letters or symbols shall not obscure the architectural features of the building to which they are attached.

(3) The letters or symbols shall not extend above the lowest part of the roof, nor beyond the ends of the wall to which they are attached.

(4) Letters or symbols shall have an aggregate area not exceeding one and one-half square feet for each foot of building face parallel to a street lot line, or 10% of the wall area to which they are affixed, whichever is less. When a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately.

(J) *Multiple signs.* A group of signs clustered together in a single structure or compositional unit. Multiple signs are used to advertise several occupants of the same building or building complex.

(1) The display board shall be of an integrated and uniform design.

(2) The maximum sign area permitted is 16 square feet for the sign bearing the name of the building or an office park, and two square feet for the name of each business or office located there.

(K) *Projecting signs.* A wall mounted sign perpendicular to the building surface.

(1) If flat, each face shall not exceed ten square feet.

(2) The total area of a three dimensional sign shall be determined by enclosing the largest cross section of the sign in an easily recognizable shape and computing its area which shall not exceed nine square feet.

(3) The sign shall be hung at right angles to the building and shall not project closer than two feet to the curb line.

(4) The supporting framework shall be in proportion to the size of the sign.

(5) The top of the sign may be suspended in line with one of the following, whichever is the most successful application of scale, linear continuity and visibility as determined by the Sign Officer:

(a) Suspended between the bottom sills of the second story windows and the top of the doors and windows of the ground floor; or

(b) The lowest point of the roof of a one story building.

(6) Projecting signs shall have a minimum clearance of eight feet above grade when located adjacent to or projecting over a pedestrian way. If projecting over an alley or driveway, the clearance must be at least 13 feet.

(L) *Window signs.*

(1) Any sign which is painted or mounted onto a window pane, or which is hung directly inside the window with the purpose or effect of identifying any premises from the street. The signs shall not be larger than one and one-half square feet in area and only two per business are permitted.

(2) Signs temporarily attached to, or temporarily painted on a window and/or door announcing sales or special features are permitted, provided that they do not exceed 10% of the area of the window and/or door, and provided that the temporary signs are removed within seven days after the publicized event.

(3) Permanent signs hung inside the windows shall be made of clear materials such as plexiglass with lettering painted on them.

(M) *Landmark signs.* An older sign of artistic or historic merit, uniqueness or extraordinary significance to the town. The character of the signs warrant their preservation in original condition, or their restoration.
(Ord. passed - -2008)

§ 153.06 ZONES AND SPECIAL REGULATIONS.

(A) *Types of zones.*

- (1) Town Green;
- (2) Residential;
- (3) Commercial; and
- (4) Industrial.

(B) *Zone requirements.*

(1) *Town green.*

(a) Within this zone, the intent of this chapter is to ensure visual compatibility with the scale and character of the surrounding architecture.

(b) Unless otherwise changed by zoning, this division concerning commercial use in Town Green Zone applies only to the village store, bank and post office complex.

1. *Number.* There shall be no more than three types of signs employed per building, regardless of the number of occupancies (e.g., free-standing and the like).

2. *Materials.* All signs shall be made of wood or metal. If plywood is to be used, it must have exceptionally smooth and weather resistant surfaces. Signs should be in keeping with the architectural design of the buildings.

3. *Location.*

- a. Signs should be concentrated near the pedestrian level.
- b. The upper facades of buildings should not be cluttered with signs.
- c. Signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings and cornices.

d. Wall signs identifying commercial establishments shall generally be placed within an information band immediately above the storefront. The information band should be confined to the vertical distance separating windows on the ground and second floors, or should be no more than two feet in height, whichever is lesser.

e. Signs on adjacent storefronts within the same building shall be coordinated in height and proportion, and should be encouraged to use the same signing format. Signs shall be located a minimum of 25 feet from the edge of the road with the exception of the address signs, free standing signs for the purpose of home occupation, for sale/rent/lease signs, political signs, off premises signs, public service signs. These signs shall be at a minimum three feet from the edge of the road. Signs described in § 153.03(F) above shall be at a minimum of ten feet from the edge of the road.

4. *Colors.* Colors should be chosen to compliment the facade of the building and should contain no more than three colors. Dark backgrounds with light colored lettering shall generally be required, as this is traditional. "Day-glow" and fluorescent colors are prohibited.

5. *Size.* The size of the signs should be restricted to ensure that signs do not overpower the facades to which they are affixed. Not more than one and one-half square feet or 10%, whichever is less of total signage area will be permitted per linear foot of storefront.

6. *Permitted types of signs.*

- a. Address;
- b. Free-standing;
- c. For sale/rent/lease;
- d. Political;
- e. Public service;
- f. Wall signs;
- g. Individual letter or symbols;
- h. Projecting signs; and
- i. Window signs.

(c) Any residential use in the Town Green Zone will comply with division (B)(2) below, which sets the standards for signs in Residential Zones.

(2) *Residential*. Within this zone the most important goal is to maintain the residential character and scenic open space.

(a) *Number*. Each home may display not more than two permanent signs, one an address sign and one if a home office has been approved by the zoning commission. Each home or estate may display only one free standing sign.

(b) *Material*. Signs in this zone shall be of wood and metal.

(c) *Location*. Signs should be placed in clear view of traffic to minimize their required size but shall be no closer than three feet from the edge of the road.

(d) *Colors*. The number of colors used in a sign should be limited to three unless used in an illustration.

(e) *Size*. Signs in this district shall not be greater than four square feet with the exception of a sign identifying a subdivision, a preserve, an agricultural activity or a temporary for sale/rent/lease signs for an approved subdivision. The signs shall have a maximum area of 16 square feet and shall not exceed ten feet in height. Address signs and home occupation signs shall not exceed two square feet

(f) Permitted signs:

1. Address;
2. Free-standing;
3. For sale/rent/lease;
4. Off-premises;
5. Wall; and
6. Individual letters or symbols landmark.

(3) *Commercial*. The goal in this district is to provide legible signage for auto oriented commercial facilities, while moderating visual competition.

(a) *Number.* There shall be no more than three types of signs (which require permits) employed per building (e.g., free standing, wall, window). There shall be no more than three separate signs on a structure unless the structure is designed for and has more than three occupancies, in which case there can be one sign per occupancy plus two additional signs.

(b) *Material.* The use of wood and metal signs is strongly recommended.

(c) *Location.* Signs should be located where they can be most easily read, thus reducing the size needed for legibility.

(d) *Colors.* The number of colors should be limited to three. Since these signs must be legible from a distance, the degree of contrast between the background and the letter color is important. Dark backgrounds with light colored lettering is strongly encouraged. "Day-glow" and fluorescent colors are prohibited.

(e) *Size.* Due to the traffic speed, and the large setbacks common in this type of zone, slightly larger signs than in the Town Green Zone are permissible. See dimensional standards for individual signs in § 153.05 above.

(f) *Permitted types of signs:*

1. Address;
2. Free-standing;
3. For sale/rent/lease;
4. Off-premises;
5. Illuminated;
6. Wall;
7. Individual letters or symbols;
8. Multiple;
9. Projecting;
10. Window; and

11. Landmark.

(4) *Industrial*. The same standards apply to Industrial as to Commercial. See division (B)(3) above.

(C) *Special permitted uses*. If in the discretion of the Board of Selectmen additional signage for a particular special use is deemed appropriate, then it shall be permitted.

(1) *Fair signs*. All signs pertaining to the town fair are permitted for the days of the fair. All signs shall be taken down within a maximum of seven days following the fair. Free standing signs advertising the fair are permitted for up to 30 days before the fair and must be taken down within seven days following the fair. Additional new free standing signs shall be required to conform to division (E)(2) below.

(2) *Subdivision signs*. One permanent free standing sign identifying an approved subdivision on property belonging to the subdivision will be permitted as long as it complies with § 153.05(E)(2) above and is at a minimum of ten feet from the edge of the road.

(3) *Agricultural signs*. One permanent free standing sign identifying the name and address of a farm or related agricultural activity will be permitted as long as it complies with § 153.05(E)(2) above and is at a minimum of ten feet from the edge of the road.

(4) *Land trust/preservation*. A non-profit preservation for public use may erect one permanent free standing sign to identify the name of the preserve and any rules and regulations for use as long as it complies with § 153.05(E)(2) above and is at a minimum of ten feet from the edge of the road.
(Ord. passed - -2008)

§ 153.07 MAINTENANCE.

A sign shall be maintained in a secure and safe condition. If the Sign Officer is of the opinion that a sign is not secure, safe or in a good state of repair, written notice of this fact shall be given to the person responsible for the maintenance of the sign. If the defect of the sign is not corrected within the time permitted by the Sign Officer, the Sign Officer may revoke the sign permit and take possession of the permit until the owner pays the cost of removal, thus placing the sign owner in violation of this chapter and liable for a fine as specified in § 153.99 below.
(Ord. passed - -2008)

§ 153.99 PENALTY.

Violations of any provisions of § 153.04 or any lawful order of the Sign Officer shall be subject to a fine of not more than \$100 per offense. Each day that the violation continues shall constitute a separate offense.

(Ord. passed - -2008)

CHAPTER 154: BUILDING REGULATIONS

Section

- 154.01 Building Code adoption
- 154.02 Approval of building applications for property on which taxes are due
- 154.03 Maintenance of unaccepted streets and building on lots abutting those streets

- 154.99 Penalty

§ 154.01 BUILDING CODE ADOPTION.

The State Building Code is hereby adopted by reference and incorporated as fully as if set out at length herein.

(Ord. passed - -) Penalty, see § 154.99

§ 154.02 APPROVAL OF BUILDING APPLICATIONS FOR PROPERTY ON WHICH TAXES ARE DUE.

In accordance with Conn. Gen. Stat. § 7-148(c)(2)(B) a procedure is hereby established for withholding approval of a building application, when there is a tax delinquency with respect to the subject property.

(A) The applicant applying for a building permit shall obtain Form B95-320 from the Building Official or Tax Collector and have Form B95-320 signed by the Tax Collector that there are no real estate taxes past due.

(B) If the applicant is delinquent in tax payment for the property on which the application is being made, a building permit will be refused until tax and all fees and interest have been paid.

(C) This section shall not apply in instances when: any governmental agency (such as, for example, the Health Inspector) has ordered such improvements in order to comply with applicable law or regulations pertaining to public health or safety; or the improvements are related to medical needs such as ramps for

access for the physically disabled; or non-payment of the past due taxes are attributable to extraordinary medical expenses, as established to the satisfaction of the Town Tax Collector, as evidenced by a certificate of the Tax Collector.

(D) This section shall not apply to those properties for which a valid building permit has been issued as of the date of the adoption of this chapter, but only as to the improvements which are the subject of the building permit

(E) This section shall become effective 15 days after publication in the newspaper that has circulation in the town.

(Ord. passed - -)

§ 154.03 MAINTENANCE OF UNACCEPTED STREETS AND BUILDING ON LOTS ABUTTING THOSE STREETS.

In accordance with Conn. Gen. Stat. § 8-27, it is hereby ordained:

(A) Except as provided in divisions (B) and (C) below, no building permit shall be issued and no building or other structure shall be erected on any lot abutting, or having its only means of vehicular access on, a street that has not been accepted by the town or the state for public travel. Any building or other structure erected in violation of this section shall be deemed unlawful, and the town may commence an action to enjoin the erection of the structure, or cause the structure to be removed. Any person erecting a building or other structure in violation of this section shall be fined not more than \$200 for each building or other structure so erected, in addition to the relief otherwise available to the town;

(B) For the purposes of division (A) above, the term ***STREET*** shall be deemed to include the terms ***ROAD*** and ***HIGHWAY*** and shall include both public and private streets. The provisions of division (A) above shall not be deemed to apply to any lot that abuts both an accepted street and an unaccepted street if primary access to the building site is or will be on the accepted street;

(C) This section shall not prevent the issuance of a building permit for the renovation, repair or alteration of any building or other structure that was in existence on the effective date of this section, provided the renovation, alteration or expansion is not intended or designed to increase the number of families or business entities that occupy any lot. In addition, this section shall not prohibit the construction of farm accessory buildings that are not otherwise in violation of any zoning or building regulations of the town; and

(D) Any person who owns or controls a street or portion of a street that was constructed pursuant to the approval by the Town Planning and Zoning Commission of subdivision plans on which the construction had been proposed, but that has not yet been accepted by the town, shall be responsible for maintaining the physical condition of the street in a safe condition for vehicular passage by all persons who are allowed or authorized to use the street, including, but not limited to, any persons who have acquired lots within the approved subdivision. The responsibilities shall include routine winter maintenance, such as plowing, snow removal, sanding and salting when appropriate. In the event the maintenance is not provided as required by this section, the town may, but shall not be obligated to, supply the maintenance, and any person who owns or controls the unaccepted street or portion thereof shall be liable to reimburse the town for the costs and expenses of the maintenance, including all costs, including reasonable attorneys' fees, the town may incur in order to obtain reimbursement.

(Ord. 90, passed 4-12-2005)

§ 154.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (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 \$500 or by an imprisonment not exceeding one year, or both the fine and imprisonment. 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 with a stop order, except the work as he or she is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not less than \$25, or more than \$500. Each day that a violation continues shall be deemed a separate offense.

(Ord. passed - -)

CHAPTER 155: FLOOD DAMAGE PREVENTION

Section

- 155.01 Authorization, purpose and objectives
- 155.02 Definitions
- 155.03 General provisions
- 155.04 Administration
- 155.05 Flood hazard reduction
- 155.06 Standard for subdivision proposals
- 155.07 Variance procedures

- 155.99 Penalty

§ 155.01 AUTHORIZATION, PURPOSE AND OBJECTIVES.

(A) *Authorization.* The legislature of the state has in Conn. Gen. Stat. § 7-148 (c)(7) delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Board of Selectmen of the town does ordain as follows.

(B) *Findings of fact.*

(1) The flood hazard areas of the town, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed or otherwise unprotected from flood damages.

(C) *Statement of purpose.* It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by

provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.

(2) Require that uses vulnerable to floods, including facilities which serve those uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(D) *Objectives.* The objectives of this chapter are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize prolonged business interruptions;

(4) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(5) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in a manner so as to minimize flood blight areas; and

(6) To ensure that potential home buyers are notified that property is in a flood area.
(Ord. passed 6-8-1993)

§ 155.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADDITION (TO AN EXISTING BUILDING). Any walled and roofed expansion to the perimeter of

a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is a new separate structure.

APPEAL. A request for a review of the Building Official's interpretation of any provision of this chapter or a request for a variance.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASEMENT. The portion of a building having its floor subgrade (below ground level) on all sides.

BUILDING. Any structure built for support, shelter or enclosure for any occupancy or storage.

DEVELOPMENT. Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations or permanent storage of materials.

ELEVATED BUILDING. A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map of a community issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface

elevation of the base flood.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR. The top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's ***LOWEST FLOOR***. Note: replaces mobile home definition.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when attached to the required utilities. The term ***MANUFACTURED HOME*** does not include a recreational vehicle.

RECREATIONAL VEHICLE. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the longest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal uses.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel, or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL. For the purposes of the National flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a

community's Flood Insurance Rate Maps are referenced.

NATION GEODETIC VERTICAL DATUM (NVGD). As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the flood plain.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of this chapter (not the revision date).

START OF CONSTRUCTION. For other than new construction or substantial improvements under the Coastal Barrier Resources Act being 16 U.S.C. §§ 3501 et seq. (Pub. L. No. 97-348), 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. For a substantial improvement, the actual ***START OF CONSTRUCTION*** means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other human-made facilities or infrastructures.

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, alteration or improvements to a structure, taking place over a one-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure should be:

(1) The appraised value of the structure using the cost approach to value, 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 commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement project required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

VARIANCE. A grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

WATER SURFACE ELEVATION. The height, in relation to the National Geodetic Vertical Datum (HGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
(Ord. passed 6-8-1993)

§ 155.03 GENERAL PROVISIONS.

(A) *Lands to which this chapter applies.* This chapter shall apply to all areas of special flood hazard within the jurisdiction of the town.

(B) *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study dated November 1, 1979, with accompanying floodway maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter.

(C) *Establishment of the floodplain management.* A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.

(D) *Compliance.* No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(E) *Abrogation and greater restrictions.* This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(F) *Interpretation.* In the interpretation and application of this chapter all provisions shall be:

- (1) Considered a minimum requirement;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(G) *Warning and disclaimer of liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. This

chapter does not imply that land outside the areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. passed 6-8-1993)

§ 155.04 ADMINISTRATION.

(A) *Designation of the Ordinance Administrator.* The Building Official is hereby appointed to administer and implement the provisions of this chapter.

(B) *Permit procedures.* Application for a development permit shall be made to the Building Official on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, locations, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required.

(1) *Application stage.*

(a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures § 155.05(C)(1) below;

(b) Elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed § 155.05(C)(5) below;

(c) Description as to the extent to which any watercourse will be altered or relocated as a result of proposed development;

(d) A statement as to whether or not the proposed alterations to an existing structure meets the criteria of the substantial improvement definition in § 155.02 above;

(e) A statement as to whether there will be dry access to the structure during the 100-year storm event. Where applicable the following certifications by a registered engineer or architect are required, and must be provided to the Building Official. The design and methods of construction must be certified to be in accordance with accepted standards of practice, and with the provisions of § 155.05 below;

(f) Non-residential flood proofing must meet the provisions of § 155.05(C)(4) and (5);

(g) Enclosed areas below the base flood elevation: if the minimum design criteria in § 155.05(C)(6)(a) and (c) is not used then the design and construction methods must be certified as explained

in § 155.05(C)(6);

(h) No increase in floodway heights may be allowed. Any development in a floodway must meet the provisions of § 155.05(C)(7) below.

(2) *Construction stage.*

(a) Upon completion of the applicable portion of construction the applicant shall provide verification to the Building Official of the following as is applicable:

(b) Lowest floor elevation: the elevation to be verified for:

1. In numbered A Zone: provide certified “as built” elevation of the top of the lowest floor (including basement); and

2. For floodproofed structures: provide certified “as built” elevation to which floodproofing is effective.

(3) *Deficiencies.* Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make the corrections required hereby, shall be cause to issue a stop-work order for the project.

(C) *Duties and responsibilities of the Building Official.* Duties of the Building Official shall include, but not be limited to:

(1) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding;

(2) Review all development permits to assure that the permit requirements of this chapter have been satisfied;

(3) Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of the permits be provided and maintained on file with the development permit; possibly including but not limited to: Coastal Area Management Permit, Water Diversion, Corps of Engineers 404;

(4) Notify adjacent communities and the Department of Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse, and submit evidence of the notification to the Federal Emergency Management Agency;

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

(6) Record the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with § 155.05(C)(1);

(7) Record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with § 155.05(C)(4) and (5);

(8) When flood-proofing is utilized for a particular structure the Building Official shall obtain certification from a registered professional engineer or architect, in accordance with § 155.05(C)(4) and (5);

(9) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section;

(10) When base flood elevation data or floodway data have not been provided in accordance with § 155.03 above, then the Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of § 155.05 below; and

(11) All records pertaining to the provisions of this chapter shall be maintained in the office of the Building Official.
(Ord. passed 6-8-1993)

§ 155.05 FLOOD HAZARD REDUCTION.

(A) *General standards.* In all areas of special flood hazard the following provisions are required:

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) New construction and substantial improvements shall be constructed with materials resistant to flood damage;

(3) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(4) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters;

(7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(8) In any portion of a watercourse which is altered or re-located the flood carrying capacity shall be maintained;

(9) A structure already in compliance with the provisions of this chapter shall not be made non-compliant by any alteration, repair, reconstruction or improvement to the structure;

(10) All manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind force; and

(11) Recreation vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM shall either:

(a) Be on the site for fewer than 180 consecutive days;

(b) Be fully licensed and ready for highway use; or

(c) Meet the permit requirements of § 155.03(C) above, and the elevation and anchoring requirements for "manufactured homes" in division (A)(10) above. A recreation vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached addition.

(B) *Standards for stream without established base flood elevations, floodways and/or flood mapping.*

Obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to division (C)(1) below as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FIRM meet the standards in divisions (C)(1)(a), (C)(2), (C)(6), (C)(7) and § 155.06 below. In A Zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

(C) Specific standards.

(1) In all areas of special flood hazard A1-30, AE, AH where base flood elevation data has been provided, as set forth in § 155.03(B) or § 155.04(C)(10) above, the following provisions are required: residential construction: new construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least to one foot above the 100-year flood plan.

(2) Manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM sites:

- (a) Outside of a manufactured home park or subdivision;
- (b) In a new manufactured home park or subdivision;
- (c) In an expansion to an existing manufactured home park or subdivision; or

(d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(3) Manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of division (C)(2) above shall be elevated so that either:

- (a) The lowest floor of the manufactured home is at or above the base flood elevation; or

(b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(4) Non-residential construction: new construction or substantial improvement of any commercial, industrial or non-residential structure located in Zone A1-30, AE and AH shall have the lowest floor, including basement, elevated at least to one foot above the base flood elevation.

(5) Non-residential structures located in all A Zone 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 the 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, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this division. The certification shall be provided to the official as set forth in § 155.04(B)(1)(e) above.

(6) Enclosed areas below base flood elevation: new construction or substantial improvements of buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
2. The bottom of all openings shall be no higher than one foot above grade; and
3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of flood waters in both directions.

(b) Electrical, plumbing and other utility connections are prohibited below the base flood elevation; and

(c) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door or entry to the living area, stairway or elevator).

(7) Floodways: located within areas of special flood hazard established in § 155.03(B) above are areas designated as floodways on the community's flood boundary and floodway map. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

(a) 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;

(b) The town may request floodway data of an applicant for watercourses without FEMA-published floodways. When the data is provided by an applicant or whenever the data is available from any other source (in response to the town's request or not), the town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one foot at any point along the watercourse; and

(c) In Zone A when base flood elevations become available, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
(Ord. passed 6-8-1993)

§ 155.06 STANDARD FOR SUBDIVISION PROPOSALS.

In all special flood hazard areas the following requirements shall apply:

(A) All subdivision proposals shall be consistent with the need to minimize flood damage;

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(D) In Zone A base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are five acres or 50 lots, whichever occurs first.
(Ord. passed 6-8-1993)

§ 155.07 VARIANCE PROCEDURES.

(A) The Inland Wetlands Commission as established by the town shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) The Inland Wetlands Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Building Official in the enforcement or administration of this chapter.

(C) Any person aggrieved by the decision of the Inland Wetlands Commission or any person owning land which abuts or is within a radius of 100 feet of the land in question may appeal within 15 days after the decision to the State Superior Court, as provided in Conn. Gen. Stat. § 8-8.

(D) Specific situation variances:

(1) *Building on an historic register.* Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for division (E)(2)(a) through (d), and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical character;

(2) *Pre-existing, shall lot location.* Variance may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with division (E)(2)(a) through (d);

(3) *Functional dependent uses.* Variances may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, create no additional threat to public safety and meet the requirements of divisions (E)(3)(a) through (d) below; and

(4) *Floodway prohibition.* Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(E) Considerations for granting of variances:

(1) In passing upon the application, the Inland Wetlands Commission shall consider all technical evaluation, all relevant factors, all standards specified in other sections of this chapter, and:

(a) The danger that materials may be swept onto other lands to the injury of others;

- (b) The danger to life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
- (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(2) Upon consideration of the factors listed above, and the purposes of this chapter, the Inland Wetlands Commission may attach the conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(3) Conditions for variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building;

(b) Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination of exceptional hardship; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.

(d) The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
(Ord. passed 6-8-1993)

§ 155.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$250 per day if proven done willfully and \$100 per day if not, or imprisoned for not more than ten days for each day of violation, or both, and in addition, shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the town from taking other lawful action as is necessary to prevent or remedy any violation.
(Ord. passed 6-8-1993)

