

# **Town of Hampton Ordinances**

Approved at Town Meeting November 17, 2008

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## **Establishment of a Regional Council of Governments**

**Statutory Reference:** Conn. Gen. Stat. §§ 4-124i to 4-124p.

**Purpose:** To establish the Windham Regional Council of Governments.

**Definitions:** Source of definitions is Conn. Gen. Stat. § 4-124i as used in sections 4-124i to 4-124p, inclusive.

1. **“planning region”** means a planning region of the state as defined or redefined by the secretary of the office of policy and management, or his designee under the provisions of section 16a-4a;
2. **“regional council of elected officials”** means any regional council of elected officials organized under the provisions of this chapter;
3. **“regional planning agency”** means any regional planning agency organized under the provisions of chapter 127;
4. **“chief elected official”** means the highest ranking elected governmental official of any town, city or borough within the state;
5. **“elected official”** means any selectman, mayor, alderman, or member of a common council or other similar legislative body of any town or city, or warden of burgess of any borough;
6. **“council”** means a regional council of governments organized under the provisions of sections 4-124i to 4-124p, inclusive;
7. **“member”** means any town, city or borough within a planning region of the state having become a member of a regional council of governments in accordance with said sections.

### **Ordinance Text:**

WHEREAS: It is in the interests of the towns that comprise the Windham Region to establish a regional council of governments to consider such matters of public nature common to two or more members of the Council of Governments as it deems appropriate, including matters affecting the health, safety, welfare, education and economic conditions of the area comprised by its members; and

WHEREAS: The Council of Governments will promote cooperative arrangements and coordinate action among its members and make recommendations therefor to its members and such other public agencies as exist, or perform functions within the region;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hampton adopts the following sections of the Connecticut General Statutes that provide for the creation of a regional council of governments:

#### **Sec. 4-124j. Creation. Membership. Withdrawal.**

Within any planning region of the state a regional council of governments may be created by the adoption of sections 4-124i to 4-124p, inclusive, by

ordinance of the legislative bodies of not less than 60 per cent of all towns, cities and boroughs within such planning region entitled to membership on such council as hereinafter provided. Where any regional council of elected officials, or a regional planning agency, exists with a planning region, a regional council of governments may be created either as hereinabove provided, or by the adoption of said sections by resolution of any such regional council of councils of elected officials and any such regional planning agency, and the ratification of any such resolution by ordinance of the legislative bodies of not less than 60 per cent of all such towns, cities, and boroughs. All towns, cities and boroughs within a planning region will be entitled to membership on such council, including any city or borough with boundaries not coterminous with the boundaries of the town in which it is located. Any nonmember town, city or borough entitled to membership may join the council by the adoption of said sections by ordinance of its legislative body. Any member town, city or borough may withdraw from the council by adoption of an appropriate ordinance of its legislative body to become effective on the date of such adoption, provided, however, that any such withdrawing member will be obligated to pay its pro rata share of expenses of operation and pro rata shares of funds committed by the council to active programs as of such date of withdrawal.

**Sec. 4-124k. Representatives of members.**

Each member of a regional council of governments will be entitled to one representative on the council who will be the chief elected official of such member, or in the absence of any such chief elected official, an elected official appointed in the manner provided by ordinance of the legislative body of such member. Each representative of a member will be entitled to one vote in the affairs of such council.

**Sec. 4-124l. Certification of establishment of council. Transitional period. Reversion to a regional council of elected officials.**

- a) Upon the adoption of sections 4-124i to 4-124p, inclusive, or upon the ratification of a resolution adopting said sections, as provided in section 4-124j, by any town, city or borough entitled to membership on a regional council of governments, the clerk of such town, city or borough will immediately prepare and file with the secretary of the office of policy and management, or his designee, a certified copy of the adopting or ratifying ordinance, and, upon receipt of such certified ordinances from not less than 60 per cent of all such town, cities and boroughs within a planning region, said secretary or his designee will certify to such towns, cities and boroughs and all other eligible towns, cities and boroughs within the planning region, that a regional council of governments has been duly established within such planning region. Any subsequent ordinances adopting the provisions of said sections, or affecting the withdrawal from the council of a member will be similarly filed. Except as hereinafter provided in this section, upon the establishment of a regional council of governments within a planning region in accordance with said sections, no regional council of elected

officials nor regional planning agency will be subsequently established within such planning region.

- b) If at the time of the adoption or ratification of the provisions of said sections by the requisite 60 per cent majority of all eligible towns, cities or boroughs within a planning region there exists within such planning region, a regional council of elected officials, or regional planning agency, or both, the existence and activities of any such regional council of elected officials or regional planning agency will continue uninterrupted for the duration of a transitional period commencing with the certification of the establishment of the council by the secretary of the office of policy and management, or his designee, pursuant to subsection (a) of this section. The chief elected officials of each town, city or borough subsequently adopting said sections, or in the absence of a chief elected official, an elected official appointed by the legislative body of any such member, will constitute a transitional executive committee of the regional council of governments during such transitional period. Any such transitional executive committee acting under this subsection will have the following authority and responsibilities: (i) To draft and propose bylaws for adoption by the council; (ii) to select and propose for election by the council, candidates for offices of the council which may include any one or more members of the transitional committee; (iii) to propose staffing arrangements, for adoption by the council; (iv) to prepare and propose, for adoption by the council a program of planning and implementation activities, which will provide for the assumption of such active programs of any such existing regional council of elected officials or regional planning agency. As such executive committee may deem appropriate and a budget for a period not to exceed one year following such transitional period; (v) to propose, for adoption by the council, the date upon which such transitional period will terminate, which date will not be later than one year from the date of certification, by the secretary of the office of policy and management, or his designee of the establishment of the council.
- c) Upon the expiration of the transitional period provided for under subsection (b) of this section, the regional council of governments will succeed to and be responsible for all of the rights, privileges and obligations, whether statutory or contractual, of any regional council of elected officials, or regional planning agency, or both, within the planning region, and no regional council of elected officials nor regional planning agency will be subsequently created within such planning region, except as provided in subsection (d) of this section.
- d) If at any time after the establishment within a planning region of a regional council of governments the members of the council will constitute less than 40 per cent of all eligible towns, cities and boroughs within such planning region, the council will thereafter be deemed a regional council of elected officials without the rights and duties of a regional planning agency for so long as and until the membership of the council shall again constitute not less than 60 per

cent of all such eligible cities, towns and boroughs within the planning region. Whenever the members of the council shall constitute less than 40 per cent of all such eligible towns, cities, and boroughs within the planning region, a regional council of elected officials and a regional planning agency may be established within such region under the general statutes, as amended.

**Sec. 4-124n. Bylaws. Officers. Committees. Meetings.**

A regional council of governments will adopt bylaws for the conduct of its business, including the organization of the regional planning commission created under section 4-124o, and will annually elect from among the representatives to the council a chairman, a vice-chairman, a secretary, and treasurer, who will be bonded, and such other officers as may be designated or permitted in the bylaws. The bylaws may provide for alternate representatives of the council to attend and vote at any meeting in place of absent representatives. No representative will be eligible to serve more than two consecutive terms in the same office. The bylaws will provide for an executive committee of the council and an executive committee of the regional planning commission and may provide for additional committees including nonvoting advisory committees. Meetings of the council will be called by the chairman or as the bylaws will otherwise provide and minutes of all meetings of the council, its committees and other official actions will be filed in the office of the council and will be of public record.

**Sec. 4-124o. Regional planning commission.**

Except as hereinafter provided, the planning duties and responsibilities of a regional council of governments, including the making of a plan of development pursuant to section 8-35a, will be carried out exclusively by a regional planning commission, acting on behalf of and as a subdivision of the council. Each member will be entitled to a representative on the regional planning commission who will be an elector of such member and on its planning commission. Such representative will be appointed by such planning commission, with the concurrence of the appointing authority of such member. Each member may also appoint an alternate representative who will be an elector of such member and who will be appointed by its planning commission, with the concurrence of the appointing authority of such member. Such alternate representative will, when the representative of the member from which he was appointed is absent, have all the powers and duties of such representative. Each regional planning commission representative will be entitled to one vote in the affairs of such commission but will not otherwise be entitled to vote in the affairs of the council. All matters referred to the council which by statute or otherwise are required to be referred to and considered by a regional planning agency will be considered and commented upon by the regional planning commission in accordance with procedures recommended by such commission and adopted by the council with the concurrence of such commission. The council will have the authority, at the request of a party having referred any such matter to the council's attention, to review and revise, in whole or in part, the comments and recommendations of the regional planning commission as to such matter. If at any time the council is deemed a

regional council of elected officials under subsection (d) of section 4-124 I, the existence of such regional planning commission will terminate forthwith.

**Sec. 4-124p. Receipt of funds. Dues. Contracts. Audits. Annual report.**

Each regional council of governments established under the provisions of sections 4-124i to 4-124p, inclusive, is authorized to receive for its own use and purposes any funds from any source including the state and federal governments and including bequests, gifts and contributions made by any individual, corporation or association. Any town, city or borough participating in a regional council of governments will annually appropriate funds for the expenses of such council in the performance of its purposes. Such funds will be appropriated and paid in accordance with a dues formula established by the regional council of governments. Such council may withhold any services it deems advisable from any town, city or borough which has failed to pay such dues. Within the amount so received, a council may from time to time engage employees, and contract with professional consultants, municipalities, the state and the federal governments, regional councils of elected officials, regional planning agencies and other intertown, regional or metropolitan agencies, or with any one or more of them, to carry out its purposes. The accounts of any regional council of governments will be subject to an annual report with the clerks of its member towns, cities or boroughs, with planning commission, if any, of members and with the secretary of the office of policy and management, or his designee.

**Fees:** N/A.

**Penalties:** N/A.

**Cross References:** Windham Regional Planning Commission created under Ordinance Number 8-31a-1.

**Date Approved:** May 21, 1997, Town Meeting, November 17, 2008.

**Date Published:** May 30, 1997

**Effective Date:** July 1, 1997

**History:**

**2008 November:** Reformatted with statutory definitions and references added; no substantive change.

## **Approval of Hiring or Appointment of Assistant Town Clerks and Assistant Registrars of Vital Statistics**

**Statutory Reference or Authority:** Conn. Gen. Stat. §§7-19 and 7-38

**Purpose:** To provide authority to the Board of Selectmen for approval of the hiring or appointment of Assistant Town Clerks and Registrars of Vital Statistics.

**Definitions:**

“**registrar of vital statistics**” or “**registrar**” means the registrar of births, marriages, deaths and fetal deaths or any public official charged with the care of returns relating to vital statistics.

**Exceptions:** N/A.

**Ordinance Text:**

Be it ordained that the Board of Selectmen, retains the authority to approve the hire or appointment of Assistant Town Clerks and Assistant Registrars of Vital Statistics. Candidates for such positions will be recommended by the Town Clerk.

**Fees:** N/A.

**Penalties:** N/A.

**Cross References:** Personnel Policies and Procedures (available in the Selectmen’s Office).

**Date Approved:** Town Meeting date October 7, 2002, Town Meeting, November 17, 2008.

**Date Published:** Willimantic Chronicle, October 17, 2002.

**Effective Date:** October 31, 2002.

**History:**

**2008:** November 2008:

1. Changed the title of the ordinance from “Approval of Appointments of Town Employees” to “Approval of Hiring or Appointment of Assistant Town Clerks and Assistant Registrars of Vital Statistics.”
2. Removed references to all other town employees because hiring practices for them are specified in the Town’s personnel policies.
3. Retained Assistant Town Clerks and added Assistant Registrars of Vital Statistics because the referenced statutes state that the requirement for Board of Selectmen approval of Assistant Town Clerk and Assistant Registrar of Vital Statistics appointments requires an ordinance.

## Establishment of a Recreation and Community Activities Commission

**Statutory Reference or Authority:** Conn. Gen. Stat. §§ 7-129a-130f.

**Purpose:** To establish, maintain and conduct public and recreational areas and activities as are authorized by the General Statutes of Connecticut.

**Definitions:** None.

**Exceptions:** None.

**Ordinance Text:**

1. There is hereby created a Recreation and Community Activities Commission of the Town of Hampton which shall establish, maintain and conduct such public and recreational areas and activities as are authorized by the General Statutes of Connecticut.
2. The Commission is authorized to request and receive appropriations from the Town, to receive private donations and to expend such funds for the purposes for which it was created. The Commission shall submit to the Board of Selectmen not later than March 15 of each year a report of its activities for the preceding year and a budget for the ensuing year.
3. The Commission shall consist of eleven members who shall be electors of the Town.
4. The members shall be appointed by the Board of Selectmen to serve for terms of two to four years. New appointments and re-appointments may be staggered so that all terms do not expire in the same year.
5. The members of the Commission shall appoint a chairman and a secretary. No member of the Commission shall receive any compensation for his services as a member.
6. The Commission shall hold at least four regular meetings per year and shall keep minutes and records as required by law. Several subcommittees may be established to organize various activities and events. Non Commission members may serve on such subcommittees.

**Fees:** N/A.

**Penalties:** N/A.

**Cross References:** N/A.

**Date Approved:** Original Ordinance approved at Town Meeting May 19, 1981. Amended ordinance approved at Town Meeting May 29, 2008, Town Meeting, November 17, 2008.

**Date Published:**

**Effective Date:**

## History:

**1981:** Ordinance originated.

**2008:** May 2008 Town Meeting:

- Reformatted to template.
- Amended to expand scope to include community activities and expand membership from 5 to 11.

November 2008:

Section 4 changed from:

“The members shall be appointed by the Board of Selectmen to serve for terms of four years. Some new appointments may be two years so that no more than half the members’ terms expire in the same year.”

to:

“The members shall be appointed by the Board of Selectmen to serve for terms of two to four years. New appointments and re-appointments may be staggered so that all terms do not expire in the same year.”

## Establishment of a Conservation Commission

**Statutory Reference:** Conn. Gen. Stat. § 7-131a

**Purpose:** As authorized by state statute, to create a Conservation Commission as a non-regulatory advisory body.

**Definitions:**

1. “**cause**” is malfeasance, misfeasance, or nonfeasance.
2. “**malfeasance**” is any intentionally illegal act or knowingly exceeding one’s authority for improper (illegal or prohibited) reasons.
3. “**misfeasance**” is committing a wrong or error by mistake, negligence or inadvertence but without bad intent or violation of the law.
4. “**nonfeasance**” is continued and successive failure to perform one’s duties or obligations in their position on this board.

**Ordinance Text:**

1. The Town of Hampton hereby creates a Conservation Commission pursuant to Section 7-131a of the Connecticut General Statutes. The Commission shall be a non-regulatory, advisory commission only.
2. The Hampton Conservation Commission:
  - a) shall conduct research into the utilization and possible utilization of land areas of Hampton;
  - b) shall keep records of its meetings and activities and shall make an annual report to the Town in the manner of other commissions;
  - c) shall periodically report its activities directly to the Board of Selectmen;
  - d) shall keep an index of all open areas, publicly or privately owned, including open marsh lands, swamps, and other wetlands, as well as upland habitats, for the purpose of obtaining information on the conservation of such areas, and from time to time recommend to the Planning and Zoning Commission or the Selectmen plans and programs for the conservation and use of such areas;
  - e) may coordinate the activities of unofficial bodies organized for similar purposes;
  - f) shall make recommendations to the Planning and Zoning Commission, Inland Wetlands and Watercourses Agency and other town agencies on proposed land-use changes;
  - g) may advertise, prepare and distribute books, maps, charts, plans and pamphlets, conduct walks, talks and educational presentations as necessary for its purpose;

- h) may, with the approval of the Selectmen and Town Meeting, acquire land and easements in the name of the Town of Hampton and promulgate rules and regulations, including but not limited to the establishment of reasonable charges for the use of land and easements, for any of the purposes set forth in this ordinance;
  - i) may, with approval of the Selectmen and Town Meeting, receive gifts of land in the name of the Town of Hampton for any of its purposes and shall administer the same for such purposes subject to the terms of the gift;
  - j) may supervise and manage specific municipally-owned open space or park property upon delegation by the Selectmen;
  - k) may propose a Greenways plan to be included in the plan of conservation and development;
  - l) may exchange information with the Commissioner of Environmental Protection, and request the assignment of technical personnel to the Commission for assistance in planning its overall program and for coordinating state and local conservation activities;
  - m) may apply for state grants-in-aid or programs established to preserve the use of open space land or to restrict it to conservation or recreation purposes.
3. The Conservation Commission shall consist of six members and three alternates, to be appointed by the Board of Selectmen.
- a) All Conservation Commission terms shall be for a period of three years, except for initial appointments, of which two regular members and one alternate member shall be appointed for two-year terms, and two regular and one alternate shall be appointed for one-year terms. Alternate members shall, when seated, have all the powers and duties as a regular member of the commission.
  - b) Following a written warning to the member regarding possible removal, the First Selectman, may remove any member or alternate for cause, and may fill any vacancy on the Commission
4. The Conservation Commission shall submit an annual budget request for operating funds to the Selectmen. by recommendation of the Commission

**Fees:** N/A.

**Penalties:** N/A.

**Cross References:** Planning and Zoning Commission Ordinance; Inland Wetlands and Watercourses Agency Ordinance.

**Date Approved:**

Date of initial approval – Spring 2002.

Amendment accepted at a Special Town Meeting held on October 25, 2006, Town Meeting, November 17, 2008.

**Dates Published:**

Initial ordinance published on February 7, 2002 (Willimantic Chronicle).  
Amendment published on November 6, 2006 (Willimantic Chronicle).

**Effective Dates:**

Initial Ordinance: February 22, 2002.  
Amendment Effective: November 21, 2006.

**History:**

**2006:** Prior to 2006 amendment, Section 3(a) of the ordinance read as follows:

*All Conservation Commission terms shall be for a period of three years, except for initial appointments, of which two regular and one alternate member shall be appointed for two-year terms, and two regular and one alternate shall be appointed for one-year terms. Alternate members shall, when seated, have all the powers and duties as a regular member of the commission. Individuals shall not serve more than two consecutive terms as regular members.*

**2008:** November 2008

1. Reformatted to template
2. Added "*Town Meeting*" in 2h and i
3. Changed the name of reference to Inland Wetlands and Watercourses *Commission* to Inland Wetlands and Watercourses *Agency* to reflect updated statutory nomenclature.
4. Changed "f) from *may* make recommendations to the Planning and Zoning Commission.....to *shall* make....."
5. In "g)," added "...*conduct walks, talks and educational presentations....*"
6. Section 3b, added "Following a written warning to the member regarding possible removal,....."

## Affixing of Visible Street Numbers

**Statutory Reference or Authority:** Conn. Gen. Stat. § 7-148

**Purpose:** To promote public safety by facilitating the ease and speed of delivering essential emergency services.

**Definitions:** None.

**Exceptions:** N/A.

**Ordinance Text:**

To promote public safety and convenience and to ease and speed essential emergency services, the Town of Hampton adopts the following ordinance:

By August 1, 2004, for existing buildings, or, immediately upon receipt of a building permit, for new construction, each owner, agent, or occupant of each building shall affix, in a conspicuous place upon the building or on a mailbox or similar object located on the property, the correct assigned street number. The number must be visible and readable from the street or highway. The numbers must be a minimum of three inches high. In the case of common driveways, the number of all buildings shall be posted at the entrance to the driveway.

Each owner, agent, or occupant of any building or part thereof who shall fail to affix the number assigned within the three months shall be guilty of an infraction, and shall be liable for the imposition of a fine not to exceed twenty five dollars. Each day in which the failure to affix a number continues shall constitute a separate and distinct offense.

**Fees:** None.

**Penalties:** \$25 per violation day.

**Cross References:** None.

**Date Approved:** April 5, 2004, Town Meeting, November 17, 2008.

**Date Published:** April 19, 2004.

**Effective Date:** August 1, 2004.

**History:**

**2008:** November 2008:

1. Reformatted to template.
2. Requirement of 4 inch letters changed to “at least 3 inches” because ambulance corps recommended and distributed 3 inch reflective numbers.

## **Withholding of Building Permits for Delinquent Taxes**

**Statutory Reference or Authority:** Conn. Gen. Stat. § 7-148

**Purpose:** To prohibit building permits to be issued to persons with delinquent taxes.

**Definitions:** None.

**Exceptions:** None.

**Ordinance Text:**

The Building Inspector shall not grant any building permit for any real property for which any taxes, water or sewer rates, charges or assessments imposed or levied by the Town of Hampton are delinquent. The Tax Collector shall maintain a current list of all properties for which taxes, water or sewer rates, charges or assessments are delinquent, as determined by the Grand List for the previous year. The tax collector must verify that there are no outstanding taxes before a building permit is issued.

Notwithstanding an applicant's qualification under this ordinance, this ordinance shall not supersede the Building Inspector's authority to deny building permits on any other permissible grounds.

**Fees:** None.

**Penalties:** None.

**Cross References:** None.

**Date Approved:** May 5, 1999 Town Meeting and May 21, 2000, Town Meeting, November 17, 2008.

**Date Published:**

**Effective Date:**

**History:**

**2008:** November 2008:

- Reformatted to template
- **Deleted** "Any person denied a building permit pursuant to this ordinance may file an appeal, in writing, to the Building Inspector and by showing proof that all delinquent taxes have been paid to the Town of Hampton or the work must be completed to prevent harm to the health and safety of the property owners." **Replaced with:** "The tax collector must verify that there are no outstanding taxes before a building permit is issued."

## Bazaar and Raffle Ordinance

**Statutory Reference:** Conn. Gen. Stat. §§ 7-170 to 7-186

**Purpose:** To set forth the rules and procedures governing bazaars and raffles held in Hampton, as authorized by state statute.

**Definitions:** Source of definitions is Conn. Gen. Stat. § 7-170

1. **“bazaar”** means a place maintained by a sponsoring organization for the disposal of merchandise awards by means of chance.
2. **“raffle”** means an arrangement for raising money by the sale of tickets, certain among which, as determined by chance after the sale, entitle the holders to prizes.
3. There are seven kinds of **“permits”** contemplated by the ordinance and statute, Conn. Gen. Stat. § 7-175.

**“class No. 1”** permits allow the operation of a raffle to be consummated within 3 months of the granting of the permit and the aggregate value of the prize or prizes offered may not be more than \$15,000.

**“class No. 2”** permits allow the operation of a raffle to be consummated within 2 months of the granting of the permit and the aggregate value of the prize or prizes offered may not be more than \$2,000.

**“class No. 3”** permits allow the operation of a bazaar for a period of not more than 10 consecutive days, excluding legal holidays and holy days on which the bazaar is not functioning. Any bazaar held under the authority of any such permit must be held within 6 months of the granting of such permit.

**“class No. 4”** permits allow the operation of a raffle to be consummated within 1 month of the granting of the permit and the aggregate value of the prize or prizes offered may not be more than \$100.

**“class No. 5”** permits allow the operation of a raffle to be consummated within 9 months of the granting of the permit and the aggregate value of the prize or prizes offered mat not be more than \$50,000.

**“class No. 6”** permits allow the operation of a raffle to be consummated within 1 year of the granting of the permit and the aggregate value of the prize or prizes offered mat not be more than \$100,000.

**“class No. 7”** permits allow the operation of a raffle to be consummated within 15 months of the granting of the permit, may allow no more than 12 prize drawings on separate dates and the

aggregate value of the prize or prizes offered may not be more than \$50,000.

4. No more than one "class No. 1" permit, two "class No. 3" permits, one "class No. 4" permit, five "class No. 5" permits, five "class No. 6" permits or three "class No. 2" permits shall be issued to any qualifying organization within any one calendar year. The aggregate value of prizes offered under any of such permits shall represent the amount paid by the applicant for the prize or prizes or the retail value of the same if donated.

**Ordinance Text:**

1. This ordinance is adopted pursuant to the authority of § 7-171 of the General Statutes of the State of Connecticut which authorizes any town to adopt the provisions of §§ 7-170 to 7-186, inclusive, of the General Statutes of the State of Connecticut.
2. The Town of Hampton hereby, by ordinance, adopts the provisions of §§ 7-170 to 7-186, inclusive, of the General Statutes of the State of Connecticut.
3. No bazaar or raffle may be promoted, operated or conducted within the Town of Hampton after the adoption of this ordinance unless it is sponsored and conducted exclusively by
  - a) an officially recognized organization or association of veterans of any war in which the United States has been engaged,
  - b) a church or religious organization,
  - c) a civic or service club,
  - d) a fraternal or fraternal benefit society,
  - e) an educational or charitable organization,
  - f) an officially recognized voluntary fire company,
  - g) a town agency, or
  - h) a political party or town committee thereof.
4. Any organization desiring to operate a bazaar or raffle within the Town of Hampton shall make application, in duplicate, duly executed and verified, to the First Selectman of the Town of Hampton, on a form to be prescribed by the executive director of the Division of Special Revenue, State of Connecticut. All applications shall conform to § 7-173 of the General Statutes.
5. The promotion and operation of any bazaar or raffle shall be conducted in accordance with all applicable state laws and regulations.
6. All permits, permit fees, prizes, equipment, and advertising shall conform to the requirements of state law, including all statutes and regulations, particularly those regulations adopted in order to prevent fraud and protect the public.

7. In the event any part, provision or section of this ordinance shall be deemed invalid, such invalidity shall not affect any other part, provision or section of this ordinance.
8. This ordinance shall become effective 15 days after publication hereof in a newspaper having a circulation in the Town of Hampton pursuant to the provisions of § 7-157 of the General Statutes of the State of Connecticut.

**Fees:** The fees to be charged for permits shall be as follows:

- a) "class No. 1" permit: \$50; \$25 to be retained by the municipality and \$25 remitted to the state.
- b) "class No. 2" permit: \$20; \$10 to be retained by the municipality and \$10 to be remitted to the state.
- c) "class No. 3" permit: \$20 for each day of the bazaar; \$10 to be retained by the municipality and \$10 to be remitted to the state.
- d) "class No. 4" permit: \$5, to be retained by the municipality.
- e) "class No. 5" permit: \$80; \$40 to be retained by the municipality and \$40 remitted to the state.
- f) "class No. 6" permit: \$100; \$50 to be retained by the municipality and \$50 remitted to the state.
- g) "class No. 7" permit: \$100 to be retained by the state.

**Penalties:** Any person who violates any provision of §§ 7-170 to 7-185, inclusive, or administrative regulations issued pursuant thereto, or who makes any false statement in any application for a permit or in any report required by the provisions of said sections shall be fined not more than \$1,000 or imprisoned not more than one year or be both fined and imprisoned.

**Cross References:** Conn. Gen. Stat. § 7-157 (relating to effective date requirements)

**Date Approved:** May 13, 1992, Town Meeting, November 17, 2008.

**Date Published:**

**Effective Date:**

**History:**

**2008:** November 2008, Reformatted to template and Statutory definitions and fees added.

## Establishment of a Planning and Zoning Commission

**Statutory Reference:** Conn. Gen. Stat. §§ 8-2, Chapter 124 and 8-24, Chapter 126

**Purpose:** As authorized by state statute, to create a Planning and Zoning Commission to adopt and enforce zoning regulations as authorized by Section 8-2 of Chapter 124 of the Connecticut General Statutes; to prepare, adopt, and amend the plan of conservation and development for the Town of Hampton pursuant to Section 8-23 of Chapter 126 of the Connecticut General Statutes; and to adopt and enforce regulations for the subdivision and resubdivision of land pursuant to Sections 8-25 and 8-26 of Chapter 126 of the Connecticut General Statutes.

**Definitions:**

1. **“malfeasance”** is any intentionally illegal act or knowingly exceeding one’s authority for improper (illegal or prohibited) reasons.
2. **“misfeasance”** is committing a wrong or error by mistake, negligence or inadvertence but without bad intent or violation of the law.
3. **“nonfeasance”** is continued and successive failure to perform one’s duties or obligations in their position on this board.

**Exceptions:** None.

**Ordinance Text:**

**1. Membership and Membership Requirements**

The Planning and Zoning Commission of the Town of Hampton shall consist of five (5) members who shall be Electors in the Town of Hampton, holding no salaried municipal office, with all the powers and duties specified in Chapters 124 and 126 of the General Statutes of Connecticut, as amended. The First Selectman of the Town of Hampton shall also be a member of said Commission but without voting privileges. There shall also be three (3) alternate members. No member or alternate member of the Zoning Board of Appeals may be a member or alternate member of the Planning and Zoning Commission.

**2. Selection of the Members**

Members of the Planning and Zoning Commission shall be chosen as follows:

- a) The current members of the Planning and Zoning Commission as of the effective date of this Ordinance shall continue to serve as members of the Planning and Zoning Commission. The term of membership of each said member shall expire on the date in which their membership was due to have expired under the terms of their election and/or the previous ordinance.

- b) At each biennial election of the Town there shall be elected to the Planning and Zoning Commission one (1) member who shall hold office for five (5) years beginning on the date of his election and one (1) member who shall hold office for five (5) years from the first anniversary of his election.
- c) There shall be minority representation on this Commission as provided in Section 9-167a of the General Statutes.
- d) Alternate members of the Planning and Zoning Commission shall be appointed for five (5) year terms by the Board of Selectmen of the Town of Hampton.

### **3. Removal of Members**

In accordance with Section 8-1 of Chapter 124, this ordinance establishes that any member of the Commission may be removed from their position on the Commission for “good cause”, defined as malfeasance, misfeasance or nonfeasance in their duties on the Commission.

Following a written warning to the member regarding possible removal, the Commission may by majority vote of its members, hold a hearing on the removal of a Commission member. The Commission member whose removal is being sought is not entitled to vote for or against a hearing for their removal. The Commission member must then be notified in writing at least two (2) weeks prior to a second meeting where a vote will be held for the purpose of expelling the Commission member.

The second hearing, where a removal vote will take place, will be done by majority vote of the Commission members. The Commission member whose removal is being sought is not entitled to vote for or against their removal from the Commission.

### **4. Vacancies**

In accordance with Section 8-1 of Chapter 124, this ordinance establishes that any vacancies on said Commission due to death, resignation or removal shall be filled by an alternate member of the Commission or eligible elector of the Town of Hampton by recommendation of the Commission and appointment by the Board of Selectmen to serve the remainder of the unexpired portion of the term of the former Commission member.

### **5. By-Laws and Rules**

The Planning and Zoning Commission is authorized to adopt by-laws and such other procedures as it may deem necessary for the efficient management of its business. Copies of any such by-laws and/or rules shall be filed by the Town Clerk and placed on record before they shall be effective.

### **6. Powers of the Commission**

As authorized by state statute and this ordinance, to adopt and enforce zoning regulations as authorized by Section 8-2 of Chapter 124 of the Connecticut General Statutes; to prepare, adopt, and amend the plan of

conservation and development for the Town of Hampton pursuant to Section 8-23 of Chapter 126 of the Connecticut General Statutes; and to adopt and enforce regulations for the subdivision and resubdivision of land pursuant to Sections 8-25 and 8-26 of Chapter 126 of the Connecticut General Statutes.

The Commission shall also have those powers and duties now or hereafter conferred upon Planning and Zoning Commission by statutes of the State of Connecticut.

## **7. Conflicts of Interest and Temporary Disqualification of Commission Members**

No member of this Commission may personally appear before or represent any person, firm or corporation or other entity in any matter pending before the Planning and Zoning Commission or the Zoning Board of Appeals.

No member of this Commission who is associated with or employed by a person or entity that has business before the board shall participate in the hearing, deliberation or decision with respect to such matter pending before the Planning and Zoning Commission or the Zoning Board of Appeals.

No member of the Planning and Zoning Commission shall participate in the hearing, deliberation or decision of the Commission of any matter in which they have a personal or financial interest.

If any member of the Commission is temporarily disqualified for any of the above-referenced reasons, that Commission member's vacancy will be temporarily filled by an alternate for the duration of the pending matter, provided the alternate member does not have a conflict of interest.

## **8. Severability**

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

**Fees:** As proposed from time to time by the Planning and Zoning Commission and the Board of Selectmen and approved by Town Meeting or Special Town Meeting.

**Penalties:** As proposed from time to time by the Planning and Zoning Commission and the Board of Selectmen and approved by Town Meeting or Special Town Meeting.

### **Cross References:**

Conservation Commission Ordinance; Inland, Wetlands and Watercourses Agency Ordinance; Zoning Board of Appeals Ordinance.

**Cross References:** Conservation Commission Ordinance; Inland, Wetlands and Watercourses Agency Ordinance; Zoning Board of Appeals Ordinance.

**Date(s) Approved:** May 16, 1960; April 29, 1971, Town Meeting, November 17, 2008.

**Date(s) Published:** May 16, 1960; May 4, 1971.

**Effective Date(s):** May 31, 1960; May 19, 1971.

**History:**

**1960:** A Planning Commission was established by a vote of a Town Meeting on May 14, 1960. The original Planning Commission Ordinance was published on May 16, 1960 and was effective on May 31, 1960.

**1971:** The ordinance creating the Planning and Zoning Commission and the Zoning Board of Appeals superseded this ordinance, renaming The Planning Commission to “The Planning and Zoning Commission of the Town of Hampton” and was approved on April 29, 1971, published on May 4, 1971, and became effective on May 19, 1971.

**2008:** November 2008

1. Reformatted to template and added definitions.
2. Split Ordinance into two ordinances; one for the Planning and Zoning Commission and one for Zoning Board of Appeals.
3. Added statutory references.
4. Revised language for the removal and appointment of Board members.
5. Added language regarding the powers of the Board.
6. Added language about conflicts of interest.
7. Added sever provision.

## Establishment of a Zoning Board of Appeals

**Statutory Reference:** Conn. Gen. Stat. §§ 8-5 Chapter 124 and 8-6, Chapter 126

**Purpose:** To create a Zoning Board of Appeals pursuant to Section 8-5 of Chapter 124 to exercise powers as granted to the Board by Section 8-6 of Chapter 124 and this Ordinance.

**Definitions:** None.

**Exceptions:** None.

**Ordinance Text:**

### 1. Membership and Membership Requirements

The Zoning Board of Appeals shall consist of five (5) regular members and three (3) alternate members, each of whom must be an Elector of the Town of Hampton and none of whom may be members or alternate members of the Planning and Zoning Commission. Any member of the Planning and Zoning Commission who shall be elected to membership on the Zoning Board of Appeals shall, upon qualification, be deemed to have resigned from said Commission.

### 2. Selection of Members

Members of the Zoning Board of Appeals shall be chosen as follows:

- a) The current members of the Zoning Board of Appeals as of the effective date of this Ordinance shall continue to serve as members of the Zoning Board of Appeals. The term of membership of each said member shall expire on the date in which their membership was due to have expired under the terms their election and/or the previous ordinance.
- b) At each biennial election of the Town held after the effective date of this ordinance there shall be elected to the Zoning Board of Appeals one (1) member who shall hold office for five (5) years beginning on the date of his election and one (1) member who shall hold office for five (5) years from the first anniversary of his election.
- c) There shall be minority representation on this Commission as provided in Section 9-167a of the General Statutes.
- d) Alternate members of the Zoning Board of Appeals shall be appointed for five (5) year terms by the Board of Selectmen of the Town of Hampton.

### 3. Vacancies

In accordance with Chapter 124, Section 8-5, any vacancies on the Zoning Board of Appeals due to death, resignation or expulsion, shall be filled by an alternate member of the Board or eligible citizen of the Town of Hampton by recommendation of the Board and appointment by the Board of Selectmen to serve the remainder of the unexpired portion of the term of the former Board member.

#### **4. By-Laws and Rules**

The Zoning Board of Appeals is authorized to adopt by-laws and such other procedures as it may deem necessary for the efficient management of their business. Copies of any such by-laws and/or rules shall be filed by the Town Clerk before they shall be effective.

#### **5. Powers of the Zoning Board of Appeals**

As authorized by state statute and this ordinance, the Zoning Board of Appeals shall have those powers conferred upon zoning boards of appeal by Section 8-6 of Chapter 124 of the Connecticut General Statutes, as amended from time to time.

The Zoning Board of Appeals shall conduct its business in accordance with applicable Connecticut statutes.

#### **6. Conflicts of Interest and Temporary Disqualification of Board Members**

No member of this Board may personally appear before or represent any person, firm or corporation or other entity in any matter pending before the Zoning Board of Appeals or the Planning and Zoning Commission.

No member of this Board who is associated with or employed by a person or entity that has business before the Board shall participate in the hearing, deliberation or decision with respect to such matter pending before the Zoning Board of Appeals or the Planning and Zoning Commission.

No member of the Zoning Board of Appeals shall participate in the hearing, deliberation or decision of the Board of any matter in which they have, directly or indirectly, a personal or financial interest.

If any member of the Zoning Board of Appeals is temporarily disqualified for any of the above-referenced reasons, that Board member's vacancy will be temporarily filled by an alternate for the duration of the pending matter, provided the alternate member does not have a conflict of interest.

#### **7. Severability**

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

**Fees:** As proposed from time to time by the Zoning Board of Appeals and the Board of Selectmen and approved by Town Meeting or Special Town Meeting.

**Penalties:** As proposed from time to time by the Zoning Board of Appeals and the Board of Selectmen and approved by Town Meeting or Special Town Meeting.

**Cross References:** Conservation Commission Ordinance; Inland Wetlands and Watercourses Agency Ordinance; Planning and Zoning Commission Ordinance

**Date(s) Approved:** May 14, 1960; April 29, 1971, Town Meeting, November 17, 2008.

**Date(s) Published:** May 16, 1960; published on May 4, 1971.

**Effective Date(s):** May 31, 1960; May 19, 1971.

**History:**

**1960:** A Planning Commission was established by a vote of a Town Meeting on May 14, 1960. The original Planning Commission Ordinance was published on May 16, 1960 and was effective on May 31, 1960.

**1971:** The ordinance creating the Planning and Zoning Commission and the Zoning Board of Appeals superseded this ordinance, renaming The Planning Commission to “The Planning and Zoning Commission of the Town of Hampton” and was approved on April 29, 1971, published on May 4, 1971, and became effective on May 19, 1971.

**2008:** In November of 2008 the Ordinance was revised to reflect the following:

1. Reformatted to template.
2. Split ordinance into two ordinances; one for the Planning and Zoning Commission and one for Zoning Board of Appeals.
3. Added statutory references.
4. Added language regarding the powers of the Board.
5. Added language about conflicts of interest.
6. Added sever provision.

## Establishment of and Participation in the Windham Planning Region

**Statutory Reference:** Conn. Gen. Stat. §§ 8-31a to 8-37a

**Purpose:** To enable Hampton to participate in the Windham Regional Planning Commission.

**Definitions:** None.

**Ordinance Text:**

1. The action of the Town Meeting of October 4, 1965 as to regional planning is affirmed and pursuant to the provisions of Chapter 127 of the General Statutes, Connecticut, the Town of Hampton hereby adopts the provisions of said Chapter and elects to participate in the regional planning agency now existing under authority of said Chapter in the Windham Planning Region as defined by the Connecticut Development Commission pursuant to the provisions of said Chapter.

2. The Town of Hampton shall have two representatives on the agency.  
The Board of Selectmen shall appoint to the agency one elector of the Town of Hampton. The appointee shall serve the initial term of one year. Thereafter all appointees shall serve two years.

The Planning and Zoning Commission of the Town of Hampton, duly constituted, shall appoint one elector of the Town of Hampton to the agency for a term of two years.

Appointees shall serve for the term of their office and until their successors have been appointed. Appointees may be reappointed. Terms of office shall commence when the appointment is made.

3. Resignation of Member.

Vacancies created by resignation or inability to serve shall be filled by the authority making the original appointment concerned for the remainder of the unexpired term. Any representative who is absent from three consecutive regular meetings of the regional planning agency and any intervening duly called special meetings thereof shall be considered to have resigned from said body except that the requirements of this section may be waived by the appointing authority concerned for good cause.

4. Effective Date.

This ordinance shall become effective fifteen days after publication.

**Fees:** None.

**Penalties:** None.

**Cross References:** None.

**Date Approved:** October 4, 1965 Town Meeting, Town Meeting, November 17, 2008.

**Date Published:** November 18, 1965

**Effective Date:** December 3, 1965

**History:**

**2008:** November 2008:

1. Reformatted to template
2. Removed “having a population of 934 according to the Federal Census of 1960” from the first sentence in section 2 as the population reference is outdated and statement, unnecessary.

## Open Voting for the Board of Selectmen

**Statutory Reference or Authority:** Conn. Gen. Stat. § 9-188

**Purpose:** To allow voters to vote for the same number of candidates as there are openings.

**Definitions:** None.

**Exceptions:** None.

**Ordinance Text:** Each political party shall have the right to nominate a candidate for First Selectman and two other candidates for Selectmen. Electors may vote for the same number of candidates as there are members to be elected. Statutory provisions for minority representation shall determine successful candidates.

**Fees:** N/A.

**Penalties:** N/A.

**Cross References:** Conn. Gen. Stat. §§ 9-167a regarding minority party representation.

**Date Approved:** Referendum held on May 24, 2005, Town Meeting, November 17, 2008.

**Date Published:** May 28, 2005 (The Willimantic Chronicle).

**Effective Date:** June 12, 2005

**Relevant History:**

**2008:** November 2008: Reformatted to template; no substantive change.

## Appointment of the Tax Assessor

**Statutory Reference or Authority:** Conn. Gen. Stat. § 9-198

**Purpose:** To provide for the appointment of the Tax Assessor rather than by election.

**Definitions:** None.

**Exceptions:** N/A.

**Ordinance Text:**

At a referendum held on May 22, 2001 it was resolved that, effective on the first day of the 2001-2002 Fiscal Year, the position of Tax Assessor shall no longer be one of election and, instead, shall be one of appointment.

**Fees:** N/A.

**Penalties:** N/A.

**Cross References:** None.

**Date Approved:** May 22, 2001 at referendum, Town Meeting, November 17, 2008.

**Date Published:** June 2, 2001 (Willimantic Chronicle).

**Effective Date:** June 17, 2001.

**History:**

**2008:** November 2008: Reformatted to template; no substantive change.

## Open Voting for Members of the Board of Assessment Appeals

**Statutory Reference or Authority:** Conn. Gen. Stat. . §9-199a

**Purpose:** To allow voters to vote for the same number of candidates as there are openings.

**Definitions:** None.

**Exceptions:** N/A.

**Ordinance Text:** The Town of Hampton adopts the provisions of Section 9-199a of the Connecticut General Statutes and provides that each political party shall have the right to nominate as many persons as there are vacancies on the Board of Assessment Appeals and those names shall be placed on the ballot. Voters may vote for the same number of candidates as there are members to be elected. The persons receiving the greatest number of votes shall be elected, subject to **statutory provisions for minority representation.**

**Fees:** N/A.

**Penalties:** N/A.

**Cross References:** Conn. Gen. Stat. 9-167a regarding minority party representation.

**Date Approved:** Town meeting held January 24, 2008, Town Meeting, November 17, 2008.

**Date Published:**

**History:**

**2008:** November 2008: Reformatted to template; no substantive change.

## **Appointment of Additional Members to the Board of Assessment Appeals**

**Statutory Reference or Authority:** Conn. Gen. Stat. § 9-199

**Purpose:** Provide extra assistance to the Board of Assessment Appeals in an assessment year.

**Definitions:** None.

**Exceptions:** N/A.

**Ordinance Text:**

Be it ordained that, pursuant to CGS . §9-199c, during any assessment year, the legislative body of the Town of Hampton is hereby authorized to appoint at Town Meeting up to four additional members to the Board of Assessment Appeals, subject to statutory requirements for minority representation. A written request to do so must initiate from the Board of Assessment Appeals to the Board of Selectmen.

**Penalties:** N/A.

**Cross References:** Conn. Gen. Stat. § 9-167a regarding minority party representation.

**Date Approved:** May 24, 2005 Town Meeting, Town Meeting, November 17, 2008.

**Date Published:** May 28, 2005 in the Willimantic Chronicle.

**Effective Date:** June 12, 2005.

**History:**

**2008:** November 2008: Reformatted to template; no substantive change.

Authority for appointment changed from “Board of Selectmen” to “legislative body” as required by statute.

## Open Voting for Members of the Board of Education

**Statutory Reference or Authority:** Conn. Gen. Stat. § 9-204b

**Purpose:** To allow voters to vote for the same number of candidates as there are openings.

**Definitions:** None.

**Exceptions:** N/A.

**Ordinance Text:** The Town of Hampton adopts the provisions of Section 9-204b of the Connecticut General Statutes and provides that each political party shall have the right to nominate as many persons as there are vacancies on the Board of Education and those names shall be placed on the ballot. Voters may vote for the same number of candidates as there are members to be elected. The persons receiving the greatest number of votes shall be elected, subject to statutory provisions for minority representation.

**Fees:** N/A.

**Penalties:** N/A.

**Cross References:** Conn. Gen. Stat. § 9-167a regarding minority party representation.

**Date Approved:** Referendum held on May 24, 2005, Town Meeting, November 17, 2008.

**Date Published:** May 28, 2005 (the Willimantic Chronicle).

**Effective Date:** June 12, 2005.

**History:**

**2008:** November 2008: Reformatted to template; no substantive change.

## **Establishment of a Term of Four Years for Members of the Hampton Board of Education**

**Statutory Reference or Authority:** Conn. Gen. Stat. § 9-206

**Purpose:.**

To shorten the length of service for members elected to the Hampton Board of Education.

**Definitions:** None.

**Exceptions:** N/A.

**Ordinance Text:**

1. Pursuant to Sec. 9-206 of the General Statutes of the State of Connecticut which authorizes any town having a Board of Education of three, six, nine or twelve members established in accordance with the General Statutes which has adopted biennial elections to establish a different method of rotation and a different length of term of office.
2. Commencing with the next regular town election following the effective date of this ordinance, all members of the Board of Education of the Town of Hampton shall be elected for a term of four years.
3. Each current member of the Board of Education of the Town of Hampton shall hold office for the term for which he or she was elected and until his or her successor is elected and has qualified.
4. This ordinance shall become effective 15 days after publication hereof in a newspaper having a circulation in the Town of Hampton pursuant to the provisions of Sec. 7-157 of the General Statutes of the State of Connecticut.

**Fees:** N/A.

**Penalties:** N/A.

**Cross References:** N/A.

**Date Approved:** Town Meeting May 12, 1998, Town Meeting, November 17, 2008.

**Date Published:** September 4, 1998 (the Willimantic Chronicle).

**Effective Date:** September 19, 1998.

**History:**

**2008:** November 2008: Reformatted to template; no substantive change.

## **Split Shifts for Election Workers**

**Statutory Reference or Authority:** Conn. Gen. Stat. § 9-258a

**Purpose:** To allow poll workers to work partial shifts for an election event.

**Definitions:**

“**split shifts**” means two (2) shifts.

**Exceptions:** Per statute, the Election Moderator may not split shifts during an election event.

**Ordinance Text:**

The Town of Hampton ordains that, consistent with state statute and the exceptions noted therein, election workers be allowed to work split shifts at the polls during an election event.

The Moderator shall keep written records as specified by Conn. Gen. Stat. §§ 9-258a. All election officials working the second shift shall be bound by the provisions of such statute.

**Fees:** N/A.

**Penalties:** N/A.

**Cross References:** Gen. Stat. §9-235 concerning unofficial checkers and Gen. Stat. §9-259 regarding moderators.

**Date Approved:** Town Meeting, September 22, 1994, Town Meeting, November 17, 2008.

**Date Published:**

**Effective Date:**

**Relevant History:**

**2008:** November 2008

1. Reformatted to template
2. Definitions added.
3. Ordinance text changed to reference statute for roles of election officials when working split shifts.

## **Property Tax Exemption for Persons with Specially Equipped Vehicles for the Disabled**

**Statutory Reference or Authority:** Conn. Gen. Stat. §12-81c

**Purpose:** To provide tax relief for persons with specially equipped vehicles for the disabled.

**Definitions:**

1. **“special license plate”** means a license plate displaying the international symbol of access in a size identical to that of the letters or numerals on the plate and in a color that contrasts with the background color of the plate.
2. **“removable windshield placard”** means a two-sided, hanger-style placard which bears on both of its sides: (A) The international symbol of access in a height of three inches or more centered on such placard and colored white on a blue background; (B) a unique identification number; (C) a date of expiration; and (D) a statement indicating that the Connecticut Department of Motor Vehicles issued such placard.
3. **“temporary removable windshield placard”** means a placard that is the same as a removable windshield placard except that the international symbol of access appears on a red background.
4. **“disabled –equipped vehicle,”** means a motor vehicle that is equipped for the purpose of adapting its use to the disability of its owner or that of its owner’s spouse, child, or ward if it contains a substantial adaptation designed to aid a disabled individual’s ability to operate, travel in, enter, exit, or load the vehicle. Examples of such adaptations include, but are not limited to (a) ramps, (b) lifts, (c) extended foot pedals, and (d) hand-manipulated accelerators and/or brakes.
5. **“disabled-Equipped vehicles not used for profit exempt from property tax,”** means any motor vehicle owned by a person with disabilities, or owned by the spouse, parent, or guardian of such person, which vehicle is equipped for purposes of adapting its use to the disability of such person and is not used as a commercial vehicle for monetary gain is exempt from property tax.

**Exceptions:** N/A.

**Ordinance Text:**

Resolved that effective the first day of the 2001-2002 fiscal year, the Town of Hampton adopt a property tax exemption for the owner of a motor vehicle where that motor vehicle (1) regularly is used to transport the disabled owner or a spouse, child, or ward of the owner who is disabled, (2) contains a substantial modification to aid the disabled individual’s ability to operate, travel in, enter, exit, or load the vehicle, and (3) is not used as a commercial vehicle for monetary

gain. In furtherance of that exemption, be it resolved that the Town include the following provisions in its body of ordinances:

**Proof of disabled-equipped status required:**

Individuals requesting exemption from property taxes under this section first must show proof to the Town Assessor that the subject motor vehicle was manufactured specially or modified to aid a disabled individual's ability to operate, travel in, enter, exit or load the vehicle. Acceptable forms of proof of such include, but are not limited to, (1) a photo or photos of the vehicle clearly showing the modification or portion of special manufacture and (2) a copy of an invoice showing installation of the modification to the motor vehicle.

Additionally, such individuals also must provide to the Town Assessor proof that he or she has obtained one of the following: (1) from the Connecticut Department of Motor Vehicles (as listed in Connecticut General Statute 14-253a), a valid (a) special license plate for the disabled, (b) removable windshield placard for the disabled, or (c) temporary removable windshield placard for the disabled, or (2) a letter (no older than three years) from a physician, which attests to the applicant's need for a specially manufactured motor vehicle or a substantially modified motor vehicle due to that person's medical incapacitation.

**Fees:** N/A.

**Penalties:** N/A.

**Cross References:** : Conn. Gen. Stat. §14-253a

**Date Approved:** June 21, 2001 Town Meeting, Town Meeting, November 17, 2008.

**Date Published:** June 29, 2001 (the Willimantic Chronicle).

**Effective Date:** July 14, 2001

**History:**

**2008:** November 2008: Reformatted with statutory definitions and references added; no substantive change.

## **Tax Exemption on Buildings Used Actually and Exclusively in Farming.**

**Statutory Reference or Authority:** Conn. Gen. Stat. §12-91(c)

**Purpose:** An ordinance providing for a tax exemption on buildings used actually and exclusively in farming

**Definitions:** Source of definitions is Conn. Gen. Stat. §1-1q

1. **“agriculture” and “farming”** shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale.
2. **“farm”** includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities.

**Exceptions:** Residence of the farmer.

**Ordinance Text:**

1. Pursuant to the authority granted under CGS 12-91( c ) of the Connecticut General Statutes, as amended, any building used actually and exclusively in farming, as defined in Section 1-1 of the Connecticut General Statues, upon proper application being made in accordance with this section, shall be exempt from property tax to the extent of an assessed value of one hundred thousand dollars.
2. This exemption shall not apply to any residence of any farmer

3. The exemption granted under this ordinance shall not exceed \$100,000 per farm.
4. Annually, within thirty days after the assessment date, each individual farmer, group of farmers, partnership or corporation shall make a written application for the exemption provided in subsection (A) of this section to the assessor, including therewith a notarized affidavit certifying that such farmer, individually or as part of a group, partnership or corporation, derived at least fifteen thousand dollars in gross sales from such farming operation, or incurred at least fifteen thousand dollars in expenses related to such farming operation, with respect to the most recently completed taxable year of such farmer prior to the commencement of the assessment year for which such application is made, on forms prescribed by the Commissioner of Agriculture. Failure to file such application in said manner and form within the time limit prescribed shall be considered a waiver of the right to such exemption for the assessment year.

**Fees:** N/A.

**Penalties:** N/A.

**Cross References:** N/A.

**Date Approved:** Date Approved: May 24, 2005 at referendum. Town Meeting, November 17, 2008.

**Date Published:** Date Published: May 28, 2005 (the Willimantic Chronicle).

**Effective Date:** Effective Date: June 13, 2005

**History:**

**2008:** November 2008: Reformatted with statutory definitions and references added; no substantive change.

## **Establishment of an Inland Wetlands and Watercourses Agency**

**Statutory Reference or Authority:** Conn. Gen. Stat. §22a-42

**Purpose:** To implement the purposes and provisions of the Inland Wetlands and Watercourses Act, Sections 22a-36 to 22a-45, inclusive of the Connecticut General Statutes, as amended.

**Definitions:** None.

**Exceptions:** N/A.

**Ordinance Text:**

### **1. Creation of Inland Wetlands Agency**

There shall be an Inland Wetlands and Water Courses Agency established in the Town of Hampton in accordance with An Act Concerning Inland Wetlands and Water Courses (Public Act 155, 1972 Session of the General Assembly, State of Connecticut, amended Public Act 571, 1973 Session.).

### **2. Responsibilities**

Said Agency shall have all the powers and responsibilities authorized under said Public Act 155, and as amended.

### **3. Membership**

The Agency shall be composed of seven (7) members and two (2) alternates appointed by the Board of Selectmen. As provided in Section 9-167a of the Connecticut General Statutes, not more than *five* (5) members shall be of the same political party.

Terms of the members and alternate members of the Agency shall be revolving, allowing for reappointment to the same position upon expiration of their term.

### **4. Conflict of Interest**

No member or alternate member of the Hampton Inland Wetlands and Watercourses Agency shall participate in the hearing or decision of any matter in which he is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the records of the Agency and replacement for the hearing and determination of the particular matter or matters in which the disqualification arose shall be made from alternate members.

### **5. Vacancies**

Any vacancy in the membership of the Agency which may occur through death, resignation, or otherwise, shall be filled by an alternate member of the Agency or eligible citizen of the Town of Hampton, by recommendation of the Agency and appointment by the Board of Selectmen, to serve the

remainder of the unexpired portion of the term of the former Commission member.

In the event that an Agency member misses four(4) consecutive regular meetings or six (6) regular meetings in a calendar year and upon recommendation of the Agency, the Board of Selectmen, following a written warning to the member regarding possible removal, may remove said member and fill the vacancy created.

## **6. Effective Date**

The provisions of this Ordinance shall become effective ten (10) days after adoption by the Hampton Town Meeting and publication in accordance with Public Act 155, as amended.

**Fees:** N/A.

**Penalties:** N/A.

**Cross References:** : Conn. Gen. Stat. §9-167a regarding minority party representation.

**Date Approved:** Town Meeting date: May 21, 1974, Town Meeting, November 17, 2008.

Amendment made in 1977 month unknown.

**Date Published:** Original publication date not documented but grandfathered per 7-157c.

**Effective Date:** May 21, 1974.

### **Relevant History:**

**1972:** PA 155, 1972.

**1973:** Amended PA 571, 1973.

**2008:** November 2008:

1. Reformatted to new template
2. "Commission" changed to "Agency" to reflect updated statutory language.
3. Under "Vacancies," added provision for the Agency to make recommendations to the BOS for appointment or removal of members and stipulated that if an Agency member misses four(4) consecutive regular meetings or six (6) regular meetings in a calendar year and upon recommendation of the Agency, the Board of Selectmen, following a written warning to the member regarding possible removal, may remove said member and fill the vacancy created.
4. Added language about conflicts of interest based on Chapter 440; Sec. 22a-42.
5. Added provision for reappointment to the same position upon expiration of a member's term based on Chapter 440 Sec. 22a-42.

## Burning Permits

**Statutory Reference or Authority:** Conn. Gen. Stat. §22a-174

**Purpose:** The Town of Hampton urges restraint in the use of open burning due to the detrimental effects on air quality and the nuisance to the community. All practical means of legal disposal, recycling, chipping and cutting of forest products or piling them for protective cover for wildlife should be considered or used as alternatives to burning. If these options are not feasible or practical the following regulations shall be followed to control and regulate open burning within the Town of Hampton.

**Definitions:**

“**brush**” means any shrubs, vegetation or prunings, the diameter of which is not greater than three (3) inches on the end cut.

**Exceptions:**

A permit shall not be required for the following types of fires:

1. Barbecues or other outside fires for the cooking of food for human consumption.
2. Bon fires for recreational or ceremonial purposes, provided that the size of such fire does not exceed five (5) feet in any dimension.
3. Fires for the training of Volunteer Fire Departments in firefighting methods.

**Ordinance Text:** A Hampton resident may apply for a permit for the open burning of brush only on a property on which they reside. They may make application with any local “burning official” of the Town.

A fee of \$10.00 payable by the applicant to the Town of Hampton will be collected prior to the issuance of any permit.

All regulations and restrictions as noted on the permit shall be followed. Failure to adhere to the conditions of the permit may result in penalties and/or other enforcement actions.

**Fees:** Burning permits are \$10.00

**Penalties:** \$30.00 for not obtaining a permit as/when required.

**Cross References:** N/A.

**Date Approved:** Town Meeting date: October 25, 2006, Town Meeting, November 17, 2008.

**Date Published:** November 6, 2006 (the Willimantic Chronicle).

**Effective Date:** November 21, 2006.

**Relevant History:**

**2008:** November 2008 Reformatted to new template and definitions, Exceptions and Ordinance text based on statute added. Penalty added.

## An Ordinance regarding Emergency Operations Plan

**Statutory Reference or Authority:** Conn. Gen. Stat. §28-7

**Purpose:** To protect and preserve human life and property of the community, to the greatest extent possible.

**Definitions:** Source of definitions is Conn. Gen. Stat. §28-1.

1. **“major disaster”** means any catastrophe including, but not limited to, any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm or drought, or, regardless of cause, any fire, flood, explosion, or manmade disaster in any part of this state that, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121 et seq., as amended from time to time, to supplement the efforts and available resources of this state, local governments thereof, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.
2. **“emergency”** means any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement state and local efforts and capabilities to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster or catastrophe in any part of this state.
3. **“civil preparedness emergency” or “disaster emergency”** means an emergency declared by the Governor under the provisions of this chapter in the event of serious disaster or of enemy attack, sabotage or other hostile action within the state or a neighboring state, or in the event of the imminence thereof.
4. **“local civil preparedness emergency” or “disaster emergency”** means an emergency declared by the chief executive officer of any town or city in the event of serious disaster affecting such town or city.
5. **“governor”** means the Governor or anyone legally administering the office of Governor.

**Exceptions:** N/A

**Ordinance Text:**

1. In the event of major disaster, local civil preparedness emergency or disaster emergency, the Chief Executive Officer of the Town of Hampton will assume complete command of all local government functions and facilities including public school facilities and personnel.
2. All available local resources will be brought to bear on the disaster under the adopted Emergency Operations Plan in an effort to protect and

preserve human life and property of the community, to the greatest extent possible.

3. That the authority of the Chief Executive officer of the Town of Hampton shall be limited only by the Governor of the State of Connecticut in state-declared emergencies or the President of the United States of America in a declared national emergency.

**Fees:** N/A.

**Penalties:** N/A.

**Cross References:** Emergency Operations Plan located in Selectmen's Office.

**Date Approved:** Town Meeting date May 25, 1976, Town Meeting, November 17, 2008.

**Date Published:** grandfathered per 7-157c.

**Effective Date:** May 25, 1976.

**History:**

November 2008: Reformatted with statutory definitions and references added; no substantive change.

## Establishment of Fire Zones

**Statutory Reference or Authority:** Conn. Gen. Stat. §29-293

**Purpose:** Establishment of Fire Zones in public facilities.

**Definitions:** None.

**Exceptions:** N/A.

**Ordinance Text:** Be it ordained that pursuant to Conn. Gen. Stat. §29-293, the Town of Hampton authorizes the local Fire Marshal to establish one or more fire zones for the orderly access of fire and other emergency equipment to any building or facility open to the public.

**Fees:** N/A.

**Penalties:**

**Cross References:** N/A.

**Date Approved:** November 7, 2005 at a special Town Meeting, . Town Meeting, November 17, 2008.

**Date Published:** November 11, 2005.

**Effective Date:** November 26, 2005.

**History:**

**2008:** November 2008

- Reformatted to template.
- Changed ordinance text from: “Be it ordained that pursuant to Conn. Gen. Stat. §29-293, the Town of Hampton authorizes the local Fire Marshal to establish *fire zones at municipal buildings as needed*.

to

“Be it ordained that pursuant to Conn. Gen. Stat. §29-293, the Town of Hampton authorizes the local Fire Marshal to establish *one or more fire zones for the orderly access of fire and other emergency equipment to any building or facility open to the public*.

## **Ordinance Establishing a Demolition Officer**

**Statutory Reference:** Conn. Gen. Stat. §Chapter 541, Section 29-404

**Purpose:** To establish a Demolition Officer for the Town of Hampton.

**Definitions:** None.

**Exceptions:** N/A.

**Ordinance Text:** In accordance with Chapter 541, Section 29-404, as amended from time to time, the Building Inspector for the Town of Hampton shall also serve as the Demolition Officer for the Town of Hampton.

**Fees:** N/A.

**Penalties:** N/A.

**Cross References:** Building Permit and Fees Ordinance, Connecticut State Building Code, Ordinance Number: 29-406, Ordinance Establishing Demolition Permits and Fees.

**Date(s) Approved:** October 15, 1970, Town Meeting, November 17, 2008.

**Date(s) Published:** grandfathered per 7-157c.

**Effective Date(s):** October 1970.

### **History:**

**1970:** Original ordinance was voted upon at Town Meeting on October 15, 1970, creating the position of Demolition Officer for the Town of Hampton.

**2008:** November 2008: Reformatted to template; updated statutory references.

## **Ordinance Establishing Demolition Permits and Fees**

**Statutory Reference:** Conn. Gen. Stat. §29-406

**Purpose:** To set regulations governing the issuing of demolition permits and the fees for said permits.

**Definitions:**

1. **“building”** as herein used shall mean any kind of structure for the housing of persons or things, or designed to provide shelter to persons or things.
2. **“demolition”** covers any kind of deconstruction, razing, removal or partial removal of a building as previously defined.

**Exceptions:** *As noted in Conn. Gen. Stat. §29-406:* Except in the case of (A) a person who is engaged in the disassembling, transportation and reconstruction of historic buildings for historical purposes or who is engaged in the demolition of farm buildings or in the renovation, alteration or reconstruction of a single-family residence, or (B) an owner who is engaged in the demolition of a single-family residence or outbuilding, as provided in subsection (c) of section 29-402.

*As noted in Conn. Gen. Stat. §29-402(c)* The provisions of this section shall not apply to (1) a person who is engaged in the disassembling, transportation and reconstruction of historic buildings for historical purposes or in the demolition of farm buildings or in the renovation, alteration or reconstruction of a single-family residence, (2) the removal of underground petroleum storage tanks, (3) the burning of a building or structure as part of an organized fire department training exercise, or (4) the demolition of a single-family residence or out building by an owner of such structure if it does not exceed a height of thirty feet, provided (A) the owner shall be present on site while such demolition work is in progress and shall be held personally liable for any injury to individuals or damage to public or private property caused by such demolition, and (B) such demolition shall be permitted only with respect to buildings which have clearance from other structures, roads or highways equal to or greater than the height of the structure subject to demolition. The local building official may require additional clearance when deemed necessary for safety.

**Ordinance Text:**

**1. When a Demolition Permit is Necessary**

Any building being demolished, (see exceptions) for a which a building permit was issued or would have been issued if the building was constructed at present time, shall require the issuance of a demolition permit from the Town of Hampton Demolition Officer.

**2. Documentation Required for a Demolition Permit**

No person shall be eligible to receive a permit for the demolition of a building unless they comply with or are excluded from provisions of Chapter 541, Sections 29-406, as amended from time to time.

### **3. Restrictions upon the Issuance of a Demolition Permit when Real Property Taxes are Delinquent**

Pursuant to Section 7-148 of Chapter 98, as amended from time to time, the Demolition Officer shall not grant a demolition permit for any real property for which any taxes, water or sewer rates, charges or assessments imposed or levied by the Town of Hampton are delinquent.

The Tax Collector shall maintain a current list of all properties for which taxes, water or sewer rates, charges or assessments are delinquent, as determined by the Grand List for the previous year.

Any person denied a demolition permit pursuant to this ordinance may file an appeal, in writing, to the Demolition Officer and upon proof that all delinquent taxes have been paid to the Town of Hampton or that a payment agreement has been reached with the Tax Collector of the Town of Hampton, or the work is an emergency repair that must be completed to prevent harm to the health and safety of the property owners, the Demolition Officer may issue a demolition permit.

### **4. Maintenance of Records**

The Demolition Officer shall keep a record of all applications for permits and of all permits granted.

**Fees:** The fee for demolition of a structure shall be fifty dollars (\$50.00) for buildings up to two thousand, five hundred square feet.

The fee for demolition of a structure shall be one hundred dollars (\$100.00) for buildings in excess of two thousand, five hundred square feet.

If, in the opinion of the Demolition Office, it will be necessary to reroute traffic or provide police protection for the safety of the general public, any such cost in connection therewith shall be paid by the person or entity to which such permit has been issued.

**Penalties:** For any building demolished without the proper permit, the penalty shall be double the original fee for demolition, exclusive of any fee or penalty that may be imposed by the state for violation of the state demolition codes.

**Cross References:** Conn. Gen. Stat. §29-252-256, concerning the Connecticut State Building Code and Conn. Gen. Stat. §29-402(c).

**Date(s) Approved:** October 25, 1972, Town Meeting, November 17, 2008.

**Date(s) Published:** Grandfathered per 7-157c.

**Effective Date(s):** October 25, 1972.

**History: 1972:** Original ordinance was voted upon on October 25, 1972 and set the fees for a permit at one dollar (\$1.00).

**2008:** November 2008: Reformatted to template; addition of definitions; updated statutory references.