

Code of the Town of Bethlehem

COUNTY OF LITCHFIELD
STATE OF CONNECTICUT

SERIAL NO.24...

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1999

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CERTIFICATION

TOWN OF BETHLEHEM

Office of the Town Clerk

I, **LUCY PALANGIO**, Clerk of the Town of Bethlehem, Connecticut, hereby certify that the chapters contained in this volume are based upon the original local laws, ordinances and resolutions of the Board of Selectmen of the Town of Bethlehem, and that said local laws, ordinances and resolutions, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Town of Bethlehem, County of Litchfield, State of Connecticut, as adopted by ordinance of the Board of Selectmen on December 20, 1999.

Given under my hand and the Seal of the Town of Bethlehem, County of Litchfield, State of Connecticut, this 20th day of December 1999, at Bethlehem, Connecticut.

s/**LUCY PALANGIO**

Lucy M. Palangio
Town Clerk

PREFACE

The Town of Bethlehem has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the town, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the town. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Board of Selectmen ordered the following codification of the town's legislation.

Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Town Meeting of the Town of Bethlehem, including revisions or amendments to existing legislation deemed necessary in the course of the codification.

Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains all town legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other town legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

Grouping of Legislation and Arrangement of Chapters

The various items of legislation are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more items of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation pertaining to the regulation of roads may be found in Part II, in the chapter entitled "Roads." In such chapters, use of article or part designations has preserved the identity of the individual items of legislation.

Table of Contents

The Table of Contents details the alphabetical arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, titles of the several articles are listed beneath the chapter title in order to facilitate the location of the individual item of legislation.

Reserved Chapters

Space has been provided in the Code for the convenient insertion, alphabetically, of later enactments. In the Table of Contents such space appears as chapters entitled “(Reserved).” In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

Pagination

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number of that chapter followed by the numerals “01.” Thus, Chapter 7 begins on page 701, Chapter 84 on page 8401, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters, and to insert new chapters without affecting the existing organization.

Numbering of Sections

A chapter-related section-numbering system is employed, in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 7 is § 7-1, while the fourth section of Chapter 84 is § 84-4. New sections can then be added between existing sections using a decimal system. Thus, for example, if two sections were to be added between §§ 84-4 and 84-5, they would be numbered as §§ 84-4.1 and 84-4.2.

Scheme

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

Histories

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number, if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

General References; Editor’s Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader’s attention to such related chapters. Editor’s Notes

are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

Disposition List

The Disposition List is a chronological listing of legislation adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added to the Code.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or complete new additions, should be adopted as amending the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

Adding new sections. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 75-5 and 75-6 should be designated § 75-5.1).

Adding new chapters. New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the table of contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the table of contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 116 and 117 should be designated Chapter 116A).

Adding new articles. New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6). **NOTE:** In chapters where articles appear on the Table of Contents, simply add new articles to the end of the chapter since they are not arranged by subject matter.

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

The assistance of the town officials is gratefully acknowledged by the editor. The codification of the legislation of the Town of Bethlehem reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers Corp. that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

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[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Citation Hearing Procedure [Adopted 5-15-1997]

- § 1-1. Statutory authority; applicability.

The Town of Bethlehem hereby creates and establishes an ordinance regarding a citation hearing procedure pursuant to C.G.S. § 7-152c, as amended. Any assessments on judgments provided herein shall be enforced by the Superior Court of the State of Connecticut. This procedure shall apply to enforcement of ordinances adopted by the Town of Bethlehem pursuant to C.G.S. § 7-148 and/or § 22a-226d, as amended.

- § 1-2. Appointment of citation hearing officers.

Within 30 days of the effective date hereof, the First Selectman of the Town of Bethlehem (hereinafter the "municipality") shall appoint one or more citation hearing officers, other than police officers or employees or persons who issue citations, to conduct the hearings authorized by this article and by C.G.S. § 7-152c.

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§ 1-3. Notice of violation.

At any time within 12 months from the expiration of the final period for uncontested payment of fines, penalties, costs or fees for any citations issued under any ordinance adopted pursuant to C.G.S. § 7-148 or 22a-226d, for an alleged violation thereof, the First Selectman shall send notice to the person cited. Such notice shall inform the persons cited:

- A. Of the allegations against him and the amount of the fines, penalties, costs or fees due;
- B. That he may contest his liability before a citation hearing officer by delivering in person or by mail, to a specific office or address, written notice within 10 days of the date thereof;
- C. That if he does not demand such a hearing, an assessment and judgment shall be entered against him; and
- D. That such judgment may issue without further notice.

§ 1-4. Admission of liability.

If the person who is sent notice pursuant to § 1-3 of this article wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated in the notice by such municipality. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within 10 days of the date of the first notice provided for in § 1-3 of this article shall be deemed to have admitted liability, and the designated municipal officer shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinance and shall follow the procedures set forth in § 1-6 of this article.

§ 1-5. Hearing procedure.

- A. Any person who requests a hearing shall be given written notice by regular mail of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of notice, provided that the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance.
- B. An original or certified copy of the initial notice of violation issued by the issuing official or policeman shall be filed and retained by the municipality and shall be deemed to be a business record within the scope of C.G.S. § 52-180 and evidence of the facts contained therein. The presence of the issuing official or policeman shall be required at the hearing if such person so requests.
- C. A person wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. A designated municipal official, other than the hearing officer, may present evidence on behalf of the municipality. If such person fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances.

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- D. The hearing officer may accept from such person copies of police reports, investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is unnecessary.
- E. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he 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.
- F. The hearing officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the municipality.

§ 1-6. Record of assessment.

If such assessment is not paid on the date of its entry, the hearing officer shall send, by first class mail, a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the clerk of the Superior Court for the geographical area in which the municipality is located, together with an entry fee of \$8. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of \$8, against such person in favor of the municipality. Notwithstanding any other provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment, and a levy of execution on such judgment may issue without further notice to such person.

§ 1-7. Appeals.

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

ARTICLE II
Adoption of Code
[Adopted 12-20-1999]

§ 1-8. Adoption.

The compilation of the ordinances and regulations of the Town of Bethlehem, codified and consolidated into parts, chapters and sections in the form attached hereto and made a part

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hereof, is hereby approved, adopted, ordained and enacted as the "Code of the Town of Bethlehem, Connecticut," hereinafter called the "Code." All provisions contained in the compilation provided for herein and known as the "Code of the Town of Bethlehem" shall be in force and effect on and after the effective date of this ordinance.

§ 1-9. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those ordinances and regulations in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and regulations and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or regulation. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Meeting.

§ 1-10. Repeal of inconsistent ordinances.

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

§ 1-11. Severability.

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

§ 1-12. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Bethlehem and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Town Clerk of the Town of Bethlehem by impressing thereon the Seal of the Town of Bethlehem, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13. Amendments to Code.

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

§ 1-14. Gender-neutral language.

Whenever in the Code, in describing or referring to any person, party, matter or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and to apply to several persons or parties as well as to one person or party and to females as well as males, and to bodies corporate as well as individuals, and to several matters and things as well as one matter or thing.

§ 1-15. Code book to be kept up-to-date.

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Bethlehem required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all ordinances adopted by the Town Meeting subsequent to the enactment of this ordinance in such form as to indicate the intention of said Meeting to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes until such changes are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-16. Sale of Code book; supplementation.

Copies of the Code may be purchased from the Town Clerk of the Town of Bethlehem upon the payment of a fee to be set by resolution of the Board of Selectmen, which Board may also arrange by resolution for procedures for the periodic supplementation thereof.

§ 1-17. Penalties for tampering with Code.

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Bethlehem, or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Bethlehem to be misrepresented thereby, or who violates any other provision of this ordinance, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$100.

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§ 1-18. Changes in previously adopted legislation.

- A. In compiling and preparing the ordinances and regulations for publication as the Code of the Town of Bethlehem, no changes in the meaning or intent of such ordinances or regulations have been made, except as have been made by formal amendment thereto. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said ordinances and regulations, as authorized by the Town Meeting. It is the intention of the Town Meeting that all such changes be adopted as part of the Code as if the ordinances and regulations had been previously formally amended to read as such.
- B. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the legislation as it has been renumbered and appears in the Code.)¹

¹ Editor's Note: In accordance with § 1-18B, the chapters, articles and sections which were amended, deleted or adopted by this ordinance are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article I. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 12-20-1999." The ordinance, which contains a complete description of all changes, is on file in the town offices.

Chapter 5

AQUIFER PROTECTION AGENCY

[Adopted 5-01-2004]

§ 5-1. Statutory Authority

§ 5-2. Determination

§ 5-3. Designation and membership

§ 5-4. Regulations to be adopted

§ 5-5. Inventory of Land Use

§ 5-1. Statutory Authority.

Section 22a-354o of the Connecticut General Statutes ("CGS") provides that each municipality in which an aquifer protection area is located shall authorize by ordinance an existing board or commission to act as an aquifer protection agency.

§ 5-2. Determination.

It has been determined that it is in the best interest of the Town of Bethlehem to designate the Inland Wetlands Agency as the town's aquifer protection agency. Therefore, the Town Meeting of the Town of Bethlehem does ordain as follows.

§ 5-3. Designation and membership.

- A. In accordance with the provisions of CGS §22a-354a, *et. seq.*, the Inland Wetlands Agency is hereby designated as the Aquifer Protection Agency (hereinafter the "Agency") of the Town of Bethlehem. The staff of the Inland Wetlands Agency shall serve as the staff of the Agency.
- B. Members of the Inland Wetlands Agency shall serve coexisting terms on the Agency. The membership requirements of the Agency shall be the same as those of the Inland Wetlands Agency including, but not limited to the number of members, terms, method of selection and removal of members, and filing of vacancies.
- C. At least one member of the Agency or staff of the Agency shall complete the course in technical training formulated by the Commissioner of Environmental Protection of the State of Connecticut, pursuant to CGS § 22a-354v.

§ 5-4. Regulations to be adopted.

- A. The Agency shall adopt regulations in accordance with CGS § 22a-354p and R.C.S.A. § 22a-354i-3. Said regulations shall provide for:
 - (1) The manner in which boundaries of aquifer protection areas shall be established and amended or changed.
 - (2) Procedures for the regulation of activity within the area.
 - (3) The form for an application to conduct regulated activities within the area.
 - (4) Notice and publication requirements.

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- (5) Criteria and procedures for the review of applications.
- (6) Administration and enforcement.

§ 5-5. Inventory of Land Use.

- A In order to carry out the purposes of the Aquifer Protection Program, the Agency will conduct an inventory of land use within the area to assess potential contamination sources.
- B Not later than three months after approval by the Commissioner of the Connecticut Department of Environmental Protection of Level B Mapping of aquifers, the agency will inventory land uses overlying the mapped zone of contribution and recharge areas of such aquifers in accordance with the guidelines established by the Commissioner pursuant to CGS § 22a-354f. Such inventory shall be completed not more than one year after authorization of the Agency. [CGS § 22a-354e]

Attachments

- 1. CGS §22a-354p(b) & (f) and R.C.S.A. §22a-354i-3 Public Hearing and Notice Requirements for Adoption of Regulations and DEP Approval

AQUIFER PROTECTION AGENCY

Public Hearing and Notice Requirements of Adoption of Regulations, and DEP Approval

CGS §22a-354p(b) No regulations of an aquifer protection agency shall become effective or be established until after a public hearing in relation thereto is held by the agency at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in the form of a legal advertisement, appearing at least twice in a newspaper having a substantial circulation in the municipality at intervals of not less than two days, the first not more than twenty-five days nor less than fifteen days, and the last not less than two days, before such hearing, and a copy of such proposed regulation shall be filed in the office of the town, city or borough clerk, as the case may be, in such municipality, for public inspection at least ten days before such hearing and may be published in full in such paper. A copy of the notice and the proposed regulations or amendments thereto shall be provided to the Commissioner of Environmental Protection, the town clerk and any affected water company at least thirty-five days before such hearing. Such regulations may be from time to time amend, changed or repealed after a public hearing in relation thereto is held by the agency at which parties in interest and citizens shall have an opportunity to be heard and for which notice shall be published in the manner specified in this subsection. Regulations or changes therein shall become effective at such time as is fixed by the agency, provided a copy of such regulation or change shall be filed in the office of the town, city or borough clerk, as the case may be. Whenever an agency makes a change in regulations, it shall state upon its records the reason why the change was made. All petitions submitted in writing and in a form prescribed by the agency requesting a change in the regulations shall be considered at a public hearing in the manner provided for establishment of such regulations within ninety days after receipt of such petition. The agency shall act upon the changes requested in the petition within sixty days after the hearing. The petitioner may consent to extension of the periods provided for a hearing and for adoption or denial of may withdraw such petition.

CGS §22a-354p(f) Any regulations adopted by an agency under this section shall not be effective unless the Commissioner of Environmental Protection determines that such regulations are reasonably related to the purpose of groundwater protection and not inconsistent with the regulations adopted pursuant to section 22a-354i. A regulation adopted by a municipality shall not be deemed inconsistent if such regulation establishes a greater level of protection. The commissioner shall provide written notification to the agency or approval or the reasons such regulations cannot be approved within sixty days of receipt by the commissioner of the regulations adopted by the agency.

R.C.S.A. §22a-354i-3. Adoption of Municipal Regulations; Commissioner's Approval

- (a) Not later than six (6) months after a municipality receives notice from the Commissioner that a Level A mapping boundary is located in such municipality, the municipality aquifer protection agency thereof shall adopt regulations pursuant to section 22a-354p of the Connecticut General Statutes.
- (b) The Commissioner shall submit written notification of approval or disapproval of such regulations to the municipal aquifer protection agency pursuant to section 22a-354p(f) of the Connecticut General Statutes. If the Commissioner disapproves a municipal regulation, the municipal aquifer protection agency shall, not later than ninety (90) days after such disapproval, adopt and submit a revision that corrects and addresses the deficiencies identified by the Commissioner. The Commissioner shall consider such revised regulation in the same manner he considers a regulation submitted under this section.
- (c) Once a regulation becomes effective pursuant to section 22a-354p(f) of the Connecticut General Statutes, any amendments thereto shall only become effective with the Commissioner determines, in writing, that the amended regulation is reasonably related to ground water protection and is not inconsistent with the state aquifer protection regulations.

Attachment to Ordinance Concerning the Designation of the Inland Wetlands Agency as the Town's
Aquifer Protection Agency

Chapter 7

BIDDING

§ 7-1. Establishment of policy.

**[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem 1-12-1993.
Amendments noted where applicable.]**

§ 7-1. Establishment of policy.

It shall be an established policy applying to all Town of Bethlehem spending agencies that formal public bid procedures will be used for all purchases greater than \$5,000. For purchases within the range of \$2,500 to \$5,000, informal quotations will be obtained. Copies of all procedures (bids and quotations) will be retained on file. For purchases less than \$2,500, departmental procedures will be followed.

Chapter 10 BOARD, COMMITTEES AND COMMISSIONS

ARTICLE I Board of Finance

§10-1. Establishment.

ARTICLE II Conservation Commission

§10-2. Creation.
§10-3. Membership.
§10-4. Terms.

ARTICLE III Historic District Commission

§10-5. Establishment; statutory authority.
§10-6. Membership.
§10-7. Terms.
§10-8. District boundaries.
§10-9. Powers; rules and regulations.
§10-10. Enforcement.

ARTICLE IV Christmastown Festival Committee

§10-11. Appointment; adoption of bylaws.

ARTICLE V Assessor and Board of Assessment Appeals

§10-12. Appointment of Assessor;
Election of Board of Assessment Appeals

ARTICLE VI Memorial Hall Committee

§10-13. Confirmation of establishment of Committee.
§10-14. Terms.
§10-15. Filling of vacancies.
§10-16. Powers and duties.

ARTICLE VII Aviation Commission

§10-17. Creation.
§10-18. Membership.
§10-19. Appointment of members; vacancies; minority Representation.
§10-20. Powers and duties.

ARTICLE VIII Long Meadow Lake Management Committee

§10-21. Background.
§10-22. Intent.
§10-23. Established; appointment and terms of members; vacancies; Compensation.
§10-24. Officers; rules and regulations; meetings.
§10-25. Powers and duties.
§10-26. Annual report.
§10-27. Preparation of budget.
§10-28. Transition.

ARTICLE IX Parks and Recreation Commission

§10-28. Background.

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§10-30. Established; appointment and terms of members; vacancies; compensation.

§10-31. Officers; rules and regulations; meetings.

§10-32. Powers and duties.

§10-33. Authority to impose changes; disposition of funds from charges.

§10-34. Acceptance of gifts.

§10-35. Annual report.

§10-36. Preparation of budget.

§10-37. Transition

§10-38. Succession to rights and obligations of previous commission.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Board of Finance members on Retirement Board -- See
Ch. 38, Art I.
Aircraft -- see Ch. 52.

Long Meadow Lake -- See Ch. 93, Art II.
Parks, beaches and recreation facilities -- See Ch.
98, Art. II.

ARTICLE I

Board of Finance [Adopted 10-5-1959]

§10-1. Establishment.

A Board of Finance is established in the Town of Bethlehem pursuant to the provisions of C.G.S. §§ 7-340 and 9-202, which Board shall have all the powers and duties conferred upon Boards of Finance by state statute.

ARTICLE II

Conservation Commission [Adopted 4-15-1969; amended 1-18-2001]

§10-2. Creation.

A Conservation Commission for the Town of Bethlehem is hereby created, said Commission to Have all the powers and privileges and to be subject to the duties and limitations set forth in C.G.S. § 7-131A.

BOARD, COMMITTEES AND COMMISSIONS

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§10-8

§10-3. Membership.

Beginning on July 1, 2001, the Commission shall consist of five regular members and two Alternate members, who shall be appointed by the Board of Selectmen as hereinafter set forth.

§10-4. Terms.

- A. The terms of regular and alternate Commission members who were appointed prior to July 1, 2001, and whose terms were scheduled to expire after July 1, 2001, shall not be terminated or otherwise affected by this amendment.
- B. The Board of Selectmen shall appoint regular members and alternate members of the Commission to serve for three-year terms of office. Two regular members and one alternate member shall be appointed to the Commission for three-year terms beginning on July 1, 2001, two regular members and one alternate member shall be appointed to the Commission for three-year terms beginning on July 1, 2002. Regular or alternate members of the Commission shall thereafter be appointed for three-year terms commencing upon the expiration of the terms of other regular or alternate Commission members, as appropriate.

ARTICLE III

Historic District Commission

[Adopted at time of adoption of Code
(see Ch. 1, General Provisions, Art. II)]

§10-5. Establishment; statutory authority.

An Historic District Commission is hereby established in accordance with C.G.S. §§ 7-147a through 7-147k, as they may be amended from time to time.

§10-6. Membership.

The Historic District Commission shall consist of five members and three alternates who shall be electors of the Town of Bethlehem, holding no salaried municipal office. If persons living in the Historic District are willing to serve on the Commission, at least one of the five members of said Commission and one alternate shall be a resident living in the district.

§10-7. Terms.

The members and alternates shall be appointed by the Board of Selectmen for terms of five years.

§10-8. District boundaries.

Historic District No. 1 will consist of certain properties on Main Street North, Main Street South, East Street, Munter Lane and The Green commencing at the northern extremity of 9 Main Street North (Bellamy-Ferriday House) on the west side of Main Street North. (It also includes the property on Munger Lane which is part of the Bellamy-Ferriday property--21 Munger Lane.) It shall encompass the properties on the East side of Main Street North at 4 Main Street North (Museum--old town office building) on the east side of the street and extend eastward on East Street to include 15 East Street and on the south side of the street, 18 East Street. The district extends from the intersection of State Routes 61 and 132 southward on the east side of the street to 29 Main Street South (First Church minister's residence and on the west side of the street to 36 Main Street South (Town Hall) and includes the property on The Green (4 and 10 The Green).

§10-9. Powers; rules and regulations.

The Historic District Commission is empowered to act in accordance with C.G.S. §§ 7-147a through 7-147k, as they may be amended from time to time, and may draft rules, regulations and procedures by which its business will be conducted. Meeting minutes, and any rules, regulations and procedures instituted by the Historic District Commission, shall be on file in the office of the Town Clerk in accordance with state statutes.

§10-10. Enforcement.

The Board of Selectmen is designated as the Commission's enforcement officer. Enforcement will be processed in the Litchfield Superior Court.

ARTICLE IV

Christmastown Festival Committee

[Adopted 1-25-1983; amended 7-18-1983; 5-22-1986]

§10-11. Appointment; adoption of bylaws.

The Board of Selectmen is authorized to appoint a Christmastown Festival Committee to continue the Christmastown Festival with proceeds used to offset the capital, operations and maintenance expense of Memorial Hall. The Christmastown Festival Committee is authorized to adopt bylaws.

ARTICLE V

Assesor and Board of Assessment Appeals

[Adopted 3-7-1983; amended 1-18-2001]

§10-12. Appointment of Assessor; Election of Board of Assessment Appeals.

- A. There shall be one Assessor for the Town of Bethlehem. The Board of Selectmen shall appoint the Assessor and shall establish and provide for the Assessor's term of office, qualifications and compensation.
- B. The Board of Assessment Appeals shall consist of three members, who shall be elected at the time of the regular Town elections for terms of four years in accordance with the provisions of C.G.S. § 9-199. Electors of the Town of Bethlehem shall be entitled to vote for the full number of members of the Board of Assessment Appeals to be elected at any Town election.

ARTICLE VI

Memorial Hall Committee

[Adopted 3-5-1945 amended 9-12-1988; amended in its entirety
at time of adoption of Code
(see Ch. 1, General Provisions, Art. II)]

§ 10-13. Confirmation of establishment of Committee.

A Memorial Hall Committee is hereby reconfirmed as established by resolution adopted March 5, 1945, as amended September 12, 1988, which shall consist of six members.

§ 10-14. Terms.

The members of the Memorial Hall Committee shall serve for terms of four years, on a rotating basis, two members being elected at each biennial municipal election as terms expire.

§ 10-15. Filling of vacancies.

Vacancies shall be filled by the Board of Selectmen to serve until the next municipal election.

§ 10-16. Powers and duties.

A. The Memorial Hall Committee shall:

- (1) Be responsible for setting general policies under which Memorial Hall shall be operated.
- (2) Establish rules and regulations for the use of Memorial Hall.
- (3) Assist in the selection process of new employees as directed by the Board of Selectmen.
- (4) Submit to the Board of Finance annually a budget for the ensuing year at such time and in such form as the Board of Finance shall prescribe.
- (5) Be responsible for planning and supervising the expenditure of all funds appropriated to Memorial Hall or accrued to it from other sources.
- (6) Perform an annual inventory by June 30.
- (7) Determine amounts to be withheld from users' deposits to correct abuses, according to the damage/abuse resulting from events held in Memorial Hall that exceed normal wear and tear. The Committee in its sole discretion may withhold an entire deposit in cases of repeated flagrant abuse.
- (8) Prepare and maintain an up-to-date set of bylaws.

B. The Chair will transmit an annual report to the Board of Finance at the end of each fiscal year.

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ARTICLE VII
Aviation Commission
[Adopted 2-8-1993]

§ 10-17. Creation.

There is created a Bethlehem Aviation Commission pursuant to the authority vested in the town by C.G.S. § 15-80 as amended.

§ 10-18. Membership.

Bethlehem Aviation Commission shall consist of five members who shall be electors in said town, each to serve terms of three years, except that said terms shall be staggered and the initial terms shall be one commissioner for one year, two commissioners for two years and two commissioners for three years.

§ 10-19. Appointment of members; vacancies; minority representation.

The members of said Bethlehem Aviation Commission shall be appointed by the Board of Selectmen which shall also fill vacancies on said Commission. Said appointments, including the filling of vacancies, shall follow the statutory mandate for minority representation.

§ 10-20. Powers and duties.

The Bethlehem Aviation Commission shall administer such ordinances as may, from time to time be enacted, concerning airports, landing fields and aeronautics. Said Commission shall also study the needs of the town with regard to airports, landing fields and aeronautics and may recommend ordinances pertaining to said needs to the Town Meeting.

ARTICLE VIII
Long Meadow Lake Management Committee
[Adopted 1-26-1999, Amended 7-22-2002]

§ 10-21. Background.

On October 1, 1951, the Long Meadow Lake Committee was established. Not until October 4, 1965, was a Recreation Commission established, so the Long Meadow Lake Committee not only had responsibility for coordinating with the Department of Environmental Protection and acting as the town's agent for quality of the water and control of algae and aquatic weeds, but had general responsibility of the beach and collocated passive recreation area, which included the hiring and supervision of lifeguards and maintaining the dam, beach and waterfront area. When the Recreation Commission was established, the Long Meadow Lake Committee continued to carry out this recreational activity.

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§ 10-22. Intent.

It is the intent of this article to document and redefine the responsibilities of a committee charged with the maintenance of water quality and acting as the town's agent in cooperation with the Commissioner of Environmental Protection in control and abatement of algae and aquatic weeds and general management of the lake and its earthen dam. All basic recreation functions of the past Long Meadow Lake Committee are transferred to the Town of Bethlehem Parks and Recreation Commission.

§ 10-23. Established; appointment and terms of members; vacancies; compensation (Amended 5-23-2006)

- A. There is established in the Town of Bethlehem a Long Meadow Lake Management Committee consisting of eight members and one alternate member. Members and alternates will be electors of the town or citizens qualified to vote in Town Meetings. Members and alternates are to be appointed by the Board of Selectmen for terms of 4 years on a rotating basis.
- B. All vacancies shall be filled by the Board of Selectmen for the unexpired term of the vacating member(s). Members and alternates of the committee shall serve without pay but shall be reimbursed for necessary expenses incurred in the performance of their office and duties.

§ 10-24. Officers; rules and regulations; meetings.

The members of the Long Meadow Lake Management Committee shall elect their own Chairman, Vice Chairman and Secretary and any other necessary officers who shall serve for a period of one year or until a successor is elected and qualified. The Committee shall have the power to adopt rules and regulations for the conduct of meetings. A majority of the appointed members shall constitute a quorum, and the Committee shall hold regular meetings at least once a month from March through September. Special meetings may be called by the Chairman at any time and shall be called upon the request of any two members. Minutes of all meetings including reports of lack of quorum must be filed in a timely manner with the Town Clerk in accordance with state statutes.

§ 10-25. Powers and duties.

- A. The powers and duties of the Long Meadow Lake Management Committee shall be exercised and performed as provided in this article and in conformity with other ordinances of the town and the statutes of the state.
- B. The Long Meadow Lake Management Committee shall:

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- (1) Act as the agent of the town in cooperation with the Commissioner of Environmental Protection in control and abatement of algae, aquatic weeds, sediment accumulations, erosion, runoff, fisheries and recreational boating use.
- (2) Maintain the water quality of the lake, coordinating with Torrington Area Health District for the testing of water, particularly in the area of the town's recreational beach.
- (3) Provide general management of the lake and its earthen dam.
- (4) Act as agent for the town with respect to filing applications for grants and reimbursements with the Department of Environmental Protection and other state agencies in connection with state and federal programs.
- (5) In conjunction with the Parks and Recreation Commission and the Board of Selectmen, prepare rules and regulations regarding the use of Long Meadow Lake.

§ 10-26. Annual report.

The Long Meadow Lake Management Committee shall prepare and transmit to the Board of Finance a report of its activities for each fiscal year. Such report shall be received by the Board of Finance no later than the 15th day of August of each year.

§ 10-28. Preparation of Budget.

The Long Meadow Lake Management Committee shall file with the Board of Finance no later than March 1 of each year, on forms prescribed by the Board of Finance, detailed estimates of proposed expenditures for the ensuing fiscal year.

§ 10-28. Transition.

All members of the present Long Meadow Lake Committee holding office upon the effective date of this article shall continue to hold such office in the Long Meadow Lake Management Committee until their terms expire March 1999 or upon resignation or death. Any appointments made after the effective date of this article shall be made in accordance with the terms hereof.

ARTICLE IX

Parks and Recreation Commission
[Adopted 1-26-1999; amended 7-22-2002]

§ 10-29. Background.

On October 1, 1951, the Long Meadow Lake Committee was established. Along with maintenance of the lake quality, the Long Meadow Lake Committee was responsible for recreation programs associated with the beach and surrounding area. On October 4, 1965, a Recreation Commission was established; however, the Long Meadow Lake Committee continued to carry out the recreational functions that had evolved in the past. Through the years the park maintenance responsibility evolved to the Board of Selectmen through the Public

Works Department (formerly Roads and Bridges). The intent of this article is to combine all of these park maintenance and recreation functions into a Parks and Recreation Commission.

§ 10-30. Established; appointment and terms of members; vacancies; compensation.

Except as modified by § 10-37 of this article, there is hereby established in the town a Parks and Recreation Commission consisting of 11 electors of the town appointed by the Board of Selectmen. Members shall be appointed for terms of four years on a rotating basis as terms expire in the month of May. All vacancies shall be filled by the Board of Selectmen for the unexpired term of the vacating member. Members of the Commission shall serve without pay but shall be reimbursed for necessary expenses incurred in the performance of their office and duties.

§ 10-31. Officers; rules and regulations; meetings.

The members of the Parks and Recreation Commission shall elect their own Chairman, Vice Chairman and Secretary and any other necessary officers who shall serve for a period of one year or until a successor is elected and qualified. The Commission shall have the power to adopt rules and regulations for the conduct of its meetings. A majority of the appointed members shall constitute a quorum, and the Commission shall hold regular meetings at least once a month. Special meetings may be called by the Chairman at any time and shall be called upon the request of any three members. Minutes of all meetings including reports of lack of quorum must be filed in a timely manner with the Town Clerk in accordance with state statutes.

§ 10-32. Powers and duties.

- A. The powers and duties of the Parks and Recreation Commission shall be exercised and performed as provided in this article and in conformity with other ordinances of the town and the statutes of the state.
- B. The Parks and Recreation Commission shall:
 - (1) Have the duty to create and organize recreational programs and policies for the benefit of the residents of the Town of Bethlehem with equal emphasis as to age and sex insofar as it is practical. This duty may be exercised through coordination with local single-purpose nonprofit organizations, such as Bethlehem Baseball and Woodbury-Bethlehem Youth Soccer.
 - (2) Be responsible for the supervision of any real property, recreational building or equipment owned by the Town of Bethlehem. Such real property includes the town property contiguous to Long Meadow Lake, all ball fields, tennis courts, basketball courts, volleyball courts, North and South Green, the woodland area west of the Little League field and all lawn areas surrounding the town buildings.
 - (3) In conjunction with the Board of Selectmen, prepare rules and regulations for use and care of any real property, recreational building, apparatus and equipment owned by the Town of Bethlehem.

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- (4) In conjunction with the Long Meadow Lake Management Committee and the Board of Selectmen, prepare rules and regulations regarding the use of Long Meadow Lake.
- (5) Hire and provide supervision for the personnel in the field of recreation such as a Recreation Director, a Waterfront Director, lifeguards, swimming instructors, etc.

§ 10-33. Authority to impose charges; disposition of funds from charges.

The Parks and Recreation Commission shall have the authority to make reasonable charges for any programs and for the use of facilities for amusement, entertainment, refreshments or transportation of the public as provided. All sums received from such charges shall be paid over to the Town Treasurer as revenues of the town.

§ 10-34. Acceptance of gifts.

The Parks and Recreation Commission shall be authorized to consider the acceptance of gifts, donations or devises of land or other personal or real property for park and recreational purposes, and may recommend to the town the acceptance or rejection thereof.

§ 10-35. Annual report.

The Parks and Recreation Commission shall prepare and transmit to the Board of Finance a report of its activities for each fiscal year. Such report shall be received by the Board of Finance no later then the 15th day of August of each year.

§ 10-36. Preparation of budget.

The Parks and Recreation Commission shall file with the Board of Finance no later than March 1 of each year, on forms prescribed by the Board of Finance, detailed estimates of proposed expenditures and receipts for the ensuing fiscal year.

§ 10-37. Transition.

- A. All members of the present Recreation Commission holding office upon the effective date of this article shall continue to hold such office in the Parks and Recreation Commission until their terms expire or upon their resignation or death. Any appointments made after the effective date of this article shall be made in accordance with the terms hereof.
- B. The fiscal year 1999/2000 and subsequent fiscal years Parks and Recreation Commission budget shall consist of:
 - (1) Recreation (reimbursed) expenses (same as past years).
 - (2) Recreation (reimbursed) revenues (same as past years).
 - (3) Recreation (town cost) expenses which will consist of the past year's budget accounts of:

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- (a) Recreation (town cost) expense; and
- (b) Town land maintenance expenses.

§ 10-38. Succession to rights and obligations of previous Commission.⁶

The Parks and Recreation Commission hereby created shall succeed to all the rights, obligations, liabilities, contracts, privileges and undertakings of any previous Recreation Commission or recreation function of the Long Meadow Lake Committee.

⁶ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Chapter 14 CONSTABLES

- § 14-1. Appointment in lieu of election.** **§ 14-3. Purpose.**
§ 14-2. Terms.

**[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem 7-18-1983.
Amendments noted where applicable.]**

§ 14-1. Appointment in lieu of election.

Pursuant to C.G.S. § 9-185, the Board of Selectmen shall have the authority and discretion to appoint Constables in lieu of Constables to have been elected under C.G.S. § 9-200.

§ 14-2. Terms.

Each appointment shall be on terms satisfactory to the Board of Selectmen, except that the period for which said Constables shall be appointed shall not exceed that period for which said Constables would have been eligible to serve if elected.

§ 14-3. Purpose.

The purpose of this chapter is to confer upon the Board of Selectmen the sole power to fill the office of Constable, and during the period that this chapter is in effect, no Constable shall be elected.

Chapter 19

ELECTED OFFICIALS, COUNCIL OF

**§ 19-1. Membership in Central
Naugatuck Valley Council.**

**[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem 11-24-1970.
Amendments noted where applicable.]**

GENERAL REFERENCES

Boards, committees and commissions — See Ch. 10.

§ 19-1. Membership in Central Naugatuck Valley Council.

The town hereby elects to become a member of the Regional Council of Elected Officials of Central Naugatuck Valley.

Chapter 23

FUNDS

ARTICLE I

Capital and Nonrecurring Reserve Fund Town of Bethlehem Land Acquisition Fund

§ 23-1. Creation of fund.

§ 23-2. Creation of fund.

§ 23-3. Use and purposes.

ARTICLE II

(ABOLISHED 6-13-2006)

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Capital and Nonrecurring Reserve Fund

[Adopted 3-18-1949]

§ 23-1. Creation of fund.

A reserve fund for capital and nonrecurring expenditures shall be created.

ARTICLE II

Preservation of Open Land Fund

[Adopted 5-18-2000, Abolished 6-13-2006]

(There are no sections 23-2 or 23-3.)

ARTICLE III

Town of Bethlehem Land Acquisition Fund

[Adopted 6-13-2006]

§ 23-4. Creation of fund.

A special fund, which shall be known as "Town of Bethlehem Land Acquisition Fund" (hereinafter referred to as the "fund") is hereby established pursuant to C.G.S. § 7-131r. Moneys that had previously been appropriated for the now abolished "Preservation of Open Land Fund" are now transferred to this fund.

§ 23-5. Use and purposes.

Moneys may be deposited into the fund, invested, appropriated from the fund and used solely in accordance with, and for the purposes set forth in C.G.S. § 7-131r, as it may be amended.

Chapter 27

INLAND WETLANDS AGENCY

- § 27-1. Creation; powers and duties. § 27-3. Vacancies.
§ 27-2. Membership and terms.

**[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem 7-18-1983.
Amendments noted where applicable.]**

GENERAL REFERENCES

Earth materials — See Ch. 75.

§ 27-1. Creation; powers and duties.

In accordance with C.G.S. § 22a-42, there is hereby created for the Town of Bethlehem an Inland Wetlands Agency, with all the powers and duties specified in Chapter 440 of the Connecticut General Statutes.

§ 27-2. Membership and terms. [Amended 5-14-1985]

- A. The Inland Wetlands Agency shall consist of seven members and three alternates who shall be electors of the Town of Bethlehem. They shall be first appointed by the Board of Selectmen to serve until the next municipal election at which time two members shall be elected for one-year terms, two members shall be elected to two-year terms, and three members shall be elected to three-year terms.
- B. At said time three alternates shall also be elected one for a term of one year, one for a term of two years and one for a term of three years.
- C. Each subsequent term for members and alternates shall be for three years.

§ 27-3. Vacancies.

Vacancies shall be filled by the agency until the next municipal election.¹

¹ Editor's Note: Original Section 5, which immediately followed this section and dealt with the existing regulations of the Conservation Commission was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Chapter 30 JUSTICES OF THE PEACE

§ 30-1. Number of Justices.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem 3-28-1960; amended 7-27-1992; 5-16-1996. Amendments noted where applicable.]

§ 30-1.¹ Number of Justices.

The Town of Bethlehem sets the number of Justices of the Peace at 15 pursuant to C.G.S. § 9-183a.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Chapter 34 OFFICERS AND EMPLOYEES

ARTICLE I Municipal Demolition Administrative Officer

§ 34-1. Appointment.

ARTICLE II Volunteer Firemen

§ 34-2. Answering alarms during working hours.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Municipal Demolition Administrative Officer [Adopted 5-17-1983]

§ 34-1. Appointment.

Pursuant to C.G.S. § 29-404, the Town of Bethlehem, acting herein by its legislative body, the Town Meeting, hereby appoints the Building Official as its Municipal Demolition Administrative Officer to administer C.G.S. §§ 29-406 to 29-413, inclusive.

ARTICLE II Volunteer Firemen [Adopted 10-3-1967]

§ 34-2. Answering alarms during working hours.

Volunteer firemen who are also employed by the Town of Bethlehem shall be allowed to answer fire alarms during working hours without loss of pay. This, of course, providing their leaving the work area would not cause danger to persons or property or be a hazard to the public. They would be released from fire duty at the discretion of the officer in charge at the fire scene.

Chapter 38 PERSONNEL POLICIES

ARTICLE I Pension and Retirement System

- § 38-1. Establishment of system.
- § 38-2. Definitions.
- § 38-3. Retirement Board.
- § 38-4. Powers of Retirement Board.
- § 38-5. Agreements authorized.
- § 38-6. Financing.
- § 38-7. Retroactive nature of certain regulations and agreements.
- § 38-8. Changes in agreements and regulations.

ARTICLE II Tenure for Town Employees

- § 38-9. Definitions.
- § 38-10. Duties and compensation of hired employees.
- § 38-11. Probationary period.
- § 38-12. Discharge.
- § 38-13. Appeals.
- § 38-14. Compensation of employees discharged then reinstated.
- § 38-15. Retroactive nature of article.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 34.

ARTICLE I Pension and Retirement System [Adopted 8-26-1969]

§ 38-1. Establishment of system.

The Town of Bethlehem hereby establishes a pension and retirement system under the provisions of Public Act 642 of the 1967 session of the General Assembly of the State of Connecticut for the full time employees of the town and their beneficiaries.

§ 38-2. Definitions.

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

EMPLOYEES — Persons hired and employed by the Town of Bethlehem on a full-time basis, excluding all elected officials and persons appointed by the town to serve without compensation.

§ 38-3

BETHLEHEM CODE

§ 38-8

§ 38-3. Retirement Board.

The pension and retirement system of the Town of Bethlehem shall be administered by a Retirement Board of five members, composed of the Board of Selectmen of the Town of Bethlehem and two members elected annually by and from the membership of the Board of Finance of the Town of Bethlehem.

§ 38-4. Powers of Retirement Board.

The Retirement Board of the town is hereby authorized to establish, maintain and administer a retirement system for employees of the town and their beneficiaries. Said Board is further authorized to adopt regulations as to eligibility, retirement age, benefits and life insurance. Said Board is further authorized to appoint such committees, agencies and trustees as it shall deem proper for the establishment, maintenance and administration of said system.

§ 38-5. Agreements authorized.

Said Retirement Board is hereby authorized to enter into an agreement with such financially sound corporation or corporations for the establishment, maintenance and administration of said retirement system.

§ 38-6. Financing.¹

Said system shall be financed by appropriations by the town, said money to be obtained from tax anticipation notes. Any regulations or agreements made hereunder shall be based upon an annual appropriation in said amount to be increased only as may be required by future increases in salary and wages and in numbers of employees.

§ 38-7. Retroactive nature of certain regulations and agreements.

Any regulation adopted and any agreement entered into shall be effective retroactive to July 1, 1969.

§ 38-8. Changes in agreements and regulations.

The Retirement Board and its successors are hereby authorized and empowered to make such changes in the agreement and regulations as they may deem proper, provided that any increase in the amount to be paid by the town shall not involve any expenditure exceeding that appropriated for such purpose.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 38-9

PERSONNEL POLICIES

§ 38-13

ARTICLE II
Tenure for Town Employees
[Adopted 3-19-1970]

§ 38-9. Definitions.

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

CAUSE — Includes dishonesty, inefficiency, chronic absenteeism, insubordination and incompetence or inability to perform assigned duties.

EMPLOYEE — Persons hired and employed by the Town of Bethlehem on a full-time basis. Excluded are all elected officials and persons appointed by the town to serve without compensation.

EMPLOYEE APPEALS BOARD — A three member panel elected by the town to serve a four-year term. No member of the Board of Selectmen and no town employee may be a member of the Employee Appeals Board. Any vacancy shall be filled by appointment by the Board of Selectmen to fill the unexpired term.

PERMANENT EMPLOYEE — An employee who has completed more than one year of continuous service.

PROBATIONARY EMPLOYEE — An employee who has not completed one year of continuous service.

§ 38-10. Duties and compensation of hired employees.

Each employee hired by the Town of Bethlehem shall be hired for such duties and paid such compensation as the Board of Selectmen shall describe.

§ 38-11. Probationary period.

Each employee shall serve a period of one year as a probationary employee during which time he may be discharged with or without cause.

§ 38-12. Discharge.

No permanent employee shall be discharged by the town except for cause.

§ 38-13. Appeals.

Any permanent employee discharged from employment by the Board of Selectmen shall be entitled to make an appeal, within 10 days, for a public hearing before an appeal board. The board may within five days sustain the appeal, in which case the town shall restore the employee to the position he held before discharge, or the board may, finding the discharge was for cause, deny the appeal.

§ 38-14

BETHLEHEM CODE

§ 38-15

§ 38-14. Compensation of employees discharged then reinstated.

Any employee discharged and subsequently reinstated under the provisions of this article shall be paid his normal daily rate of pay, per day, retroactive to the date of his discharge.

§ 38-15. Retroactive nature of article.

This article to be retroactive for all current employees to the date of their employment.

Chapter 42 PLANNING

ARTICLE I Planning Commission

§ 42-1. Establishment; powers and duties.

§ 42-2. Membership; alternates.

§ 42-3. Vacancies.

§ 42-4. Officers; rules; records.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Planning Commission [Adopted 10-12-1954; amended in its entirety 12-20-1999]

§ 42-1. Establishment; powers and duties.

A Planning Commission is hereby established in accordance with Chapter 126 of the Connecticut General Statutes, such Commission to have all the powers and duties set forth in said statutes.

§ 42-2. Membership; alternates.

- A. The Planning Commission shall consist of five members who shall be electors of the Town of Bethlehem holding no salaried town office. They shall serve for terms of five years, on a rotating basis, elected at each biennial municipal election. The First Selectman shall be an ex-officio member of the Commission with the same rights as regular members, except that the First Selectman will have no voting privileges.
- B. Three alternate members of the Planning Commission who shall be electors of the Town of Bethlehem holding no salaried town office shall be elected and serve for terms of three years, on a rotating basis, elected at each biennial municipal election. If a regular member of the Planning Commission is absent or is disqualified, the Chair of the Commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

§ 42-3. Vacancies.

Vacancies shall be filled by the Commission for the unexpired portion of the term.

§ 42-4

BETHLEHEM CODE

§ 42-4

§ 42-4. Officers; rules; records.

The Commission shall elect annually a Chairman and a Secretary from its members, shall from time to time adopt rules for the transaction of its business and shall keep a public record of its activities on file with the Town Clerk.

Chapter 45

REGIONAL SCHOOL DISTRICT

§ 45-1. Regional School District Fourteen.

**[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem 5-20-1968.
Amendments noted where applicable.]**

§ 45-1. Regional School District Fourteen.

The Town of Bethlehem and the Town of Woodbury join in the establishment of a regional school district with the schools located in the Towns of Bethlehem and Woodbury for the purpose of providing the necessary facilities and administering grades kindergarten through 12 of the public schools.

PART II

GENERAL

LEGISLATION

Chapter 52 AIRCRAFT

ARTICLE I Helicopters

- § 52-1. Taking off and landing.
- § 52-2. Penalties for offenses.

ARTICLE II Fixed-Wing Aircraft

- § 52-3. Taking off and landing.
- § 52-4. Penalties for offenses.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Aviation Commission — See Ch. 10, Art. VII.

ARTICLE I Helicopters [Adopted 4-27-1993]

§ 52-1. Taking off and landing.

The taking off or landing of helicopters (rotor craft) in the Town of Bethlehem is hereby prohibited, except as follows:

- A. In emergencies.
- B. By federal, state or local government officials or their authorized agents in the exercise of governmental responsibility.
- C. For public purposes when authorized by a permit issued by the town's Aviation Commission.

§ 52-2. Penalties for offenses.

A fine of \$500 shall be imposed for each violation hereof, and the Aviation Commission or the Board of Selectmen is authorized to enforce this article by notice, cease-and-desist order, court order or such other lawful means as the said Aviation Commission or Board of Selectmen possesses.

§ 52-3

BETHLEHEM CODE

§ 52-4

ARTICLE II
Fixed-Wing Aircraft
[Adopted 6-30-1993]

§ 52-3. Taking off and landing.

The taking off or landing of fixed wing aircraft in the Town of Bethlehem is hereby prohibited, except as follows:

- A. In emergencies.
- B. By federal, state or local government officials or their authorized agents in the exercise of governmental responsibility.
- C. For public purposes when authorized by a permit issued by the Town of Bethlehem Aviation Commission.

§ 52-4. Penalties for offenses.

A fine of \$100 shall be imposed for each violation hereof.

Chapter 54 ALARM SYSTEMS

- | | |
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| <p>§ 54-1. Purpose.</p> <p>§ 54-2. Definitions.</p> <p>§ 54-3. Registration of new and existing systems.</p> <p>§ 54-4. Existing automatic telephone dialing devices.</p> | <p>§ 54-5. Programming of devices.</p> <p>§ 54-6. Devices limiting duration of audible alarm required.</p> <p>§ 54-7. False alarms; exemptions.</p> <p>§ 54-8. Penalties for offenses.</p> |
|---|--|

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem 3-14-1995. Amendments noted where applicable.]

§ 54-1. Purpose.

It is the intent and purpose of this chapter to provide minimum standards and regulations applicable to users and installers of burglar, fire, holdup and automatic telephone dialer alarms within the Town of Bethlehem and to provide penalties for noncompliance.

§ 54-2. Definitions.

The following definitions apply to this chapter:

ALARM SYSTEM — An assembly of equipment and devices (or a single device, such as solid-state unit, which may operate from a one-hundred-ten-volt AC line) arranged to signal the presence of a hazard requiring urgent attention to which police or fire departments or other emergency personnel are expected to respond. This includes all burglar alarms, fire alarms, holdup alarms and automatic telephone dialer alarms, except smoke detectors which do not signal outside an alarmed premises or alarm systems on motor vehicles.

ALARM USER — Any person, firm or corporation on whose premises any alarm system is maintained within the Town of Bethlehem.

AUTOMATIC TELEPHONE DIALING DEVICE — An alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

FALSE ALARM — The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or his employees or agents. This does not include alarms caused by stormy weather, earthquakes, power outages or other normally infrequent violent conditions or acts of God. Excluded from this section are false alarms that are transmitted with criminal, malicious or mischievous intent.

§ 54-3

BETHLEHEM CODE

§ 54-8

§ 54-3. Registration of new and existing systems.

Any person, firm or corporation installing an alarm system within the Town of Bethlehem shall register with the Bethlehem resident state trooper at least 10 days prior to the anticipated installation. All existing alarm systems shall be registered with the Bethlehem resident state trooper within 60 days of the effective date of this chapter.

§ 54-4. Existing automatic telephone dialing devices.

Alarm users having existing automatic telephone dialing devices shall comply with C.G.S. § 7-282b, as the same may be amended from time to time.

§ 54-5. Programming of devices.

Automatic telephone dialing devices shall be programmed to a central station and shall not terminate at either the Bethlehem resident state trooper's office or state police barracks. An automatic telephone dialing service shall not be programmed to dial 911.

§ 54-6. Devices limiting duration of audible alarm required.

All alarm systems, as defined in this chapter, which sound an audible signal which may be heard outside of the protected premises, shall be equipped with a device which shall limit the duration of such signal to not more than 30 minutes.

§ 54-7. False alarms; exemptions.¹

A maximum of three false alarms per calendar year shall be allowed from any alarm system or any person, firm or corporation. All new systems installed in accordance with this chapter shall be exempt from the penalty provisions for a period of one month from date of installation. Alarms originating from any building owned or operated by the Town of Bethlehem shall be exempt from the requirements of §§ 54-3 through 54-6. The resident state trooper and the Fire Marshal shall submit the names of owners of alarms having more than three false alarms in a calendar year to the First Selectman, who will then consider taking action in accordance with Chapter 1, General Provisions, Article I, Citation Hearing Procedure.

§ 54-8. Penalties for offenses.

- A. Any person, firm or corporation found to be in violation of § 54-5 shall be subject to a fine of \$100.
- B. Any person, firm or corporation found to be in violation of § 54-7 herein shall be subject to a fine of \$50 for each violation.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 54-8

ALARM SYSTEMS

§ 54-8

- C. Any person, firm or corporation found to be in violation of any other provision herein shall be subject to a fine of \$25.
- D. Any person, firm or corporation who fails to pay any fine assessed in accordance with this section within 30 days after its assessment shall be subject to an additional fine of \$100. For the purposes of this Subsection D, each delinquent fine shall be a separate offense.
- E. Said fines shall be paid in person or by mail to the Town of Bethlehem.

Chapter 57 ALCOHOLIC BEVERAGES

ARTICLE I Hours

§ 57-2. Holiday hours.

§ 57-1. Sales, dispensing and consumption in places operating under certain types of permits.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages in parks and beaches — See Ch. 98,
Art. II.

ARTICLE I Hours [Adopted 8-11-1988]

§ 57-1. Sales, dispensing and consumption in places operating under certain types of permits.

The sales or the dispensing or consumption or the presence in glasses or other suitable receptacles suitable to permit the consumption of alcoholic liquor by an individual in places operating under hotel permits, hotel permits for beer only, resort permits, tavern permits, restaurant permits, restaurant permit for beer only, restaurant permit for wine and beer only, cafe permits, restaurant permits for catering establishments, bowling establishment permits, university permits, racquetball facility permits, club permits, special club permits for picnics, nonprofit club permits, coliseum permits, coliseum concession permits, concession permits, special sporting facility guest permits, special sporting facility restaurant permits, special sporting facility concession permits, special sporting facility bar permits, airport restaurant permits, airport bar permits and an airport airline club permits shall be unlawful from 11:00 p.m. on Saturday until 12:00 noon Sunday; and such sale or dispensing or consumption or the presence in glasses or other suitable receptacles suitable to permit the consumption of alcoholic liquor by an individual shall be unlawful on any other day between the hours of 11:00 p.m. and 9:00 a.m. of the next succeeding day.

§ 57-2. Holiday hours.

Notwithstanding any other provision of this article to the contrary, such sale shall be lawful on December 31 until midnight, and on January first until 2:00 a.m.

Chapter 60 BAZAARS AND RAFFLES

§ 60-1. Adoption of statutory provisions.

**[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem 6-20-1988.
Amendments noted where applicable.]**

§ 60-1. Adoption of statutory provisions.¹

The Town of Bethlehem adopts the provisions of C.G.S. §§ 7-170 through 7-186, as may be amended by the General Assembly from time to time, to govern the operation of bazaars and raffles in the Town of Bethlehem.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Chapter 64

BUILDING CONSTRUCTION

ARTICLE I Penalties for Building Code Violations

§ 64-1. Violations of State Building Code.

§ 64-2. Violations of local administrative regulations.

§ 64-3. Enforcement.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Demolition Administrative Officer — See Ch. 34, Art. I. Street numbering — See Ch. 116.
Flood damage prevention — See Ch. 84.

ARTICLE I Penalties for Building Code Violations [Adopted 5-9-1972; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 64-1. Violations of State Building Code.

Any person who shall violate any provision of the State Building Code or the requirements thereof shall be punished as provided in C.G.S. § 29-254a.¹

§ 64-2. Violations of local administrative regulations.

Any person who 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 State Building Code, or who shall continue any work in or about a building after having been served with a stop order, except such work as he or she is directed to perform to remove a violation or unsafe condition, shall be punished by a fine of not to exceed \$100. Each day any such violation shall continue or each act in violation shall constitute a separate offense.

§ 64-3. Enforcement.

The chapter has been specifically designated for enforcement by citations issued by the designated municipal officers or employees, and the citation hearing procedure established in Chapter 1, General Provisions, Article I, Citation Hearing Procedure, shall be followed.

¹ Editor's Note: Pursuant to C.G.S. § 29-253, the State Building Code is applicable in the Town of Bethlehem.

Chapter 66 BURNING, OPEN

§ 66-1. Permit required.

§ 66-2. Burning regulations.

§ 66-3. Order to extinguish dangerous fires.

§ 66-4. Penalties for offenses.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem 3-19-1970; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Subsequent amendments noted where applicable.]

§ 66-1. Permit required.

No person shall burn in the open within the boundaries of the Town of Bethlehem, unless he has first obtained a permit from the Open Burning Official.

§ 66-2. Burning regulations.

The Open Burning Official will issue permits on days that are not termed "high hazard days" by the State Forest Service. Burning must be done in a safe place, and the fire must be attended at all times. The fire must be fully extinguished before it is left.

§ 66-3. Order to extinguish dangerous fires.

The Open Burning Official, the Fire Marshal or the Fire Chief (or the Assistant Chiefs in his absence) may order any fire extinguished that they consider to be a danger to life, limb or property.

§ 66-4. Penalties for offenses.

Anyone violating this chapter may be fined not more than \$100.

Chapter 75 EARTH MATERIALS

ARTICLE I General Provisions

- § 75-1. Title.
- § 75-2. Purpose.
- § 75-3. Definitions.
- § 75-4. Applicability; exemptions.
- § 75-5. Permit required.
- § 75-6. Application procedure.
- § 75-7. Initial permit.
- § 75-8. Renewal procedure.
- § 75-9. Revocation of permit.

ARTICLE II Regulations

- § 75-10. Operation procedures and Standards
- § 75-11. Restoration of excavated areas.
- § 75-12. Failure to work and restore site.
- § 75-13. Reduction of bond.

**[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem 4-11-1977.
Amendments noted where applicable]**

GENERAL REFERENCES

Inland Wetlands Agency – See Ch. 27.
Flood damage prevention – See Ch. 84

Watercourses – See Ch. 132.

ARTICLE III Rock Quarries

- § 75-14. Applicability
- § 75-15. Exceptions
- § 75-16. Fencing
- § 75-17. Site restoration
- § 75-18. Protection of ridge lines
- § 75-19. Reduction of bond.

ARTICLE IV Miscellaneous Provisions

- § 75-20. Modification of plans after approval
- § 75-21. Penalties for offenses.
- § 75-22. Improvement of Sub-Standard Town Roads
(Amended 5-17-2007)

ARTICLE I General Provisions

- § 75-1. Title.

This chapter shall be known and may be cited as the “Earth Materials Ordinance of the Town of Bethlehem.”

- § 75-2. Purpose.

This chapter shall be construed and applied to promote its underlying purposes and policies which are stated to be as follows:

7501

3-28-2008

§ 75-2

BETHLEHEM CODE

§ 75-4

- A. To regulate and control the excavation, deposition and removal of soil, loam, sand, gravel, clay, rock or any other earth material from land or premises not in public use in the Town of Bethlehem.
- B. To control and regulate excavation, removal and deposition of earth materials so as to prevent the creation of any safety or health hazard, including, without limitation, soil erosion, stagnant water, water pollution and excessive drainage runoff, to the public or to owners of adjoining or adjacent property and to preserve land values of premises situated within the Town of Bethlehem, and to provide for the quiet use and enjoyment thereof.
- C. To preserve the vegetation and other natural growth on premises situated within the Town of Bethlehem for the purpose of preventing erosion by wind or water.
- D. To ensure that the existing topography of areas of the Town of Bethlehem is not altered in a permanent manner inconsistent with the goals and recommendations of the Town of Bethlehem Plan of Development.
- E. To accomplish such other purposes as permitted by C.G.S. § 7-148, as amended and as the same may from time to time be amended.

§ 75-3. Definitions.

For the purposes of this chapter, the following definitions shall apply:

DEPOSIT — To fill or alter with earth materials existing swamps, wetlands, watercourses or other bodies of water, or to change, by filling or grading, preexisting contours and elevations.

EXCAVATE — To sever from the earth's surface or to remove from the ground soil, loam, sand, gravel, clay, rock or topsoil, all of which, together with any other natural physical composition in the ground, are herein referred to as "earth materials".

PERMIT AREA — The limits of the area within the premises for which a permit is requested.

PREMISES — The entire area of land owned by the owner and identified as one piece of property by the Bethlehem Assessor's office within which the permit area is proposed.

STORAGE AREA — An area within the permit area in which the applicant proposes to stockpile excavated materials and/or to locate any equipment and structures which will not be in the work area.

WORK AREA — One contiguous area of not more than five acres within the permit area which is disturbed at any time while a permit is valid.

§ 75-4. Applicability; exemptions.

This chapter shall be applicable to all excavation and deposition of earth materials, and to the processing of earth materials within the Town of Bethlehem, except in instances which qualify under the following exemptions:

§ 75-4

EARTH MATERIALS

§ 75-5

- A. Necessary excavation and/or deposition in direct connection with the construction or alteration of buildings, other structures, off-street parking and loading areas or other improvements for which a site plan has been approved and a permit issued, specifically including authorization for such excavation and deposition, and for which any other required permit or authorization has been issued by agencies of the Town of Bethlehem and by the state or federal government.
- B. Necessary excavation or deposition in direct connection with the construction of streets, drainage and all other required improvements, and the altering of preexisting contours, provided that same is carried out as part of an approved subdivision or resubdivision in accordance with construction and grading plans approved by the Planning Commission of the Town of Bethlehem.
- C. Necessary excavation or deposition in direct connection with the construction or alteration of a single detached dwelling designed to be occupied by one or two families, and of buildings and structures accessory thereto, including the construction of driveways, sidewalks, walls, terraces and other site improvements thereof, provided that all of the following conditions are met:
 - (1) The buildings, structures and site improvements shall be shown on the plot plan required by the application for a building permit.
 - (2) There shall be no transporting of any topsoil from the lot, except that which is excavated from the location of buildings, structures, driveways, sidewalks, terraces and other paved areas on the property.
 - (3) A building permit, together with any other required permit or authorization, has been issued to permit the construction of such dwelling or accessory buildings or improvements.
- D. Excavation or deposition of not more than 500 cubic yards of earth materials during any calendar year, provided that same is not located in a floodplain or inland wetland mapped area unless specifically authorized by the Inland Wetlands Agency of the Town of Bethlehem.
- E. When earth materials are for use on the property and not for sale:
 - (1) Necessary excavation, grading and removal in connection with improvements on property solely for such farming or landscaping purposes as burying stones or debris, regarding of difficult slopes.
 - (2) The construction of ponds, filling or excavation of wetlands, and the improvement of watercourses, with the approval of the Conservation Commission of Bethlehem, if applicable.

§ 75-5. Permit required.

Before any excavation or deposition or processing of earth materials is commenced or continued, the owner and/or any other person, firm or corporation (hereinafter referred to as

“applicant” or “permittee”) claiming a right to excavate, deposit or process earth materials from or on premises shall obtain a written permit therefor from the Board of Selectmen of the Town of Bethlehem.

§ 75-6. Application procedure.

Each applicant for a permit shall submit to the Board of Selectmen the following:

- A. Information required. An application, in such form as the Board may prescribe, which shall contain at least the following information:
- (1) A deed description of the premises on which the proposed excavation or deposition is to occur, which description shall include the volume and page reference of the recorded deed on the land records of the Town of Bethlehem.
 - (2) If the person, firm or corporation claiming a right to excavate from or deposit or process earth materials on the premises is other than the owner of record, a brief description of the nature of the interest under which the right to work is claimed, which description shall at least identify the nature of the interest (e.g., leasehold, easement, license), the scope of the interest and its term. A notice of any such interest, if not the lease, easement or other agreement itself, must be filed on the land records of the Town of Bethlehem prior to the date of issuance of an earth materials permit.
 - (3) A detailed statement describing the existing premises, the proposed work to be performed on the premises, the purpose and duration of said proposed work and the proposed condition and potential reuse of the premises after the work is completed, which statement shall also include.
 - (a) A statement of the acreage of the entire premises and of the acreage of the area for which a permit is requested as shown on the map required by § 75-6D.
 - (b) A statement of the types of earth materials to be excavated, deposited and processed, and in the case of deposition a statement of the condition of the area to be filled.
 - (c) A calculation of the number of cubic yards of material to be excavated and/or deposited within the area for which a permit is requested and a statement as to how the calculation was made.
 - (d) Where on-premise processing of earth materials excavated from the premises is permitted by these regulations, a description of the equipment and/or structures to be erected on the premises to perform such processing in order to provide a clear indication of the nature and extent of such permitted processing.
 - (e) An inventory list of all equipment to be used to carry out the proposed work, including an estimate of the number of vehicles to be used solely to transport material to or from the premises.
 - (f) A statement of the provisions to be made to prevent and to control any nuisance conditions which might result from the proposed work.

§ 75-6

EARTH MATERIALS

§ 75-6

- (g) A detailed statement as to how the premises will be restored in accordance with section 75-11 of this chapter, including a calculation of the amount of topsoil and approved ground cover required for such restoration, and an estimate of the final date (subject to any modification approved by the Board and made public in writing) by which complete restoration of the premises shall be accomplished.
 - (h) Any additional information that the Board may deem necessary to evaluate adequately the application and to carry out the purpose set forth in section 75-2 of this chapter.
- B. Agreement statement. An agreement, the text of which shall be contained in the application, by the owner and/or the applicant stating that they will comply with and fulfill all the requirements and provisions of this chapter and all provisions contained in their application and in other submissions made to the Board under this section.
- C. Signatures. The names and signatures of the owner and the applicant.
- D. Maps and plans. Four copies of survey maps and plans and/or such other graphic documentation in such form as the Board may require to carry out the purposes of this ordinance prepared by a Connecticut registered/licensed surveyor (and by a Connecticut licensed professional engineer if engineering expertise and analysis is required), all of which documentation shall be identified as part of the application and shall be kept on permanent file for enforcement purposes. The survey maps and plans shall be drawn to a scale of one inch equals 40 feet and shall show the following:
- (1) The entire premises owned by the owner and within said premises the proposed permit area, the exterior limits of which having been determined by measurements from fixed reference points along the boundary lines of the premises. In addition, the area of the designated permit area shall be expressed in terms of acreage or square footage.
 - (2) The names of all adjoining property owners, including those separated from the premises by a road.
 - (3) The location, elevation and extent of all existing and proposed roads, highways, storm drainage, drainage ponds, watercourses and bodies, swamps, wetlands, wells and septic systems on and within 200 feet of the premises; and steps to be taken to ensure proper drainage and to avoid pollution of wetlands and groundwater.
 - (4) The locations on the premises of wooded areas, rock outcrops, existing buildings and structures, and a description of existing and proposed ground cover and vegetation.
 - (5) Such evidence, in the form of boring logs, deep test pits or otherwise, as the Board may in its sole discretion deem necessary to demonstrate the feasibility of excavating and/or grading to the proposed contour elevations within the permit area and that water is available for any proposed water bodies.
 - (6) Existing contours and elevations and proposed final future contours and elevations in and with 200 feet of the permit area at five-foot intervals (ten-foot for rock quarries) or such intervals as deemed appropriate by the Board in order to adequately evaluate the applications. Existing contours may be interpolated from ten-foot contours of United States Geologic Survey maps, if same are applicable to the premises.

Contours of the bottom of water bodies of courses to be altered or created shall also be shown.

- (7) A permanent bench mark or point existing in the permit area in a location safe from disturbance for the duration of the permit, with a designation of its elevation.
 - (8) Existing and proposed vehicular access to the lot and any work roadways within the premises.
 - (9) The location [shown in the manner prescribed in § 75-6D(1) above] of a storage area(s) which shall not exceed in the aggregate two acres in area within which the applicant proposes to stockpile reserve topsoil and fill and excavated or processed materials, and/or to locate any equipment and structures which will not be in the permit area.
 - (10) Such other data as the Board may in its sole discretion conclude is necessary in order to carry out the purposes of this chapter.
- E. Release of encumbrance. Proof that written notice of the excavation has been given to the holders of any mortgages or other encumbrances on the property as recorded with the Town of Bethlehem and a written statement from the Tax Collector of the Town of Bethlehem certifying that all taxes levied against the premises have been paid in full and that there are no unreleased tax liens encumbering the same.
- F. Fee. A permit fee for the purpose of engineering review and site inspection in the amount of \$200 and an additional \$25 per acre for each acre in excess of five acres, excluding the maximum permitted storage areas.
- G. Liability insurance. Evidence by way of an insurance binder that the applicant has sufficient liability insurance to save the Town of Bethlehem harmless from any liability resulting from his operations. Such evidence shall be reviewed and approved by Town Counsel prior to the issuance of a permit.
- H. Bonds. An irrevocable letter of credit, cash or corporate surety bond written by a bonding company licensed to write surety bonds in the State of Connecticut, in an amount set by the Board and not in excess of \$6,000 per acre of permit and storage area for the purposes set forth in § 75-11. Said letter of credit, bond or other surety arrangement shall be approved in writing by Town Counsel prior to the issuance of the permit, provided that Town Counsel has determined that said surety arrangement adequately protects the interests of the Town of Bethlehem, and assures full compliance with this chapter and with any stipulations assigned to the permit by the Board. The said surety arrangement shall provide that if the Board or its qualified engineer designee certifies that the permittee has violated this chapter and/or any assigned permit stipulations and has failed to abate said certified violation within 30 days of the date of notice to the applicant and surety of said violation, then said surety shall be paid over in its face amount to the Town of Bethlehem, which shall be authorized to disburse from said sum paid over the cost of abating said violation. Any excess of the amounts paid over, after deduction of all disbursements required to abate the violation shall be returned to the applicant or the surety, as the case may be.
- I. Right of entry for correction of violations. A written agreement by the owner of the premises and the applicant and approved by Town Counsel which permits the Town of

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Bethlehem or its designee to enter upon the premises and to perform all work necessary to correct and abate any violation of this chapter and of stipulations which the permittee has made and failed to correct within the required time, such right of entry to arise upon the certification of such violation(s) by the Board of Selectmen or its qualified engineer designee and shall continue for such time thereafter as is required for the town or its designee to remedy such default.

§75-7. Initial permit.

Each application for a permit submitted after the effective date of this chapter shall be considered, in the first year of submission, an initial permit application, whether or not the application refers to a property that is now being used for the excavation of earth materials and are subject to the following regulations:

- A. Duration. Each permit issued hereunder shall be valid for a period of one year or for such shorter period of time as may be requested by the applicant barring suspension or revocation of the permit because of certified violations.
- B. Denial of application. The Board may deny any such initial permit application if, at the time of the filing of such initial permit application, the issuance of the permit would result in the violation of any other section of this chapter or of any other regulation, code or ordinance of the Town of Bethlehem or of any statutes of the State of Connecticut or of the United States, including but not limited to those relating to the conservation of natural resources.

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§75-8. Renewal procedure.

- A. The Board may renew a permit for the same permit area described in the initial permit application upon payment of the required permit fee, the filing of a new bond and the other documentation required under section 75-6G, H and I and upon the filing of a statement of the number of cubic yards of earth material which have been removed and/or deposited under the existing permits, provided that the Board finds:
 - (1) The permitted work is being diligently performed by the permittee. A failure by the permittee to actively work the area covered by the permit for a period of six months, excluding November, December, January, February and March, shall be prima facie evidence that the work authorized has been completed, and the burden shall be on the applicant to show why the permit should be renewed;
 - (2) The permittee has taken steps to restore those portions of the permit area where work is apparently completed and has made provisions to assure that restoration can be effected in accordance with the original plan and this chapter.
 - (3) There have been no violations of regulations within the meaning of section 75-7B; and
 - (4) The renewal will not extend the permit period beyond the applicant's estimated completion date.
- B. Accuracy of documentation. If the Board has reason to question the continued accuracy or applicability of the other documents required by section 75-6 and submitted by the applicant as

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part of the initial permit application, it may require the submission of such documents modified to reflect conditions existing at the time of the application for permit renewal.

- C. **Renewal time.** Renewal applications containing all required documentation shall be submitted at least 45 days but not more than 60 days prior to the expiration of the existing permit. If the applicant desires to change the boundaries of the area for which the permit is sought as an initial permit application, all of the documentation required under section 75-6 shall be submitted.

§ 75-9. **Revocation of permit.**

A permit issued under these regulations can be revoked by the Board for reasons specified hereunder:

- A. **Failure to work.** The failure of any permittee to actively work the permit area for a period of six months (excluding the months of November, December, January, February, and March) without the prior written approval of the Board, shall be cause for revocation of a permit. Such revocation shall become effective 30 days after the mailing of notice to the permittee and owner, unless the permittee sooner proves to the Board that the area has been actively worked during such six-month period, or provides written assurance satisfactory to the Board that work will be resumed and continued. The failure of the permittee thereafter to actively work the area in accordance with such written assurance shall be grounds for revocation without further notice.
- B. **Violations of regulations.** Any permit issued under this chapter may be revoked by the Board when there has been a violation of any provision of this chapter or any permit issued hereunder, provided that notice of said violation has been given to the permittee, together with an order to comply therewith within 21 working days as set forth in said order, and the permittee has failed to comply with said order.

ARTICLE II
Regulations

§ 75-10. **Operation procedures and standards.**

Any earth materials operation requiring a permit under this chapter shall be conducted in compliance with the following regulations, in addition to any more restrictive stipulations contained in any approved permit.

- A. **Location of operation.** The permit area and work area should be field delineated before excavation or deposition commences. No excavation, deposition, processing or other disturbance of preexisting ground cover shall occur on the premises outside the permit area. The permit area shall be worked in conformance with the approved plans and this chapter.
- B. **Size of operation.** At no time during any permit year shall more than one contiguous area (herein called the "work area") be disturbed for excavation or fill within the permit area, and said area shall not exceed five acres. The remainder of the premises, including the permit area, shall, except for the storage area and access routes, be either undisturbed land or shall be graded to the proposed final contours and elevations, and be otherwise restored, seasonal planting factors considered, pursuant to approved plans and the provisions of

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section 75-11 herein. If, at any time during the permit period, more than one area on the premises is disturbed, or the entire premises, including the permit area, with the exception of a five-acre contiguous excavation area, does not meet existing or proposed final contours, or is not properly regraded and reseeded in accordance with section 75-11, herein, the permit shall be revoked unless the premises are so restored within 30 days of notice to the permittee. Revocation shall have the effect of requiring complete restoration of the entire premises in accordance with section 75-11 within 90 days thereafter.

- C. Depth above ledge. No excavation shall be made lower than three feet above ledge, or such greater distance above ledge as may be required to permit the regarding site to meet the proposed final contours at slopes not exceeding the maximum provided in section 75-11A.
- D. Relationship of work area to existing features. No excavation or fill shall be made within 200 feet of any river, stream or other watercourse, or which would reduce the final elevation below floodplain or reduce the area of the floodplain, without specific prior approval of the Board, which shall be given only when, by proper analysis, it is determined that no pollution or silting of existing watercourses, or increased flood or erosion hazards, or other effect on water supply or purity, will result, and proper approvals have been obtained from all appropriate governmental organizations. No excavation shall be made below the grade of any abutting highway within 150 feet thereof, unless approved by the Board, or below the grade of any adjoining property at the property line within 25 feet thereof, or within 150 feet of any dwelling existing at the date the permit is issued, provided that, with the written approval of the abutting owner of private property or of the owner of the dwelling to be affected filed with the Board, such excavation may be made below the grade of such abutting property or closer than 150 feet to a dwelling to the extent approved by the Board.
- E. Slopes during excavation. Notwithstanding section 75-10D, no slopes having a grade greater than one foot vertical to two feet horizontal shall be created during excavation within 150 feet of any property or street line unless the operator shall demonstrate to the reasonable satisfaction of the Board that material to regrade the slope in accordance with section 75-11A is available on the premises and the slope is so regraded within 60 days after excavation of the slope is commenced. In no event shall slopes having a grade greater than one foot vertical to one foot horizontal be created.
- F. Reuse and development. The excavation and grading shall not result in sharp declivities, pits or depressions or cause soil erosion, drainage or sewerage problems or conditions which would impair the reasonable reuse and development of the premises.
- G. Runoff and erosion controls. At all stages of the work, proper drainage shall be provided to avoid stagnant water, erosion, excessive runoff, silting of streams and damage to public or private property, streams, roads or drainage facilities.
- H. Equipment. No equipment directly or indirectly engaged in the excavation, processing or transporting of earth materials shall be operated on the premises other than that listed in the application for a permit and approved by the Board. No vehicles or equipment not used in connection with the work covered by the permit shall be operated, parked, repaired or serviced within the permit area. No processing machinery not in place on the effective date of this chapter shall be erected, maintained or operated within 300 feet of any property or street line. Such machinery shall be used only to process material from the permit area, and It and all foundations therefore shall be removed from the premises upon termination of the permit

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- I. Time of operation. No equipment, processing plant or vehicles directly or indirectly engaged in the excavation, processing or transportation of earth materials shall be operated, repaired or serviced on the premises earlier than 7:00 a.m. no later than 6:00 p.m., Monday through Friday, nor earlier than 8:00 a.m. nor later than 5:00 p.m. on Saturdays, all such operations on Sundays and legal holidays are prohibited.
- J. Tree protection. All trees outside the work area, as defined in section 75-10B above, shall be protected from damage. Measures shall be taken by the permittee to ensure that the boundaries of the work area are maintained for the duration of the permit.
- K. Pollution controls. Adequate provision shall be made for the muffling of sound and vibration and the prevention of dissemination of dust, including the treatment of all on-premises access route with calcium chloride or similar material (provisions to be made to prevent the runoff of such chemicals).
- L. Warning signs. Adequate provisions shall be made for warning signs as may be necessary or required, all subject to the approval of the Board which may also require the permittee to install permanent guard fencing where needed for public safety.
- M. Stockpile of arable soil. Sufficient arable soil (and top soil) shall be retained on the site for restoration as shown on the approved plans.
- N. Depth to water table. No excavation shall be made below the normal groundwater table nor soil contours changed, which results in a lake or pond or drainage ditch, unless prior to initiating excavation, the owner of the premises submits the documents required under section 75-6D, and the plan presented is expressly approved by the Board
- O. Outside material. No earth materials from outside the premises shall be brought into the permit area strictly for processing and subsequent removal.
- P. Securing loads. It shall be the responsibility of the permit holder to ensure that vehicles removing earth materials from the premises are so loaded and/or secured that there will be no spillage of such materials within the Town of Bethlehem. Any permittee under a permit granted under the terms of this chapter or any person acting for or under him who shall cause damage to any road or roads of the Town of Bethlehem shall be liable for the cost of repairing said damage.
- Q. Inspection. The Board or its agents shall at all times have reasonable access to premises on which work is being performed for the purpose of inspection and determination of compliance with this chapter. Each permittee and owner, by his agreement in the application to this chapter, shall be deemed to have granted such reasonable right of access to the Board or its agents for this inspection purpose.

§ 75-11. Restoration of excavated areas.

Within 90 days (excluding from said period the months of November, December, January, February and March) of the completion of the work authorized or the expiration or revocation

of the permit, whether initial or renewed, the area of excavation, deposition or disturbed ground shall be restored as follows:

- A. Finished slopes. The area shall be refilled, if necessary, with clean, nonburnable fill containing no garbage, refuse or other deleterious or unwholesome matter, and evenly regraded to the final contours and elevations shown in the approved plans with slopes not in excess of one foot vertical in two feet horizontal or to such a lesser slope necessary for soil stability, safety or reasonable reuse and development of the land but yet with sufficient grade to ensure adequate drainage.
- B. Drainage swales. Adequate drainage swales of gradual contour shall be provided as needed.
- C. Debris removal. All loose boulders of less than 10 cubic yards and all debris shall be buried or removed from the site.
- D. Vegetation restoration. A layer of arable soil, which shall be substantially free of stones, shall be spread evenly over the entire area to a minimum depth of six inches, noncompressed and then fertilized, limed and seeded with a perennial grass/ground cover and maintained until the ground shall be stabilized with a dense cover in accordance with the provisions hereunder specified and there exists no danger of erosion as determined by the Board. Restoration stipulations are:
 - (1) The amount of fertilizer and lime to be applied shall be determined by soil test prepared and/or approved by the USDA Soil Conservation Service.
 - (2) Grass/ground cover seed used shall be fresh and be in conformance with Connecticut Highway Department Form 811, Section M.13.04 except as herein specified.
 - (3) The grass/ground cover mix shall contain by volume 25% crown vetch, 55% Kentucky 31 fall fescue and 10% redtop or equivalent and 10% other material or equivalent and shall be applied at a rate of 55 pounds per acre.
 - (4) Seeding shall be limited to the time between April 15 and July 1.
 - (5) Young trees shall be planted wherever trees have been removed and shall be limited to one or more of the following species: Norway spruce (*Picea abies*), white pine (*Pinus strobus*), or larch (*Larix decidua*).
 - (6) Seedling trees, minimum of 12 inches in height measured from tip to soil line, shall be planted during the time from April 1 to May 15 and shall be spaced no closer than 12 feet nor further apart than 20 feet measured from center. Both grass/ground cover and trees shall be planted during the same season.
 - (7) If the seeding or planting fails in whole or in part, the area shall be reseeded, replanted and remulched until all eroded or uncovered areas have been reseeded and repaired to the satisfaction of the Board.
 - (8) The Board may waive the requirements of this provision with respect to any area which shall be restored and stabilized in any other manner in conformance with the standards of the USDA Soil Conservation Service and approved in writing by the Board.

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- E. Stockpile maintenance. All arable soil set aside in accordance with § 75-10M for a period of more than 30 days shall be seeded with annual ryegrass.
- F. Restoration adjacent to water bodies. Areas shown as existing or proposed water bodies on the approved plans shall be considered restored when and to the extent that they have been excavated to the approved depth and all shorelines, other than those remaining within the work area, have been regraded to a slope not exceeding one foot vertical and two feet horizontal, and have been stabilized to the satisfaction of the Board.

§ 75-12. Failure to work and restore site.

The failure of a permit holder, without the prior written approval of the Board, to actively work the area covered by the permit for a period of six months (excluding the months of November, December, January, February and March) shall be prima facie evidence that the work authorized by the permit has been completed, and the burden shall be upon the permit holder to prove to the contrary. Any failure to initiate restoration within the ninety-day period following completion, expiration or revocation of the permit, such as to reasonably assure complete restoration by the end of said ninety-day period, (seasonal planting excepted), shall be a separate violation of this chapter.

§ 75-13. Reduction of bond.

Upon completion of the work authorized by a permit and the restoration of the premises pursuant to §§ 75-10 and 75-11, the permit holder may file with the Board an application for a return of the bond filed, together with a written statement from the Tax Collector of the Town of Bethlehem certifying that all taxes levied against the premises and the machinery, equipment and vehicles used or located thereon, and assessable in the Town of Bethlehem, have been paid in full. If the Board is satisfied that the work and restoration have been completed as required by the permit and this chapter, the bond shall be returned to the permit holder, but otherwise the bond shall remain in full force and effect.

**ARTICLE III
Rock Quarries**

§ 75-14. Applicability.

The regulations hereunder specified shall be applicable to the operation of bona fide rock quarries.

§ 75-15. Exceptions.

The provisions of §§ 75-10B, C, E and F, 75-11 and 75-13 shall not apply to bona fide rock quarries.

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§ 75-16. Fencing.

All work faces having a vertical height greater than five feet shall be adequately barricaded or fenced at all times so as to prevent danger to persons other than the permit holder or his employees, and upon completion of operations upon any face, it shall be permanently fenced to the satisfaction of the Board.

§ 75-17. Site restoration.

Upon completion of the work in a specific area authorized by a permit, all debris and loose rock shall be removed from the site and adequate drainage shall be provided.

§ 75-18. Protection of ridge lines.

Any quarrying of rock which will affect existing ridge lines or create exposed cliffs or other permanent topographical features, in a manner detrimental to the plan of development for the Town of Bethlehem, may be prohibited.

§ 75-19. Reduction of bond.

Upon completion of the work in a specific area authorized by a permit and the restoration of the area, including the installation of fences, the permit holder may file with the Board an application for a return of the bond filed with respect to that area, together with a written statement from the Tax Collector of the Town of Bethlehem certifying that all taxes levied against the premises and the machinery, equipment and vehicles used or located thereon and assessable in the Town of Bethlehem have been paid in full. If the Board is satisfied that the work and restoration have been completed as required by the permit and this chapter, the bond shall be returned to the permit holder, but otherwise the bond shall remain in full force and effect.

ARTICLE IV
Miscellaneous Provisions

§ 75-20. Modification of plans after approval.

If, during the conduct of the work or restoration of the premises, special circumstances unforeseen at the time of the application are encountered, the Board may grant modifications to the approved plan which, in the opinion of the Board, are reasonably necessary to complete the work within the intent of this chapter. No request for modification shall be considered if the applicant is in violation of the provisions of this chapter.

§ 75-21. Penalties for offenses.

In addition to all other legal and equitable remedies to enforce this chapter, any person, firm or corporation violating or assisting in the violation of any of the provisions hereof or any permit

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Granted hereunder shall be fined not more than \$100 for each offense. Each day of violation shall be deemed a separate offense.

§75.22. Improvement of Substandard Town Roads.

If an earth materials applications proposes a gravel mine or rock quarry that has as the only access a Town Road which does not meet the minimum standards of the Town of Bethlehem Road Ordinance, as amended, such application may be denied unless the applicant has evidence of approval by the Board of Selectmen and Board of Finance for improvement of the road at Town expenses or unless the applicant proposes to improve the necessary access at the applicant's own expense. In which case, the applicant shall execute an agreement and file a bond with the Board of Selectmen to guarantee the completion of the proposed public improvement within a period, not to exceed one (1) year, as recommended by the Town Counsel and determined by the Board of Selectmen and shall be a cash bond or a combination of cash bond and a letter of credit. Said bond or bonds shall secure to the Town the actual construction and installation of such improvements. No less than the first \$50,000.00 of the bond amount shall consist of a cash bond. Such agreement and bond shall remain in full force and effect until the street, drainage and other improvements have been accepted for public use and maintenance by the Town.

Chapter 78 FIREARMS

§ 78-1. Discharge on town property restricted.

§ 78-2. Penalties for offenses.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem 3-25-1965. Amendments noted where applicable.]

GENERAL REFERENCES

Discharge of firearms in parks and beaches — See Ch. 98,
Art. II.

§ 78-1. Discharge on town property restricted.¹

Hunting and the discharge of firearms, without written permission of the Board of Selectman, on any property owned by the Town of Bethlehem is prohibited.

§ 78-2. Penalties for offenses.

Any person violating this article shall be fined not more than \$25.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 79 FIRE LANES

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| <p>§ 79-1. Parking in areas constituting a fire hazard.</p> <p>§ 79-2. Term defined.</p> <p>§ 79-3. Establishment of fire zones; notice to owners.</p> <p>§ 79-4. Appeal by property owner; hearing; decision.</p> | <p>§ 79-5. Signs and markings.</p> <p>§ 79-6. Parking in fire zones prohibited; exception.</p> <p>§ 79-7. Towing of vehicles in violation; fees and charges.</p> <p>§ 79-8. Issuance of notice to pay fine in lieu of towing.</p> |
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[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem 8-24-1992. Amendments noted where applicable.]

GENERAL REFERENCES

No-parking zones — See Ch. 128, Art. I.

§ 79-1. Parking in areas constituting a fire hazard.

Pursuant to, without limitation, the provisions of C.G.S. § 7-148, and for the public's health, safety, welfare and convenience and to protect the town from fire, it is hereby made the duty of the Fire Marshal and his agents to inquire into and investigate the parking of motor vehicles of all kinds ("vehicles") in driveways, alleys, parking areas and other open spaces adjacent to or leading to dwellings occupied by three or more families and buildings open to the public, where the blocking of such driveways, alleys, parking areas and other open spaces by the parking of vehicles endangers the safety of persons occupying or using said dwellings and/or buildings so as to constitute a fire hazard, in the opinion of the Fire Marshal; to designate parking in said areas as a fire hazard, and to have said areas posted as a fire zone. This section shall not apply to driveways serving one dwelling occupied by less than three families.

§ 79-2. Term defined.

A fire zone is a designated unobstructed passageway sufficient in size to permit free passage of fire and other emergency equipment from a public highway to all necessary areas or portions of any private or public property.

§ 79-3. Establishment of fire zones; notice to owners.

The Fire Marshal shall establish a fire zone by written order specifying the limits thereof, shall file a copy of said order with the Board of Selectmen and Town Clerk and shall send a copy by certified mail, return receipt requested, to the owners(s), or agent(s) thereof, of any private land on which such fire zone is established. If any such certified mail copy is returned, a copy of

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such order shall be published at least once in a newspaper having general circulation within the town, and a copy of the order shall be posted in a conspicuous place on each dwelling or building affected thereby.

§ 79-4. Appeal by property owner; hearing; decision.

- A. Any private property owner aggrieved by the designation of a fire zone on his property may file with the Town Clerk, within 30 days after receipt of the Fire Marshal's order by mail or within 30 days of the last publication or posting of such order, whichever is later, written notice of appeal, setting forth therein reasons of aggrievement.
- B. The Board of Selectmen shall hold a hearing on such appeal within 60 days after it has been filed. Reasonable notice of the time, date and place of the hearing shall be given to the property owner and the Fire Marshal. At such hearing the Board shall consider the reasons of aggrievement, the reasons for the establishment of the fire zone and shall determine whether said order was reasonably necessary in order to protect the safety of persons occupying or using the dwellings and/or buildings involved.
- C. The Board may affirm, modify or rescind the order and shall notify the property owner and the Fire Marshal in writing of its decision within 15 days of the date of the hearing.

§ 79-5. Signs and markings.

Within 10 days of the establishment or modification of a fire zone, the Board of Selectmen shall cause to be erected or installed adequate signs, markings or other devices to delineate said fire zone and to warn that no parking is permitted therein.

§ 79-6. Parking in fire zones prohibited; exception.

No person shall park, or permit to stand, a vehicle in a fire zone, except when actually picking up or discharging passengers.

§ 79-7. Towing of vehicles in violation; fees and charges.

Town of Bethlehem municipal police officers, or other authority designated by the Board of Selectmen or First Selectman, are authorized to remove or have removed by a commercial towing service any vehicle parked in violation of § 79-6 to the nearest garage or place of safety, or to a garage designated or maintained by the Board of Selectmen within the Town of Bethlehem. Such removal shall be at the risk and expense of the owner of the vehicle. Cars so removed shall be stored in a safe place and shall be restored to the owner or operator upon payment of a fee of \$20 within 24 hours after the time the car was removed, plus \$10 for each additional 24 hours or fraction thereof, plus reasonable costs of towing and storage.

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§ 79-8. Issuance of notice to pay fine in lieu of towing.

It is hereby provided, however, that the Board of Selectmen or its designee may, in lieu of towing said vehicle to a garage, serve upon the owner, operator or other person in charge of the vehicle, or attach to the vehicle, a notice directing the owner or operator or other person in charge thereof, to appear in person and pay \$30 or to mail a check or money order for said sum to the Board of Selectmen, Town of Bethlehem, within 48 hours subsequent to issuance of said notice. A receipt shall be issued for all money so received.

Chapter 84

FLOOD DAMAGE PREVENTION

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| <p>§ 84-1. Statutory authorization.</p> <p>§ 84-2. Findings of fact.</p> <p>§ 84-3. Statement of purpose.</p> <p>§ 84-4. Objectives.</p> <p>§ 84-5. Definitions.</p> <p>§ 84-6. Lands to which this chapter applies.</p> <p>§ 84-7. Basis for establishing areas of special flood hazard.</p> <p>§ 84-8. Development permit required.</p> <p>§ 84-9. Compliance with chapter and other regulations.</p> <p>§ 84-10. Abrogation and greater restrictions.</p> <p>§ 84-11. Interpretation.</p> <p>§ 84-12. Warning and disclaimer of liability.</p> <p>§ 84-13. Administrative officer.</p> | <p>§ 84-14. Application information.</p> <p>§ 84-15. Duties and responsibilities of Building Official.</p> <p>§ 84-16. General standards.</p> <p>§ 84-17. Standards for stream without established base flood elevations and/or flooding.</p> <p>§ 84-18. Specific standards.</p> <p>§ 84-19. Standards for areas of shallow flooding (AO Zones).</p> <p>§ 84-20. Standards for subdivision proposals.</p> <p>§ 84-21. Variance procedures.</p> <p>§ 84-22. Variances for historic buildings.</p> <p>§ 84-23. Functionally dependent uses.</p> <p>§ 84-24. Variance restrictions.</p> <p>§ 84-25. Considerations for granting of variances.</p> <p>§ 84-26. Penalties for offenses.</p> |
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[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem 3-26-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Penalties for Building Code violations — See Ch. 64, Art. I. Watercourses — See Ch. 132.

§ 84-1. Statutory authorization.

The Legislature of the State of Connecticut has in C.G.S. § 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 Town Meeting of the Town of Bethlehem, Connecticut, does ordain as follows.

§ 84-2. Findings of fact.

- A. The flood hazard areas of the Town of Bethlehem, Connecticut, 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

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protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

- B. 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, floodproofed or otherwise unprotected from flood damages.

§ 84-3. 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:

- A. 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.
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
- D. Control filling, grading, dredging and other development which may increase erosion or flood damage.
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

§ 84-4. Objectives.

The objectives of this chapter are:

- A. To protect human life and health.
- B. To minimize expenditure of public money for costly flood-control projects.
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. To minimize prolonged business interruptions.
- E. To minimize damage to public facilities and utilities, such as electric and telephone lines, streets and bridges located in floodplains.
- F. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas.
- G. To ensure that potential home buyers are notified that property is in a flood area.

§ 84-5. Definitions.

- A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.
- B. As used in this chapter, the following terms shall have the meanings indicated:

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 new construction.

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 SHALLOW FLOODING — A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

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 one-percent chance of being equaled or exceeded in any given year.

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

BREAKAWAY WALL — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

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

DEVELOPMENT — Any man-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 nonbasement 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 water.
- (2) The unusual and rapid accumulation of 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.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls or a structure.

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.

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 connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

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 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 Map are referenced.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) — As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

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 — Includes substantial improvement and means the date the building permit was issued, provided that 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.

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

SUBSTANTIAL IMPROVEMENT — Any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement or, 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 project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

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 (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

§ 84-6. Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Bethlehem, Connecticut.

§ 84-7. Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Hazard Boundary Map, dated February 21, 1975, 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.

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§ 84-8. Development permit required.

A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.

§ 84-9. Compliance with chapter and other regulations.

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.

§ 84-10. 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.

§ 84-11. Interpretation.

In the interpretation and application of this chapter all provisions shall be:

- A. Considered as minimum requirements.
- B. Liberally construed in favor of the governing body.
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 84-12. 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. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Bethlehem 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.

§ 84-13. Administrative officer.

The Town of Bethlehem Building Official is hereby appointed to administer and implement the provisions of this chapter.

§ 84-14. Application information.

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, location, 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:

A. Application stage:

- (1) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures [§ 84-18A(1)].
- (2) Elevation in relation to mean sea level to which any nonresidential structure will be flood proofed [§ 84-18A(2)(b)].
- (3) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (4) A statement as to whether or not the proposed alterations to an existing structure meet the criteria of the substantial improvement definition in § 84-5.
- (5) A statement as to whether there will be dry access to the structure during the one-hundred-year storm event.
- (6) 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 constructions must be certified to be in accordance with accepted standards of practice and with the provisions of § 84-18.
 - (a) Nonresidential floodproofing must meet the provisions of § 84-18A(2)(a) and (b).
 - (b) Enclosed areas below the base flood elevation. If the minimum design criteria in § 84-18B(1) is not used then the design and construction methods must be certified as explained in § 84-18B.
 - (c) No increase in floodway heights may be allowed. Any development in a floodway must meet the provisions of § 84-18C.

B. Construction stage.

- (1) Upon completion of the applicable portion of construction the applicant shall provide verification to the Building Official of the following as is applicable: lowest floor elevation. The elevation to be verified for:
 - (a) A structure in a numbered A zone is the top of the lowest floor (including basement) [§ 84-18A(1)].
 - (b) A structure which has been floodproofed is the elevation to which the floodproofing is effective [§ 84-18A(2)].

C. 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 said corrections required hereby shall be cause to issue a stop-work order for the project.

§ 84-15. Duties and responsibilities of Building Official.

Duties of the Building Official shall include but not be limited to:

- A. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- B. Review all development permits to assure that the permit requirements of this chapter have been satisfied.
- C. Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit, possibly including but not limited to Water Diversion, Dam Safety, Corps of Engineers 404.
- D. Notify the Regional Planning Agency and the affected municipality at least 35 days prior to the public hearing if any change of regulation or use of a flood zone will affect an area within 500 feet of another municipality.
- E. 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 such notification to the Federal Emergency Management Agency.
- F. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- G. 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 § 84-18A(1).
- H. Record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with § 84-18A(2).
- I. When floodproofing is utilized for a particular structure, obtain certification from a registered professional engineer or architect, in accordance with § 84-18A(2).
- J. 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), 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 article.
- K. When base flood elevation data or floodway data have not been provided in accordance with § 84-20D, 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 §§ 84-16 through 84-19.
- L. Maintain in his or her office all records pertaining to the provisions of this chapter.

§ 84-16. General standards.

In all areas of special flood hazard the following provisions are required:

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- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- B. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- C. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- D. 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.
- E. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the system into floodwaters.
- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- H. Manufactured homes:
 - (1) All manufactured homes (including mobile homes placed on a site for 180 consecutive days or longer) to be placed or substantially improved shall be elevated so that the lowest floor is above the base flood elevation.
 - (2) It shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic and hydrodynamic pressures. Anchoring may include but not be limited to the use of over-the-top or frame ties to ground anchors.
 - (3) It shall be installed using methods and practices which minimize flood damage.
 - (a) Adequate access and drainage should be provided.
 - (b) Elevation construction standards include piling foundations placed no more than 10 feet apart, and reinforcement is provided for piers more than six feet above ground level.
- I. In any portion of a watercourse which is altered or relocated, the flood-carrying capacity shall be maintained.
- J. A structure already in compliance with the provisions of this chapter shall not be made noncompliant by any alteration, repair, reconstruction or improvement to the structure.

§ 84-17. Standards for stream without established base flood elevations and/or flooding.

The Building Official shall 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 § 84-18A(1) of this chapter, as criteria for requiring that new construction, substantial

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improvements or other development in Zone A on the community's FIRM meets the standards in §§ 84-18A(1), B and C and 84-20.

§ 84-18. Specific standards.

A. In all areas of special flood hazard (A1-30, AE, AH) where base flood elevation data has been provided as set forth in § 84-7 or 84-15J, the following provisions are required:

(1) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation.

(2) Nonresidential construction.

(a) New construction or substantial improvement of any commercial, industrial or nonresidential structure located in Zones A1-30, AE and AH shall have the lowest floor, including basement, elevated at least to one foot above the level of the base flood elevation; or

(b) Nonresidential structures located in all A Zones may be floodproofed 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 watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the Building Official.

B. Elevated buildings. New construction or substantial improvements of elevated 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 floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

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

(a) 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;

(b) The bottom of all openings shall be no higher than one foot above grade; and

(c) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic flow of floodwaters in both directions.

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

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- (3) 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).
- C. Floodways. Located within areas of special flood hazard established in § 84-7 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 floodwaters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:
- (1) Encroachments are prohibited, 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.

§ 84-19. Standards for areas of shallow flooding (AO Zones).

- A. Located within the areas of special flood hazard established in § 84-7 are areas designated as shallow flooding areas (Zones AO and AH). These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate.
- B. In AO Zones the following provisions apply:
- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two feet above the highest adjacent grade.
 - (2) All new construction and substantial improvements of nonresidential structures shall:
 - (a) Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade, or;
 - (b) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (3) On-site drainage for all proposed structures in Zones AO and AH located on slopes shall provide adequate drainage paths to guide floodwaters around and away from such structures.

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§ 84-20. Standards 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 electrical systems located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- D. In Zone A base flood elevation and floodway 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.

§ 84-21. Variance procedures.

- A. The Building Board of Appeals as established by the Town of Bethlehem shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Building Board of Appeals 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 Building Board of Appeals 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 such decision to the State Superior Court of the judicial district of Litchfield, as provided in C.G.S. § 8-8.

§ 84-22. Variances for historic buildings.

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 §§ 84-23 and 84-24, except for § 84-25C, and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical character.

§ 84-23. Functionally 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 § 84-25C.

§ 84-24. Variance restrictions.

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

§ 84-25. Considerations for granting of variances.

- A. In passing upon such applications, the Building Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and:
- (1) The danger that materials may be swept onto other lands to the injury of others.
 - (2) The danger of life and property due to flooding or erosion damage.
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (4) The importance of the services provided by the proposed facility to the community.
 - (5) The necessity of the facility to waterfront location, in the case of a functionally dependent facility.
 - (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - (7) The compatibility of the proposed use with existing and anticipated development.
 - (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management for that area.
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as electrical systems and streets and bridges.
- B. Upon consideration of the factors listed above and the purposes of this chapter, the Building Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- C. Conditions for variances.
- (1) Variance 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 an historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - (2) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

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- (3) 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.¹
- (4) The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

§ 84-26. Penalties for offenses.

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 10 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 of Bethlehem from taking such other lawful action as is necessary to prevent or remedy any violation.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Chapter 91

JUNK YARDS AND DEALERS [Adopted 4-23-2003]

ARTICLE I	§ 91-3. Findings
General Provisions	§ 91-4. Prohibition and Regulation of Junk Yards
§ 91-1. Statutory Authority	§ 91-5. Establishment of Restricted District
§ 91-2. Definitions	§ 91-6. Penalties for Violations
	§ 91-7. Authorization of Planning Commission
ARTICLE II	
Regulations and Prohibition of Junk Yards	

ARTICLE I General Provisions

§ 91-1. Statutory Authority.

This chapter is adopted pursuant to the provisions of Chapters 98 and 256 of the Connecticut General Statutes.

§ 91-2. Definitions.

- A. **Intermediate Processor:** The term "intermediate processor" shall have the meaning ascribed to it in Section 14-67j of the Connecticut General Statutes, as amended.
- B. **Junk:** Scrap, waste and discarded materials, possessing usefulness, if any, only through conversion or reduction into their components; any article or collection thereof that is worn out, cast off, or discarded, and that is ready for destruction or has been collected or stored for salvage or conversion.
- C. **Junk Yard:** Except for the specific exceptions noted below, the use of any area of any lot, whether inside or outside a building, for any of the following purposes:
- (1) The storage, keeping or abandonment of junk or any other scrap, waste or discarded materials or equipment, including old or used metal, glass, paper, and cordage, or secondhand material; or
 - (2) The dismantling (other than for repair), demolition or abandonment of automobiles, other vehicles, machinery, equipment or parts thereof in connection with a use other than a Motor Vehicle Recycler's Business or a Motor Vehicle Recycler's Yard.
- D. **Motor Vehicle Recycler's Business or Motor Vehicle Recycler's Yard:** The foregoing terms shall have the meaning ascribed to them in Section 14-67g of the Connecticut General Statutes, as amended.

ARTICLE II Regulation and Prohibition of Junk Yards

§ 91-3. Findings.

Bethlehem is a rural community with a strong agricultural heritage and agrarian character. The Town's scenic beauty and village charm have been preserved through responsible and sensitive development that

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has allowed, and continues to allow, a wide range of reasonable uses. Bethlehem's residents respect private property rights and values, and they have traditionally limited the regulation of land uses to those activities and uses that pose the most significant risks to community and environmental health and safety and to those uses required to be regulated by state law. The unregulated operation of junk yards and junk dealers is found to pose such risks, particularly with respect to groundwater and surface water quality, the creation of blight, and the attraction of vectors. Therefore, it is in the interest of the Town to prohibit, to the extent allowed by law, the establishment of new junk yards or the expansion of existing junk yards.

§ 91-4. Prohibition and Regulation of Junk Yards.

No operations constituting a junk yard shall be established or expanded within the Town of Bethlehem except within a fully enclosed building. Junk yard operations may be permitted to be established or expanded within an enclosed building only upon (i) the submission to the Board of Selectmen of an application including detailed interior plans for the storage of materials involved in the business and a fee of ten dollars, (ii) the inspection of the premises by the Fire Marshal, Director of Health and Building Official, and (iii) certification in writing by those officials to the Board of Selectmen that the operations will not violate applicable public building, health or fire codes or otherwise pose any danger to public health or safety. The Board of Selectmen may restrict or limit any such proposed operation in any manner they deem necessary to protect public health, safety, and welfare and the Town's natural resources and environment.

§ 91-5. Establishment of Restricted District

The entire Town of Bethlehem is designated as a restricted district in which the establishment, operation, or maintenance of a Motor Vehicle Recycler's Business or Motor Vehicle Recycler's Yard is strictly prohibited.

§ 91-6. Penalties for Violations.

A penalty of \$100 per day is hereby established for each violation of this chapter. Citations may be issued for such violations pursuant to Chapter 1 of the Code of the Town of Bethlehem.

§ 91-7. Authorization of Planning Commission.

The Planning Commission is hereby authorized to adopt any rules or regulations, not inconsistent with this chapter, related to junk yards and junk dealers to the extent permitted by state law.

Chapter 93 LAKES AND WATERWAYS

ARTICLE I Long Meadow Lake

§ 93-1. Use limited to property owners; supervision of children.

§ 93-2. Animals prohibited; exception.

§ 93-3. Boats in swimming area.

§ 93-4. Swimming area hours; fishing.

GENERAL REFERENCES

Long Meadow Lake Management Committee — See Ch. 10, Art. VIII.

Parks, beaches and recreational facilities — See Ch. 98, Art. II.

ARTICLE I Long Meadow Lake [Adopted 3-14-1995]

§ 93-1. Use limited to property owners; supervision of children.

The use of Long Meadow Lake, picnic grove and the surrounding town property shall be limited to the property owners and residents of Bethlehem and their guests who are accompanied by said property owners or residents. Parents are required to provide direct supervision of their children under age 12 whenever said children are in the areas delineated above or to delegate such supervision to a person who is legally, physically and emotionally capable.

§ 93-2. Animals prohibited; exception.

No dogs, horses or other animals shall be permitted on the town beach, picnic grove or in the lake. Guide dogs for sight or hearing impaired persons shall be excluded from this section.

§ 93-3. Boats in swimming area.

No boats shall be permitted in the designated town swimming area.

§ 93-4. Swimming area hours; fishing. [Amended 9-5-1996¹]

The swimming area maintained by the town and the town property surrounding the lake shall be closed to all use by the public from 9:30 p.m. until sunrise the next day, except that during the fishing season, authorized persons may fish in the area until 12:00 midnight.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 93-5

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§ 93-5. Flotation and other devices in swimming area prohibited; exception.

Except for personal flotation devices approved by the United States Coast Guard as lifesaving devices (life vests), flotation items, such as tubes, rafts, rings, kick boards and “swimmies” (arm band flotation devices), are prohibited from use in the town beach swimming area as designated by the Long Meadow Lake Committee. Exceptions apply when used under the direction of Red Cross or other sanctioned swimming instructors while conducting a town-sanctioned class.

§ 93-6. Use of soap and other washing materials.

The use of soap, detergents or other washing materials is prohibited in the swimming area and on the beach and picnic area adjacent thereto.

§ 93-7. Nuisances prohibited.

No one shall commit or create a nuisance on the lake or the surrounding town property.

§ 93-8. Watercraft speed limit.

No watercraft shall travel in excess of 15 miles per hour.

§ 93-9. Use of boats with internal combustion engines.

Except for official use approved by the Board of Selectmen, the use of internal combustion engines on boats operated on Long Meadow Lake in the Town of Bethlehem is hereby prohibited.

§ 93-10. Use of snowmobiles and all-terrain vehicles.²

In accordance with C.G.S. § 14-390, no person shall operate a snowmobile or all-terrain vehicle on the frozen surface of Long Meadow Lake or on town-owned property adjacent to Long Meadow Lake, except between the hours of 9:00 a.m. and sunset, as published in a newspaper of general circulation in the Town of Bethlehem.

§ 93-11. Penalties for offenses.

Any person violating any section of this article shall be fined not more than \$100.

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

CHAPTER 95

APPROVAL OF LOCATION OF CERTAIN MOTOR VEHECLE BUSINESS

[Adopted 5-17-2007]

§ 95-1. Board of Selectmen appropriate authority to consider certificates of approval for the location of certain motor vehicle businesses.

Pursuant to section 14-54 and section 14-67 of the Connecticut General Statutes, the Board of Selectmen is designated the appropriate authority to consider certificates of approval for the location of businesses selling or repairing motor vehicles, establishing a "Motor vehicle recycler's business" or :motor vehicle recycler's yards."

Chapter 98

PARKS AND RECREATIONAL FACILITIES

ARTICLE I Town Athletic Field

- § 98-1. Allowable uses.
- § 98-2. Prohibited uses of field.

ARTICLE II Parks, Beaches and Recreational Facilities

- § 98-3. Applicability.
- § 98-4. Speed limit.
- § 98-5. Driving and parking of vehicles.

- § 98-6. Swimming; dressing and undressing.
- § 98-7. Prohibited activities.
- § 98-8. Fires.
- § 98-9. Alcoholic beverages.
- § 98-10. Town to be held harmless in claims arising from use of facilities.
- § 98-11. Obedience to police officers; removal of persons not cooperating.
- § 98-12. Penalties for offenses.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Long Meadow Lake Management Committee — See Ch. 10, Art. VIII.
Firearms — See Ch. 78. Long Meadow Lake — See Ch. 93, Art. I.

ARTICLE I Town Athletic Field [Adopted 5-13-1969]

§ 98-1. Allowable uses.

Allowable uses shall be as follows:

- A. Regulation baseball of any age group, provided that the Babe Ruth Team is not scheduled for a game or practice.
- B. Football by any age group after the regularly scheduled baseball season is completed.
- C. Flooding for use as a public skating rink during the winter months.
- D. Public events, such as Memorial Day services, Boy Scout camporees, firemen's carnivals, etc., except under conditions of § 98-2 in the nonuses of the field.
- E. Archery, track and field events and in general any event that will not destroy the playing area.

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§ 98-2. Prohibited uses of field.

- A. No horses or ponies.
- B. No golf.
- C. No bicycles.
- D. No vehicles other than construction or field maintenance equipment.
- E. No softball, except short-duration exhibition games, such as mother-daughter/father-son benefit games once or twice a season or two softball games per year not to exceed seven innings. [Amended 5-14-1985; 11-9-1988]
- F. Prohibited to any event that would destroy the playing area during the baseball season.

ARTICLE II

Parks, Beaches and Recreational Facilities

[Adopted 3-14-1995]

§ 98-3. Applicability.

The provisions of this article shall apply to Town of Bethlehem owned parks, beaches and recreational facilities.

§ 98-4. Speed limit.

No vehicle shall be driven at a rate of speed too fast for the conditions nor greater than 15 miles per hour on any roads, paths or trails provided for such travel.

§ 98-5. Driving and parking of vehicles.

No person shall drive or park any vehicle except in areas provided for such purposes.

§ 98-6. Swimming; dressing and undressing.

Swimming shall be permitted only in Long Meadow Lake and only in such areas that are designated by the Long Meadow Lake Committee. These approved areas are marked by ropes and buoys. There shall be no dressing or undressing except in areas designated for such purpose.

§ 98-7. Prohibited activities.

The following activities are prohibited in all parks, beaches and recreational facilities:

- A. Picking flowers or foliage; cutting, breaking or digging up any trees, shrubs, plants, grass or turf; cutting, carving, painting, marking, nailing or attaching to any tree, stone, fence, wall or other structure any bill, advertisement or inscription whatsoever.

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- B. Disturbing or injuring any animal within any park or recreational facility.
- C. Disposing garbage or litter, except in designated containers or area.
- D. Hunting, trapping or the discharge of any firearms.¹

§ 98-8. Fires.

No person shall light kindling or use any fire in any area except in areas which have been designated by the Long Meadow Lake Committee and where appropriate signs have been posted. Any fires within these areas must be lit only in the facilities that have been provided by the Long Meadow Lake Committee. All fires must be extinguished after use.

§ 98-9. Alcoholic beverages.

No person shall drink or possess any alcoholic beverage in any recreational facility.

§ 98-10. Town to be held harmless in claims arising from use of facilities.

Any person using the parks, beaches and/or recreational facilities shall, by that use, hold the Town of Bethlehem harmless from any claim or loss or damage to property and/or any personal injury arising out of the use of such parks, beaches and recreational facilities. In addition, any person using the parks, beaches and/or recreational facilities shall, as a condition thereof, hold the Town of Bethlehem harmless from any claims by any third party arising as a result of the person's use of the parks, beaches and/or recreational facilities.

§ 98-11. Obedience to police officers; removal of persons not cooperating.

Any police officer may request any person violating any provision of this article to leave any park, beach and/or recreational facility. Failure of said person to leave promptly upon direction of the police officer shall constitute a further violation of this article. Upon refusal of the person to leave when directed by a police officer, the police officer may use appropriate lawful means to remove said person from any park, beach and/or recreational facility.

§ 98-12. Penalties for offenses.

Any and all persons who shall violate any provision of this article or shall aid, assist or encourage the violation thereof shall be subject to a fine not to exceed \$25 for each offense. Said fine shall be paid in person or by mail to the Town of Bethlehem. Each violation shall be considered a separate offense.

¹ Editor's Note: See Ch. 78, Firearms.

**Chapter 100
PEDDLING AND SOLICITING**

**ARTICLE I
Licensing of Peddlers**

§ 100-1. Definitions.

§ 100-2. License required; time limit for application.

§ 100-3. License fee; expiration

§ 100-4. Days peddling allowed; display of license.

§ 100-5. Nonapplicability.

§ 100-6. Penalties for offences.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem as indicated in article histories. Amendments noted where applicable.]

**ARTICLE I
Licensing of Peddlers
[Adopted 4-25-1965 - amended 11-14-2002]**

§ 100-1. Definitions.

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

PEDDLER—Any person, whether principal or agent, who shall to from place to place in the Town of Bethlehem selling or bartering, or carrying for sale or barter, or exposing therefor, any goods, wares or merchandise, either on foot or from an animal or vehicle. Anyone providing goods or services during the Christmastown Festival is not considered a peddler for the purpose of this article. Such persons must meet the requirements of the Christmastown Festival Committee in order to sell items during that event.

§ 100-2. License required; time limit for application.

No person, except those exempted by the statutes of the state or by this article, shall sell upon the public highways of the town any goods, wares or other merchandise at public or private sale or auction, or sell or peddle such articles from house to house within the Town of Bethlehem unless such person shall first obtain a license from the Board of Selectmen. Written application must be made to the Board of Selectmen in such time as to allow the Selectmen two weeks in which to act upon the application.

§ 100-3. License fee; expiration.¹

Each such peddler shall pay as a fee for such a license the sum of \$50 for each team or vehicle used by said peddler in connection with selling or peddling. Licenses will be issued for a period of two months but may be renewed from time to time for a like period in the same calendar year without further charge. All licenses will expire at 12:00 midnight on the last day of January in each year, regardless of the date of issue.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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§ 100-4. Days peddling allowed; display of license.

Any peddler so licensed shall engage in said business within the Town of Bethlehem only on days other than Sundays and holidays. Said person shall carry on their person at all times while engaging in such peddling or selling the license issued to said person and shall display the same upon the request of any prospective purchaser.

§ 100-5. Nonapplicability.

This article shall not apply to:

- A. Sales by farmers and gardeners of the produce of their farms and gardens.
- B. The sale, distribution and delivery of milk, tea, coffee, spices, groceries, meats and bakery goods.
- C. Sales by anyone on behalf of any church or school, Boy Scout or Girl Scout association, 4-H Club, American Legion or any other civic or non-profit-making organization.
- D. Anyone who has not reached his or her 18th birthday.

§ 100-6. Penalties for offenses.²

Any person violating any provision of this article shall be fined not more than \$100 for each offense. This article has been specifically designated for enforcement by citations issued by the designated municipal officers or employees, and the citation hearing procedure established in Chapter 1, General Provisions, Article I, Citation Hearing Procedure, shall be followed.

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 105 ROADS

ARTICLE I Private Roads

- § 105-1. Conditions under which road service may be supplied to Private roads.
- § 105-2. Fees for services.
- § 105-3. Snow plowing.
- § 105-4. Purchase of all or part of services.

ARTICLE II Construction and Acceptance

- § 105-5. Compliance required.
- § 105-6. Initial procedure.
- § 105-7. Standards
- § 105-8. Construction specifications and procedures.
- § 105-9. Acceptance procedure
- § 105-10. Administration and enforcement; adoption of specifications and procedures
- § 105-11. Previously accepted streets.
- § 105-12. Penalties for offenses.

ARTICLE III Road Encroachment Permits

- § 105-13. Authority of Board of Selectmen.
- § 105-14. Components of procedure.
- § 105-15. Penalties for offenses.

ARTICLE IV Scenic Roads

- § 105-16. Criteria for designation as scenic road.
- § 105-17. Agreement of abutting property owners required.
- § 105-18. Application information.
- § 105-19. Public Hearing.
- § 105-20. Rescinding of scenic road Designation.
- § 105-21. Appeals.
- § 105-22. Maintenance of and changes to certain aspects of road
- § 105-23. Routine road maintenance.
- § 105-24. Maintenance of land abutting scenic roads.

ARTICLE V Sidewalks

- § 105-30. Maintenance of Sidewalks

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Private Roads [Adopted 1-17-1968]

- § 105-1. Conditions under which road service may be supplied to private roads.

Road service maybe supplied to private roads within the town under the following conditions:

- A. The property owners on the private road organize and individually sign an agreement that each individual pay an equal share of any costs entailed. Such share of this cost is

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to be in the form of an assessment by the town. Failure to pay the assessment when due will result in a lien placed on the property.

- B. There must be a fifty-foot right-of-way provided.
- C. Request for town road services must be made in writing and signed by all property owners on said road.
- D. The Board of Selectmen will inspect the road to determine if the road meets the minimum requirements to permit the use of heavy equipment on said road.
- E. The road must be populated by primarily year-round residents.

§ 105-2. Fees for services.

Fees for services rendered are to be determined by the Board of Selectmen.

§ 105-3. Snow plowing.

Snow plowing is to be handled within the regular schedule.

§ 105-4. Purchase of all or part of services.

Residents of the road may purchase all or part of the town services as they specify in their request.

ARTICLE II
Construction and Acceptance
[Adopted 9-2-1976]

§ 105-5, Compliance required.

No land shall be dedicated by any owner of real estate for acceptance as a public street or highway by the Town of Bethlehem, nor shall any person, firm or corporation lay out or construct any street or highway for acceptance as a public street or highway or construct any drainage facility or other improvement in support of an existing town street or highway, except in accordance with the provisions of this article. No land shall be accepted as a public street or highway by the Town of Bethlehem, except in accordance with the provisions of this article, nor shall any street or highway be considered accepted unless so voted at a Town Meeting. Any street or highway so accepted shall consist of a right-of-way in which all rights and privileges as pertain to its use as a public highway are reserved to the Town of Bethlehem, and the ownership of land so dedicated shall, to the center line of the right-of-way, be recorded in the names of the adjacent property owners.

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§ 105-6. Initial procedure.

When any person, firm or corporation shall lay out or construct a street or highway for acceptance by the town, or construct any drainage facility or other improvement in support of an existing street or highway, the following requirements shall be met:

- A. Maps and plans. A map of the right-of-way for the street or highway and construction plans for streets, drainage and other improvements shall be presented to and approved by the Board of Selectmen.
- B. Bond. A suitable executed agreement and bond, in form and amount approved by the Board of Selectmen, shall be presented to the Board to guarantee the full cost of completion of any construction that is within or in support of any existing town street or highway.
- C. Permit. No construction and installation of streets, drainage and other improvement shall be commenced until a road construction permit therefor has been issued by the Board of Selectmen.
- D. Inspection. All construction of streets, drainage and other improvements shall be carried out subject to supervision and inspection by the Board of Selectmen or their authorized agent.
- E. Fees. The Board of Selectmen is authorized to charge fees for a road construction permit and for inspection of construction in such amount that the Board deems sufficient to defray the town's cost of necessary map and plan approval and supervision and inspection.

§ 105-7. Standards.

The following are minimum standards applicable to the layout and construction of streets and highways for acceptance by the town:

- A. Right-of-way: 50 feet.
- B. Width of roadway: 24 feet of gravel width and 22 feet of paved width, with a three-inch crown at the center line. Curbing shall be minimal, only to control drainage, at the direction of the Public Works Director. [Amended 4-17-1996; 9-5-1996]
- C. Maximum grade: 10%.
- D. Minimum grade: 1%.
- E. Minimum radius of curvature: 150 feet at the center line.
- F. Angle of intersection: not less than 75°.
- G. Base course: bank run gravel, 18 inches in depth after compaction, and a finish course of processed gravel two inches thick after compaction.
- H. Surface course: three inches of bituminous concrete.
- I. Curbs: bituminous concrete, machine formed, six inches high and nine inches wide at the base.

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- J. Turnarounds: in the form of a hammerhead. [Amended 4-17-1996]
- K. Cut and fill slopes: not exceeding one foot vertical for each two feet of horizontal distance.
- L. Guide posts and wire cables: required where dropoff is greater than four feet within 20 feet of pavement.
- M. Drainage: sufficient required to drain pavement and prevent erosion, with suitable permanent runoff points and easements for discharge; minimum culvert size of 15 inches and a minimum cover of 18 inches over the top of pipe.

§ 105-8. Construction specifications and procedures.

The Board of Selectmen is authorized to and shall prepare and adopt specifications and procedures for the design and construction of streets and highways, including drainage facilities and other improvements in support of streets and highways. The Board of Selectmen is authorized to provide for alternate standards for layout and construction of streets or highways that are in accord with the purpose and intent of this article. All streets or highways to be accepted by the Town of Bethlehem shall be designed and constructed in accordance with such specifications and procedures.

§ 105-9. Acceptance procedure.

The following procedure shall be applicable to the dedication and acceptance of real estate as a public street or highway by the Town of Bethlehem:

- A. Time period. The Board of Selectmen and the Town Meeting shall not be required to consider acceptance of a street or highway until period of one year after completion of construction has elapsed.
- B. Filed map. There shall be on file in the office of the Bethlehem Town Clerk a map of the right-of-way of the street or highway as well as any easements necessary for drainage. The map shall show the location of permanent monuments and shall be prepared by and bear the seal of a land surveyor licensed as such by the State of Connecticut.
- C. Petition. The owner of real estate to be dedicated as a street or highway shall file with the Board of Selectmen a petition for such acceptance accompanied by the following:
 - (1) A copy of the filed map specified in Subsection B.
 - (2) Construction plans of the street or highway showing street, drainage and other improvements, as built.
 - (3) Suitable conveyances of any easements for drainage and other supporting facilities not located in the street right-of-way.
 - (4) A suitable executed agreement and bond, in form and amount approved by the Board of Selectmen, to guarantee remedy of unforeseen deficiencies in the construction of the street or highway for a period of one year after the date of acceptance by the town.

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- D. Planning Commission. Prior to the date of a Town Meeting to consider acceptance of the street or highway, the Board of Selectmen shall refer a copy of the petition to the Bethlehem Planning Commission for a report in accordance with C.G.S. § 8-24.
- E. Certification. After receipt of a completed petition and expiration of the one-year period specified in Subsection A, the Board of Selectmen shall certify whether or not the street or highway proposed for acceptance by the town has been laid out and constructed in accordance with this article. The acceptance of any street or highway certified as in compliance with this article shall be presented to a Town Meeting for consideration and action.

§ 105-10. Administration and enforcement; adoption of specifications and procedures.

The Board of Selectmen shall have responsibility for administration and enforcement of this article. In carrying out its duties, the Board of Selectmen is authorized to adopt procedures necessary to the conduct of its duties and the enforcement of this article, and incorporating the permit and inspection fees specified in § 105-6, standards specified in § 105-7 and specifications authorized in § 105-8. Such specifications and procedures shall become effective after the Board of Selectmen has held a public hearing thereon. Notice of the time and place of such hearing shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the town at least twice at intervals of not less than two days, the first not more than 15 days nor less than 10 days, and the last not less than two days, before such hearing, and a copy of the proposed specifications and procedures shall be filed in the office of the Bethlehem Town Clerk for public inspection at least 10 days before such hearing.

§ 105-11. Previously accepted streets.

The adoption of this article shall not rescind or void the vote of previous Town Meetings to accept specifically designated roads or parts thereof.

§ 105-12. Penalties for offenses.

The Board of Selectmen may institute any appropriate action or proceedings to enforce the provisions of this article or to prevent, restrain, enjoin, correct or abate any violation of this article, as may be authorized by law. Any person, firm or corporation who shall lay out and construct a street or highway for acceptance by the Town of Bethlehem, or construct any drainage facility or other improvement within or in support of an existing town street or highway, except under a valid road construction permit, shall be fined not more than \$250 for each day that such construction continues.

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ARTICLE III
Road Encroachment Permits
[Adopted 2-9-1982]

§ 105-13. Authority of Board of Selectmen.

In accordance with C.G.S. § 7-148, the Board of Selectmen is hereby empowered, authorized and directed to publish and institute permit procedures concerning town road encroachment permits as deemed necessary.

§ 105-14. Components of procedure.

Such procedures shall include but not be limited to:

- A. Provisions to protect the towns interest by establishing bonding and insurance requirements whenever road encroachments are permitted.
- B. Provisions to reimburse the town for expenses incurred in permit administration, inspection and other work done in connection with a permitted activity.
- C. Specific driveway permit requirements, including bonding and including a statement of the relationship between driveway permits and building permits and certificates of occupancy.
- D. Safety regulations as deemed necessary.

§ 105-15. Penalties for offenses.¹

The violation of any of the provisions of this chapter shall be punished by a fine of not to exceed \$100. Each day any such violation shall continue or each act in violation shall constitute a separate offense. This article has been specifically designated for enforcement by citations issued by the designated municipal officers or employees, and the citation hearing procedure established in Chapter 1, General Provisions, Article I, Citation Hearing Procedure, shall be followed.

ARTICLE IV
Scenic Roads
[Adopted 8-24-1992]

§ 105-16. Criteria for designation as scenic road.

- A. In accordance with the authority granted by C.G.S. § 7-149a, the Planning Commission of the Town of Bethlehem shall have the power to designate a town highway as a scenic road with proper application subject to the provisions of § 105-17 of this article. Only those highways free of intensive commercial development and intensive vehicular traffic and which meet at least one of the following criteria shall be considered by the Planning Commission for designation as a scenic road:

¹ Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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- (1) It is unpaved.
- (2) It is bordered by mature trees or stone walls.
- (3) The traveled portion is no more than 20 feet in width.
- (4) It offers scenic views.
- (5) It blends naturally into the surrounding terrain.
- (6) It parallels or crosses over brooks, streams, lakes or ponds.

B. No state highway or portion thereof may be designated as a scenic road under this article.

§ 105-17. Agreement of abutting property owners required.

No highway or portion of a highway may be designated a scenic road unless the owners of a majority of lot frontage abutting the highway or portion of the highway agree to the designation by signing a written statement of approval which shall be filed with the Town Clerk at the time an application is made.

§ 105-18. Application information.

An application, in the form of a letter must be submitted to the Planning Commission and shall include the name of the highway; its location; a description of those characteristics of the highway which qualify it for such status; a copy of the written statement of approval agreeing to such designation from the owners of a majority of lot frontage abutting the highway or portion of the highway; and the signatures and addresses of said property owners.

§ 105-19. Public hearing.

Upon verification of the validity of the petition by the Town Clerk, the Planning Commission shall schedule a public hearing and make a decision on the proposal in accordance with the procedures of C.G.S. §§ 8-26 and 8-26d. In addition, the Planning Commission shall notify the Board of Selectmen that such a petition has been filed. Upon receipt of this information by the Board of Selectmen from the Planning Commission, no alterations or improvements may be made upon the subject highway or portion thereof, except as provided for in § 105-22 of this article, pending the decision of the Planning Commission.

§ 105-20. Rescinding of scenic road designation.

The scenic road designation may be rescinded by the Planning Commission using the same procedure and having the written concurrence of the owners of a majority of lot frontage abutting the highway or portion of the highway.

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§ 105-21. Appeals.

Any person aggrieved by the designation of a highway or portion of the highway as a scenic road by the Planning Commission may appeal such designation in the manner provided for appeals from the decisions of Planning Commissions under C.G.S. §§ 8-8 and 8-28.

§ 105-22. Maintenance of and changes to certain aspects of road.

After a highway or portion thereof has been designated as a scenic road, it shall be maintained by the town in good and sufficient repair and in passable condition. No material changes shall be made without the approval of the Planning Commission in the width of the traveled portion, the alignment, the grade or the elevation of the road, or the type of roadway surface, and no stone walls may be torn down, no trees may be cut or removed, except in the case of a natural disaster in which the road becomes impassable or unsafe for public travel.

§ 105-23. Routine road maintenance.

Routine road maintenance may be performed by the town without the approval of the Planning Commission. Routine road maintenance shall include correction of drainage problems; retreatment and repair of existing road surfaces; the removal of dead trees and branches; trimming of tree branches encroaching on the traveled portion of the road below the height needed for passage of school buses and emergency vehicles and to preserve sight lines; trimming of brush to enhance and protect scenic views, stone walls, mature trees and other characteristics of the scenic road set forth in the description filed with the application for scenic road designation.

§ 105-24. Maintenance of land abutting scenic roads.

Nothing in this article shall be deemed to prohibit a person owning or occupying land abutting a scenic road from maintaining and repairing the land which abuts the scenic road if the maintenance or repair occurs on land not within the right-of-way, paved or unpaved, of the scenic road.

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ARTICLE V
Maintenance of Sidewalks
[Adopted 2-1-2005]

Rescinded on August 14, 2008 at Special Town Meeting

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3-28-2008

Chapter 109 SEPTIC SYSTEMS

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|--|---|
| <p>§ 109-1. Single-family dwellings.</p> <p>§ 109-2. Multifamily dwellings.</p> <p>§ 109-3. Commercial, industrial, institutional or any other structures.</p> <p>§ 109-4. Application for waiver.</p> | <p>§ 109-5. Grant or denial of application.</p> <p>§ 109-6. Applicability of Subdivision Regulations.</p> <p>§ 109-7. Exemptions.</p> <p>§ 109-8. Enforcement.</p> <p>§ 109-9. Fee for waiver application.</p> |
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[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem 5-15-1997. Amendments noted where applicable.]

§ 109-1. **Single-family dwellings.**¹

On and after the effective date hereof, where private subsurface septic disposal systems are required, no single-family dwelling shall be constructed in the Town of Bethlehem on any piece or parcel of land containing less than 1½ acres, exclusive of land regulated under C.G.S. §§ 22a-36 through 22-45, inclusive, as amended, and of which at least one acre shall contain no slope in excess of 25% original grade.

§ 109-2. **Multifamily dwellings.**

On and after the effective date hereof, where private subsurface septic disposal systems are required, no multifamily dwellings shall be constructed in the Town of Bethlehem at a density of greater than one dwelling unit per 1½ acres, exclusive of land regulated under C.G.S. §§ 22a-36 through 22a-45, inclusive, and of which at least one acre per dwelling unit shall contain no slope in excess of 25% original grade.

¹ Editor's Note: The preamble, which immediately preceded this section, reads as follows:

“WHEREAS, Connecticut General Statutes Section 7-148(c)(7)(H)(xi) provides that a municipality may, by ordinance, “Provide for the health of the inhabitants of the municipality and do all things necessary or desirable to secure and promote the public health;” and

WHEREAS, Connecticut General Statutes Section 7-148(c)(7)(H)(xiii) provides that a municipality may, by ordinance, “Make and enforce police, sanitary or other similar regulations and protect or promote the peace, safety, good government and welfare of the municipality and its inhabitants;

WHEREAS, Connecticut General Statutes Section 19a-207 provides that municipalities may “adopt, by ordinance, sanitary rules and regulations” provided that such rules and regulations are not inconsistent with the public health code adopted by the Commissioner of Health Services; and

WHEREAS, in 1982, the Connecticut Department of Environmental Protection, Water Compliance Unit, commissioned a study entitled “Seepage and Pollution Renovation Analysis For Land Treatment, Sewage Disposal Systems,” known as the Healy and May Study (hereinafter termed the “analysis”);

NOW, THEREFORE, pursuant to the above-recited authority, the Town of Bethlehem in town meeting convened, adopts the following ordinance:“

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§ 109-3. Commercial, industrial, institutional or any other structures.

On and after the effective date hereof, where private subsurface septic disposal systems are required, no commercial, industrial, institutional or any other structure or land use that is not a single-family or multifamily dwelling shall be constructed in the Town of Bethlehem on any piece or parcel of land without applying for a waiver herefrom under this chapter.

§ 109-4. Application for waiver.

Any person, as defined in C.G.S. § 1-1(1c), as amended, owning an interest in any land in the Town of Bethlehem may, with the written consent of the owner of record title to said land, apply for a waiver of the foregoing to the Bethlehem Planning Commission, notwithstanding if said person of record title owner has obtained any other permit from a state agency, health district or any other governmental body regarding private sewage disposal systems.

§ 109-5. Grant or denial of application.

- A. The Bethlehem Planning Commission with the advice and consent of the Torrington Area Health District, shall grant, grant with conditions or deny any such application in accordance with standards set forth in "Seepage and Pollution Renovation Analysis For Land Treatment, Sewage Disposal Systems," dated 1982. Additionally the applicant shall provide adequate notice to the Torrington Area Health District prior to the applicant's field data collection as outlined in said analysis, such as deep test pits, borings, standpipes, piezometers, topographic measurements and permeability measurements, and allow the Torrington Area Health District, or its designated representative, the ability to observe said field data collection. The application shall be certified by a professional engineer or another individual acceptable to the Torrington Area Health District.
- B. If the waiver application satisfies the standards contained in said analysis, the Torrington Area Health District shall so advise the Bethlehem Planning Commission which, in turn, shall, after approval at its next regular legally constituted meeting, issue a letter of approval forthwith. If the waiver application fails to meet the standards contained in said analysis, the Torrington Area Health District shall notify the First Selectman, the Building Official and the Bethlehem Planning Commission.
- C. At its next regular legally constituted meeting, the Bethlehem Planning Commission shall deny the waiver application, informing the applicant forthwith.
- D. The Building Official shall not issue a building permit until compliance with said standards is obtained.

§ 109-6. Applicability of Subdivision Regulations.

For the purposes contained herein, said Bethlehem Planning Commission and the applicant for waiver hereunder shall follow the procedures set forth in Section 2 of the Subdivision

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Regulations of the Town of Bethlehem,² as may be amended from time to time, except that, as used in the context of this chapter, “subdivision” in said regulations shall mean “single-family dwelling,” “multifamily dwelling” and “commercial industrial, institutional or any other structure or land use”; “Planning Commission” and “Commission” in said regulations shall mean “Bethlehem Planning Commission”; “Town of Bethlehem” and “town” in said regulations at Section 2.3.2 shall mean “Bethlehem Planning Commission”; and “by resolution” in said regulations shall mean “in its determination.” Further, as used in the context of this chapter, Subsections 2.3.4, 2.4.2.C.iii, 2.4.2.C.iv and 2.4.2.C.v of said Subdivision Regulations shall not apply.

§ 109-7. Exemptions.

Construction of a single-family dwelling on a subdivision lot containing less than 1½ acres, as aforesaid, which subdivision lot was approved by the Bethlehem Planning Commission between the effective date of Subdivision Regulations for the Town of Bethlehem and the effective date of this regulation, shall be exempt from the operations of this chapter.

§ 109-8. Enforcement.

The Board of Selectmen is authorized to enforce the terms of this chapter by notice, cease-and-desist order, court order or such other lawful means as the said Board of Selectmen may possess.

§ 109-9. Fee for waiver application.

Application for a waiver to this chapter requires payment of \$250 fee to the Town of Bethlehem.

² Editor’s Note: The Subdivision Regulations are on file in the office of the Town Clerk.

Chapter 113 SOLID WASTE

ARTICLE I Refuse Collection and Disposal

- § 113-1. Declaration of policy.
- § 113-2. Definitions.
- § 113-3. Designation of waste disposal site.
- § 113-4. Penalties for offenses.

ARTICLE II Bulky Waste

- § 113-5. Compliance required.
- § 113-6. Definitions.
- § 113-7. Authority of Selectmen.

- § 113-8. Prohibited practices.
- § 113-9. Penalties for offenses.

ARTICLE III Recycling

- § 113-10. Statutory authority.
- § 113-11. Definitions.
- § 113-12. Responsibilities and obligations of generators of solid waste.
- § 113-13. Refuse collectors responsibilities and obligations.
- § 113-14. Authority and powers.
- § 113-15. Penalties for offenses.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Refuse Collection and Disposal [Adopted 3-26-1987]

§ 113-1. Declaration of policy.

The accumulation, collection, removal and disposal of refuse must be controlled by this municipality for the protection of the public health, safety and welfare. It is consequently found and declared that:

- A. This municipality is authorized by law to regulate the disposition of refuse generated within its boundaries and to collect a charge therefor and to license refuse collectors.
- B. This municipality is also authorized by Connecticut General Statutes Section 22a-220a to designate the area where refuse generated within its boundaries shall be disposed.
- C. This municipality has executed the municipal service agreement requiring it to cause all solid waste generated within its boundaries and which meets the contractual standards to be delivered to the Mid-Connecticut System.
- D. The public health, safety and welfare of this municipality will be best served by requiring the delivery of such solid waste to the location or locations determined by the Board of

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Selectmen from time to time for processing by the Mid-Connecticut System and the generation of electricity.

- E. The enactment of this article is in furtherance of this municipality's regional Solid Waste Management Plan.

§ 113-2. Definitions.

The following terms shall have the following meanings:

CONTRACTUAL STANDARDS — For solid waste delivered to the Mid-Connecticut System:

- A. It must be solid waste emanating from within the corporate boundaries of this municipality;
- B. It must not be of such a quantity, quality or other nature as to materially impair the operation or capacity of the Mid-Connecticut System or any portion thereof, normal and reasonable wear and usage excepted;
- C. It must not be of such a quantity, quality or other nature as to materially impair the strength or the durability of the structures, equipment or works which are a part of the Mid-Connecticut System or any portion thereof;
- D. It must not be of such a quantity, quality or other nature as to create flammable or explosive conditions in the Mid-Connecticut System or any portion thereof;
- E. It must not contain chemical or other properties which are deleterious, as determined by the authority or capable of causing material damage to any part of the system or to personnel; and
- F. It must not include any hazardous waste.

DISPOSAL CHARGE — That amount of money to be charged for each ton of solid waste delivered to the Mid-Connecticut System as established by the procedures authorized in the municipal service agreement.

HAZARDOUS WASTE — Pathological, biological, cesspool or other human wastes, human and animal remains, radioactive, toxic and other hazardous wastes which according to federal, state or local rules or regulations from time to time in effect require special handling in their collection, treatment or disposal, including those regulated under 42 U.S.C. §§ 6921-6925 and regulations thereunder adopted by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6901, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of similar nature.

MID-CONNECTICUT SYSTEM — The solid waste disposal and energy recovery facility designed and constructed by Combustion Engineering, Inc. (CE) pursuant to an agreement with the Connecticut Resources Recovery Authority (CRRA) located in Hartford; the transfer stations which service that facility; and the landfill or landfills provided by or designated by the CRRA.

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MUNICIPAL SERVICE AGREEMENT — The municipal solid waster management services contract between the CRRA and this municipality dated as of December 29, 1986.

SOLID WASTE — Unwanted or discarded materials consistent with the meaning of that term pursuant to C.G.S. § 22a-260(7), excluding semisolid or liquid materials collected and treated in a sewerage system.

§ 113-3. Designation of waste disposal site.¹

Pursuant to C.G.S. § 22a, as amended, the legislative body hereby designates the Mid-Connecticut System as the area where solid waste meeting contractual standards generated within the boundaries of the Town of Bethlehem by residential, business, commercial or other establishments shall be disposed. On and after the effective date of this article each person collecting any solid waste meeting contractual standards generated within the boundaries of this municipality shall deliver all such waste to the location or locations determined by the Board of Selectmen from time to time.

§ 113-4. Penalties for offenses.

Any person violating the terms of this article shall be fined not more than \$100 for each offense, in addition to any other penalty imposable hereunder.

ARTICLE II
Bulky Waste
[Adopted 10-29-1987]

§ 113-5. Compliance required.

The Town of Bethlehem acting herein by its legislative body, the Town Meeting, and in accordance with C.G.S. §§ 22a-220 and 220a ordains that, after the effective date of this article, bulky wastes generated within the Town of Bethlehem shall be disposed of as provided for in this article.

§ 113-6. Definitions.

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

BULKY WASTES:

- A. Noncombustible construction materials and demolition debris, including structural steel, structural shapes and the like.
- B. Oversized waste which exceeds one foot six inches by four feet by six feet and weighs more than 50 pounds and cannot be reduced in size by the CRRA waste process facility known as the Mid-Connecticut Project.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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- C. Any item which in the sole discretion of CRRA is not readily processible or which in the discretion of CRRA may damage machinery if introduced into the process. These items may include but are not limited to the following: appliances, auto parts, cabinets, box springs, furniture and the like.
- D. Any waste defined as bulky wastes by CRRA as they shall determine from time to time.

§ 113-7. Authority of Selectmen.

The Board of Selectmen shall have the authority to:

- A. Designate a bulky waste disposal site either within or outside the boundaries of the Town of Bethlehem.
- B. Implement a fee schedule for the disposal of bulky wastes, which fees shall be established in relation to the town's cost for transportation and disposal at the designated site.

§ 113-8. Prohibited practices.

- A. Tree stumps, logs of one foot in diameter or greater and boulders generated during the course of new construction or reconstruction shall not be permitted in the landfill or designated site.
- B. Commercial/contractor construction and demolition waste in roll-off containers or in amounts greater than five cubic yards shall be hauled directly to the designated disposal area at no expense to the town.

§ 113-9. Penalties for offenses.

Violation of this article by any person, firm or corporation shall be punishable by fines of not more than \$100 or, if greater, not more than the maximum allowed by the Connecticut General Statutes. Each occurrence or, if applicable, each day such a violation occurs shall constitute a separate violation.

**ARTICLE III
Recycling
[Adopted 9-14-1994]**

§ 113-10. Statutory authority.

Pursuant to Public Act 90-220 (C.G.S. § 22a-220 et seq.), the following article requires the separation of recyclable materials from other solid waste.

§ 113-11. Definitions.

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

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MUNICIPAL DROPOFF CENTER — The site located at 409 Main Street South, Bethlehem, Connecticut, or such other site or sites designated by the Board of Selectmen for the delivery of recyclables collected within the town.

RECYCLABLES:

- A. Corrugated cardboard.
- B. Glass food and beverage containers.
- C. Leaves.
- D. Metal food and beverage containers.
- E. Newspapers.
- F. Scrap metal.
- G. Storage batteries.
- H. Waste oil.
- I. Clothing and shoes.

§ 113-12. Responsibilities and obligations of generators of solid waste.

- A. Each person, business or institution that generates municipal solid waste within the town shall separate recyclables from other solid waste. Solid waste placed for collection which contains recyclables shall neither be collected by refuse collectors nor accepted for disposal at any refuse processing facility.
- B. Apartment and condominium complexes as well as commercial, industrial and institutional establishments within the town shall provide or require their refuse collector to provide for the separation of recyclables from other solid waste.
- C. Each resident is required to deliver recyclables to the Municipal Dropoff Center or is required to contract a hauler to collect said recyclables for delivery to the Municipal Dropoff Center or other recycling facility designated and approved by the town for recycling in the following manner:
 - (1) Clean, unsoiled newspaper.
 - (2) Glass and metal food containers shall be rinsed out and placed in a container.
- D. Scrap metal, cardboard, storage batteries, used engine oil and leaves shall be delivered to the Municipal Dropoff Center or other designated area, so as not to constitute a nuisance or otherwise be objectionable.
- E. Each business shall deliver recyclables to the Municipal Dropoff Center or other designated area or shall contract a hauler to collect and deliver said recyclables to the Municipal Dropoff Center or other designated area.
- F. Private collection and disposal shall be the responsibility of the owners or operators of all commercial, industrial and institutional establishments and apartment and condominium complexes, who shall provide, at their own expense, for the storage, collection and

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transportation of recyclables. Such operations shall be carried out in such a manner as to avoid the creation of a public nuisance.

- G. Owners of property not serviced by contractors shall be responsible for compliance with the recycling provisions of C.G.S. § 22a-241b. Compliance shall be monitored by all refuse collectors and refuse facility operators. Suspected violators shall be reported to the Board of Selectmen for appropriate action.

§ 113-13. Refuse collectors responsibilities and obligations.

- A. **Recyclables.** Each refuse collector shall collect recyclables from each of its customers in a manner provided in this article. Each such refuse collector shall deliver all residential refuse collected within the territorial limits of the town to such place or places as the Board of Selectmen may from time to time designate and shall deliver all residential recyclables to the Municipal Dropoff Center or other designated area.
- B. **Enforcement.** Each refuse collector shall notify the town of generators who have discarded recyclables with solid waste and shall assist the town in identifying persons responsible, including issuing warning notices to violators, if requested by the town.

§ 113-14. Authority and powers.

- A. The First Selectman shall and is granted the authority to designate a person to receive information and respond to questions regarding recycling from the Department of Environmental Protection on behalf of the town.
- B. The First Selectman shall and is granted the authority to designate a Municipal Recycling Agent to receive complaints and notices of violations of the separation requirements set forth in Public Act 90-220 (C.G.S. § 22a-220 et seq.) and this article.
- C. The Board of Selectmen is hereby authorized to add or delete, from time to time, items on the list of recyclables so long as such action is not in conflict with the Connecticut General Statutes, Department of Environmental Protection regulations or the municipal recycling service agreement signed with the CRRA.
- D. The Board of Selectmen shall have the authority to establish such rules and regulations as it deems necessary for the public health, safety and welfare, concerning the separation, collection, removal, storage and disposition of recyclables and salvageable material. Such rules and regulations may include licensing, fines, identification, fees and charges and private and public collection procedures.

§ 113-15. Penalties for offenses.

- A. **Penalty.** Whoever violates the provisions of this article shall upon conviction be fined not more than \$100 for each offense. Each and every violation shall be deemed a separate offense.
- B. **Removal of accumulated waste.** In addition to the foregoing penalty, the town may require the owner or occupant of premises to remove an accumulation of solid waste at such

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premises. Should said person fail to remove such solid waste after 10 days following written notice, the town may cause the solid waste to be collected and disposed of with the costs of such actions to be charged to the owner or occupant of the property in a manner provided by law.

Chapter 116

STREET NUMBERING

§ 116-1. Purposes.

§ 116-2. Street numbering system adopted.

§ 116-3. Responsibility of Board of Selectmen.

§ 116-4. Numbering of certain nontown roads.

§ 116-5. Recognition of certain street names.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem 2-13-1984. Amendments noted where applicable.]

§ 116-1. Purposes.

For the purpose of creating order in the streets of the Town of Bethlehem, to ensure that the town has proper and useful planning, to promote public safety and convenience, to ease and speed essential emergency services and to replace and standardize the existing system the town of Bethlehem adopts the following provisions.

§ 116-2. Street numbering system adopted.

The street numbering system, as shown on a set of maps on file in the office of the Town Clerk entitled "Bethlehem Street Numbering System 1984," is hereby adopted by the Town of Bethlehem as specified in C.G.S. § 7-148 as the street numbering system of the Town of Bethlehem.

§ 116-3. Responsibility of Board of Selectmen.

The Board of Selectmen shall assign and be responsible for street numbering and may change numbers as necessary.

§ 116-4. Numbering of certain nontown roads.

Certain streets and roads have been numbered which are not town roads. This has been done for consistency and convenience and cannot be interpreted as acceptance of the street by the town.

§ 116-5. Recognition of certain street names.

To ensure that there is no confusion in the names of streets within the Town of Bethlehem, the following street names shall be recognized:

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- A. A road beginning at the intersection of Guild Hollow Road and Carmel Hill Road North and running south to the Woodbury town line shall be known as “Carmel Hill Road South.”
- B. A road beginning at the intersection of Guild Hollow Road and Carmel Hill Road South and running north to and ending at an intersection with Wood Creek Road shall be known as “Carmel Hill Road North.”
- C. A road beginning at the intersection of Kasson Road and Hard Hill Road South and running north to the Morris town line shall be known as “Hard Hill Road North.”
- D. A road beginning at the intersection of Kasson Road and Hard Hill Road North and running south to and ending at an intersection with Nonnewaug Road (Paradise Valley Road) shall be known as “Hard Hill Road South.”
- E. A road beginning at Kasson Road and running north abutting the Watertown town line shall be known as “Townline Highway North.”
- F. A road beginning at Watertown Road and running south abutting the Watertown town line and ending at an intersection with Magnolia Hill Road shall be known as “Townline Highway South.”

Chapter 121

TAXATION

ARTICLE I Single Payment

§ 121-1. Tax amount less than \$100

ARTICLE II Delinquent Taxes

- § 121-2. Statutory authority
- § 121-3. Special form required.
- § 121-4. Refusal of building permit
- § 121-5. Exceptions
- § 121-6. Applicability to issue building

ARTICLE III Waiver of Taxes

§ 121-7. Amount due less than \$5.

ARTICLE IV Tax Relief for Volunteer Ambulance Association Members

- § 121-8. Purpose.
- § 121-9. Establishment of Tax Relief Program.
- § 121-10 Procedure.
- § 121-11. Applicability.

ARTICLE V Tax Relief Program of Elderly and Permanently Disabled Homeowners

- § 121-12. Purpose.
- § 121-13. Limitation.
- § 121-14. Eligibility.
- § 121-15. Schedule of Payments.
- § 121-16. Application for and Grant of Tax Relief.
- § 121-17. Effective Date of Tax Credit.
- § 121-18. Appeal.
- § 121-19. Annual Plan Review.
- § 121-20. Effective Date of Ordinance.

ANNEX A

ARTICLE VI Property Tax Exemption for Farm Buildings and Seasonal Farm Employee Housing

- § 121-21. Property Tax Exemption for Farm Buildings and Seasonal Farm Employee Housing.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem as indicated in article histories. Amendments noted where applicable.

GENERAL REFERENCES

Earth materials – See Ch. 75

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ARTICLE I
Single Payment
[Adopted 2-9-1982]

§ 121-1. Tax amount less than \$100 (Editors note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art II).

Pursuant to C.G.S. § 12-144, as amended, any tax in an amount not in excess of \$100 shall be due and payable in a single payment.

ARTICLE II
Delinquent Taxes
[Adopted 12-14-1995]

§ 121-2. Statutory authority.

In accordance with State of Connecticut Public Act 95-320 [C.G.S. § 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.

§ 121-3. Special form required.

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

§ 121-4. Refusal of building permit.

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.

§ 121-5. Exceptions.

This article shall not apply in instances when any governmental agency (such as, for example, the regional health district) has ordered such improvements in order to comply with applicable law or regulations pertaining to public health or safety; or such improvements are related to medical needs, such as for ramps for access for the physically disabled; or nonpayment of such past due taxes are attributable to extraordinary medical expenses, as established to the satisfaction of the Bethlehem Tax Collector, as evidenced by a certificate of such Tax Collector.

§ 121-6. Applicability to issued building permits.

This article shall not apply to those properties for which a valid building permit has been issued as of the date of the adoption of this article, but only as to the improvements which are the subject of such building permit.

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ARTICLE III
Waiver of Taxes
[Adopted 10-5-1998]

§ 121-7. Amount due less than \$5.

In accordance with Section 12-144C of the Connecticut General Statutes, any tax due in an amount less than \$5 will be waived.

ARTICLE IV
Tax Relief for Volunteer Ambulance Association Members
[Adopted 6-18-2002]

§ 121-8. Purpose.

The purpose of this article is to provide tax relief for members of the Bethlehem Ambulance Association, Inc. (the "Association") who volunteer their services as an emergency medical technician, paramedic or ambulance driver to the Town of Bethlehem, and thereby, to help retain existing members and to attract new members of the Association.

§ 121-9. Establishment of Tax Relief Program.

Pursuant to Section 12-81w of the Connecticut General Statutes, the Town of Bethlehem hereby authorizes annual abatements of property taxes of qualifying members of the Association in an amount of up to a maximum of One Thousand Dollars, provided that qualifying members whose total real and personal property taxes are less than the amount specified in § 121-10A for any relevant year shall receive an abatement in the total amount of such taxes for such year.

§ 121-10. Procedures.

A. On or before March 1 of each year the President of the Association shall provide the First Selectman with a certified list of the names and addresses of each emergency medical technician, paramedic or ambulance driver who is a volunteer member of the Association and who, during the entire prior calendar year, met the Association's criteria, in accordance with their by-laws, to qualify as a member in good standing and who is eligible for a tax abatement under this article and the amount each member qualified for up to a maximum of \$1,000 per member in accordance with accumulated points as stated in their by-laws as follows:

- (1) Qualifying Ambulance Drivers: with 50 points may be eligible for an abatement of \$500.00; with 75 points may be eligible for an abatement of \$750.00 or with 100 points may be eligible for an abatement of \$1,000.00.
- (2) Qualifying MRT's with 75 points may be eligible for an abatement of \$750.00 or with 90 points may be eligible for an abatement of \$1,000.00.
- (3) Qualifying EMT's with 50 points may be eligible for an abatement of \$1,000.00.

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- B. Any tax abatement shall be applied first to any real property taxes owned by the member to the Town and then to any taxes on personal property (including, but not limited to, motor vehicles) owned by the member to the Town. The tax abatement shall be applicable whether such property is owned individually by the volunteer member or jointly or as tenant-in-common with one or more persons.

§ 121-11. Applicability.

This article shall be applicable to taxes due on the grand list of October 1, 2002, and thereafter.

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ARTICLE V

Tax Relief Program of Elderly and Permanently Disabled Home Owners [Adopted 12-8-2005]

§ 121-12. Purpose.

The purpose and intent of this ordinance is to establish a Tax Relief Program in accordance with Connecticut General Statutes Section 12-129n, as amended, to assist elderly or totally disabled residents of the Town of Bethlehem, with their real property taxes. Eligible participants will receive a tax abatement applied against their principal residence, in addition to the abatement provided under the Connecticut General Statutes, Section 12-129b, pro rata to the participant's percentage of ownership of the subject property.

§ 121-13. Limitations.

- A. The Total amount of property tax abatement that may be had with respect to any property, when combined with any tax relief for which such taxpayer may be eligible in accordance with C.G.S. Section 12-129b or 12-129d inclusive, or 12-170aa, shall not exceed in aggregate seventy-five per-cent (75%) of the subject property tax.
- B. The property tax abatement shall apply only to the residence itself, its immediate outbuildings, and the building lot on which the residence is located up to the amount of the minimum lot size specified for the area in which the lot is located
- C. The total of all tax abatement granted under the provisions of this Tax Abatement Program shall, in any fiscal year, not exceed seven and one-half tenths of one percent (0.75%) of the total real estate property tax assessment in the Town of Bethlehem in the preceding fiscal year. In the event the total calculated tax abatement would exceed the above limitations, the individual abatements shall be reduced on a pro rata basis.

§ 121-14. Eligibility.

- A. Any person who owns real property in the Town of Bethlehem or who is liable for the payment of taxes thereon under the Connecticut General Statutes Section 12-48 and who occupies that property as his or her principal residence, shall be eligible for real property tax abatement pursuant to Connecticut General Statutes Section 12-129n in the form of a tax credit provided that all the following conditions are met.
 - 1, Such person is:
 - a. Sixty-five (65) years of age or over at the close of the calendar year preceding the period in which a claim for abatement is filed; or whose spouse living with him or her is sixty-five (65) years of age or over at the close of the calendar year preceding the period in which a claim for tax abatement is filed; or such person is sixty (60) years of age or over and the surviving spouse of a taxpayer qualified in Bethlehem under this ordinance at the time of his or her death or with respect to real property

on which such applicant or his or her spouse is liable for taxes under Connecticut General Statutes Section 12-48; or

- b. Under sixty-five (65) years of age and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security, or has not been engaged in employment covered by Social Security and accordingly has not qualified for benefits there under, but has become qualified for permanent total disability benefits under any federal, state or local government retirement disability plan, including Railroad Retirement Act and any government-related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under Social Security.
2. The applicant and/or his/her spouse under subdivisions (1) or (2) above must have been a real property taxpayer of the Town of Bethlehem for three (3) years immediately preceding their receipt of tax benefits under this ordinance and meet the requirements with respect to maximum income allowance during the calendar year preceding the year in which the application is made for the tax credit provided in this ordinance.
3. The applicants must own and occupy the real property in the Town of Bethlehem for which this tax credit is claimed as their principal residence. Principal residence shall be defined as residency of at least one hundred eighty-three days per year in each of the three (3) years prior to the application and in each abated tax year thereafter. A surviving spouse is not required to have had an ownership interest in the property prior to the applicant's death, but must be the record owner of the property within twelve (12) months thereafter and meet the other requirements set forth in this ordinance.
4. An applicant(s) shall individually, if unmarried, demonstrate an adjusted gross income of thirty-six percent (36%) greater than the maximum qualifying income for the "unmarried" category as per the Circuit Breaker program or less; or jointly, if married, demonstrate an adjusted gross income of twelve percent (12%) greater than the maximum qualifying income for the "married" category as per the Circuit Breaker program or less, in accordance with the guidelines set forth below, during the calendar year preceding the filing of his/her application. The applicant shall demonstrate such "qualifying income" as defined in Section 35H of the State Circuit Breaker application, Section 7, from Social Security benefits and all other income, by producing his/her Internal Revenue Service Form 1040.
5. In addition to meeting the "qualifying income" standards as set forth in this Tax Abatement Program, the applicant must first apply for "Circuit Breaker" tax relief provided by the State of Connecticut. If the applicant is denied eligibility for tax relief granted under one or more of the State Circuit Breaker programs, the Assessor shall deny the applicant the local share of tax relief, remove the applicant from the abatement records, and bill him/her for the full real estate tax due. However, a married or unmarried applicant with an income that exceeds the maximum income set for them in

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the Circuit Breaker program but does not exceed the maximum income set forth in the local Tax Relief Program shall not be required to apply for or be granted State Circuit Breaker Benefits.

§ 121-15. Schedule of Payments.

- A. The Tax Abatement Committee shall, on an annual basis, update and make available a Schedule of Payments for the local Tax Relief Program as per the guidelines set forth in this ordinance. This schedule of payments shall be made available to the public by November 30th of each year. A sample of the Schedule of Payments is reflected in ANNEX A.
- B. The property tax abatements provided by this ordinance shall be in addition to those benefits available to qualified taxpayers under Connecticut General Statutes Sections 12-129b to 12-129d inclusive, 12-129h and 12-10aa, provided, that the town and State benefits in any one (1) year shall not exceed seventy-five percent (75%) of the real property tax, as determined by the Assessor within the applicable tax year, which would have been imposed on a qualified taxpayer in the absence of such State statute and this Tax Relief Program.

§ 121-16. Application for and Grant of Tax Relief.

- A. Applications for this Tax Relief Program must be made to the Assessor's office between February 1st and May 15th. The applicant shall present to the Assessor in substantiation of his/her application, a copy of his/her federal income tax return for the calendar year immediately preceding the year of application, or, if not required to file a return, such other evidence of qualifying income which the Assessor may reasonably require to establish compliance with the income qualifications provided in this ordinance. The applicant, or his/her authorized agent, shall sign a sworn affidavit affirming the accuracy of the statements in the application. Any falsifications of information required in any such application shall result in denial and/or revocations of tax relief granted with respect to such applicant and/or repayment and recapture by the Town of Bethlehem of any and all tax relief granted the applicant pursuant to this program. In addition to any penalties provided for by the Connecticut General Statutes, a taxpayer who fraudulently obtains tax benefits under this program shall be liable for repayment of the abated taxes, interest and any cost of collecting same, including court costs and reasonable attorney fees.
- B. When the Assessor has determined that the applying taxpayer is entitled to tax relief under this program, he/she shall compute the amount of such tax relief and cause a tax credit to be issued in such form as to permit the Tax Collector to reduce the amount of tax levied against the taxpayer and make proper record thereof. A copy thereof shall be delivered to the applicant.
- C. In the case where title to real property is recorded in the name of a taxpayer or in the name of his or her spouse, who is eligible for tax relief hereunder, and in the name of any other person or persons, the tax relief hereunder shall be prorated to allow a tax credit equivalent to the fractional share in the property of such taxpayer or spouse, and the persons not

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otherwise eligible for tax relief shall not receive any tax credit. Furthermore, if such property is a multiple family dwelling, such tax relief shall be prorated to reflect the fractional portion of such property occupied by the qualified surviving spouse.

- D. The tax relief granted under this program shall, in each case, be for a term to correspond with the State Circuit Breaker program. A complete and timely applications, as specified in Section 5A above, shall be required for each subsequent period of tax relief under this program.
- E. In the event the real property of a qualified applicant is sold, assigned, granted or conveyed during the fiscal year when a credit is applicable, regardless of whether such transfer, assignment, grant or conveyance was voluntary or involuntary, the amount of tax credit shall be prorated by the office of the Town Assessor.
- F. The Assessor and the Tax Collector shall provide such forms and institute such procedures as may be required for the Circuit Breaker program and shall modify such forms as may be necessary to implement this Tax Relief Program.
- G. All applications for this program, any federal income tax returns or other personal financial documentation filed therewith, and any additional evidence of qualifying income that the Assessor may require to determine eligibility for this program shall be kept confidential and not open to public inspection; provided, however, that the Tax Collector, Board of Finance and Board of Selectmen shall be allowed access to any such information as may be required in their official capacity.
- H. In determining the primary residency eligibility of the applicant, the Assessor may utilize and rely on the authenticity of the following:
 - 1. Registered voter status,
 - 2. Connecticut State income tax return,
 - 3. Registered motor vehicle document,
 - 4. Current Connecticut driver's license,
 - 5. Or other documentation deemed necessary.

§ 121-17. **Effective Date of Tax Credit**

This program shall commence with and be applicable to the Grand List of October 1, 2005 and all subsequent Grand Lists thereafter until modified or repealed by vote of the legislative body.

§121-18. **Appeal**

Any person aggrieved by the decision of the Assessor relative to this ordinance may appeal to the Board of Selectmen. All Appeals must be submitted to the Board of Selectmen in writing within 30 days of the Assessor's decision.

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§121-19. Annual Plan Review

A committee consisting of five (5) individuals shall be appointed by the Board of Selectmen to serve for a period of two (2) years as long as this program remains in effect. This committee shall consist of one member of the Board of Selectmen, one member of the Board of Finance and 3 members from the community at large. This committee shall meet at least once during the month of November each year for the purposes of reviewing and or updating this plan. Any recommendations from this committee should be made to the Board of Finance and the Board of Selectmen and shall require approval of the legislative body.

§121-20. Effective Date of the Ordinance

This ordinance shall take effect fifteen (15) days after publication of a summary of its provisions in accordance with Connecticut General Statutes, Section 7-157(b) and shall be applicable as set forth in Section 121-17 of this ordinance.

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Annex A

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ANNEX A

SAMPLE SCHEDULE OF PAYMENTS

The following schedule of payments was based on the October 2004 Circuit Breaker Program.

MARRIED HOMEOWNERS

Qualifying Income	PROPERTY TAX CUT	MINIMUM \$ TAX CUT	MAXIMUM \$ TAX CUT
\$ 0.00 - 13,400.00	50%	\$ 400.00	\$ 1,250.00
\$13,400.01 - 18,100.00	40%	\$ 350.00	\$ 1,000.00
\$18,100.01 - 22,600.00	30%	\$ 250.00	\$ 750.00
\$22,600.01 - 27,100.00	20%	\$ 150.00	\$ 500.00
\$27,100.01 - 33,000.00	10%	\$ 150.00	\$ 250.00
\$33,000.01 - 36,960.00		\$ 200.00	\$ 200.00

UNMARRIED HOMEOWNERS

Qualifying Income	PROPERTY TAX CUT	MINIMUM \$ TAX CUT	MAXIMUM \$ TAX CUT
\$ 0.00 - 13,400.00	40%	\$ 350.00	\$ 1,000.00
\$13,400.01 - 18,100.00	30%	\$ 250.00	\$ 750.00
\$18,100.01 - 22,600.00	20%	\$ 150.00	\$ 500.00
\$22,600.01 - 27,100.00	10%	\$ 150.00	\$ 250.00
\$27,100.01 - 36,856.00		\$ 200.00	\$ 200.00

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ARTICLE VI

Property Tax Exemption for Farm Buildings and Seasonal Farm Employee Housing

§121-21. Property Tax Exemption for Farm Buildings and Seasonal Farm Employee Housing.

Pursuant to Section 12-91(c) of the Connecticut General Statutes, any building used actually and exclusively in farming as defined in Section 1-1, or for any building used to provide housing for seasonal farm employees shall be exempt from property tax. The amount of such exemption shall not exceed one hundred thousand dollars (\$100,000.00) of assessed value for each eligible building. Such exemption shall not apply to the residence of the farmer and shall be subject to the application and qualification process provided in Section 12-91d of the Connecticut General Statutes, commencing with the October 1, 2007 grand list.

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3-28-2008

Chapter 124

TELECOMMUNICATIONS FACILITIES

§ 124-1. Findings.

§ 124-2. Objectives.

§ 124-3. Definitions.

§ 124-4. Location, construction and design standards.

§ 124-5. Application and permit requirements.

§ 124-6. Conditions of approval.

§ 124-7. Requirement for surety.

§ 124-8. Expiration of permit.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem 6-10-1999. Amendments noted where applicable.]

§ 124-1. Findings.

Telecommunications facilities, including towers, antennas and associated structures and equipment, may have profound effects on the environment and character of communities such as Bethlehem and on the health, safety and welfare of its residents. Therefore, such facilities must be carefully and thoughtfully regulated.

§ 124-2. Objectives.

The intent of this chapter is to make provisions, with due consideration given to the Telecommunications Act of 1996, to permit the location of telecommunications facilities in the Town of Bethlehem while protecting the public health, safety, welfare and environment, all in accordance with C.G.S. § 7-148. Specific objectives are as follows:

- A. To accommodate the need for telecommunications facilities, while regulating their location and number and reducing their impact on the surrounding community.
- B. To minimize the adverse environmental (including visual) effects of towers, antennas and facilities through careful design, siting and vegetative screening; use of existing structures such as silos and church steeples; and the use of other visual buffering methods as camouflage towers.
- C. To encourage shared or joint use of towers and facilities.
- D. To reduce the number of antennas or towers needed in the future.

§ 124-3. Definitions.

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

ANTENNA — Any device used to receive or to transmit electromagnetic waves, and includes, without limitation, whip antennas, dish antennas and panel antennas.

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FALL ZONE — The area within which a tower could potentially land if it were to fall.

RELAY FACILITY — Any device used to receive electromagnetic waves from one or more points and to transmit those waves to one or more other points.

TELECOMMUNICATIONS FACILITY — Any building, structure or equipment used to receive or transmit electromagnetic waves.

TOWER — A structure that is intended to support equipment used to receive or transmit electromagnetic waves.

§ 124-4. Location, construction and design standards.

A. Towers.

(1) Location.

- (a) The applicant shall be required to provide adequate information as to the reason for selecting the proposed tower location, including information on all alternative locations reviewed and the reasons such alternative locations were not selected. No new tower shall be permitted unless the applicant demonstrates that no existing tower or structure can or will accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
- [1] No existing towers or structures are located within the geographical area required to meet the applicant's engineering requirements.
 - [2] Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - [3] Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - [4] The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - [5] The owner or owners of towers within the geographical area required for the applicant's antennas have refused to allow the placement of those antennas on the existing towers after good-faith efforts by the applicant to obtain such permission, including an offer to pay a reasonable fee for leasing such space.
- (b) Telecommunications facilities shall be placed in locations on the lots where the existing topography, vegetation, buildings or other structures provide adequate screening as determined by the Board of Selectmen. Additional screening may be required if deemed necessary.

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- (c) Each tower site must be served by a driveway with parking for at least one vehicle.
 - (d) The facility shall be surrounded by a fence not higher than eight feet.
 - (e) All utilities serving such facilities shall be underground.
- (2) Height.
- (a) Towers shall be no taller than necessary to reasonably accommodate the proposed use of the tower. If the tower is proposed to be part of a telecommunications transmission network, the applicant shall be required to provide adequate evidence that the height of the tower is no greater than reasonably necessary to accommodate the reception and transmission needs of the network. Such evidence shall include, without limitation, information on the current status of the network; the location(s) within the Town of Bethlehem or any adjoining towns of all existing or proposed towers or other relay facilities within the network; the reception and transmission range of all such towers or relay facilities; and any alternative tower locations and heights reviewed by the applicant and the reasons such alternatives were not selected.
 - (b) No tower, antenna or other accessory structures or equipment shall exceed 120 feet in height unless the applicant can demonstrate that such service can only be provided at the location and at the height requested, and that emergency circumstances occurring on the tower at heights greater than 120 feet can be remedied with existing emergency equipment available within the Town of Bethlehem. In no event shall the total height of any tower exceed 200 feet.
 - (c) Any proposed tower exceeding 100 feet shall be designed to accommodate no less than three sets of antennas at three different elevations, unless the applicant demonstrates that such design is not technically feasible.
- (3) Fall zone and setbacks. The applicant shall provide an analysis by a licensed engineer of the potential fall zone of the proposed tower. Towers shall be set back from all property lines by a horizontal distance equivalent to no less than 150% of the tower's height. The Board of Selectmen may waive this requirement, upon written request, if it determines that such setback distances would require the tower to be located in such a way as to damage or destroy significant natural resources on the property. In making any such written request, the applicant must specify the natural resources that would be impacted and the manner and degree of such impact. Under no circumstances shall the proposed fall zone encompass any existing buildings intended for human occupancy.
- (4) Design. All towers shall be of a monopole design unless the applicant demonstrates that a monopole design would not be technically feasible or that an alternative design would better protect natural resources or the environment. Monopoles may be required to incorporate a predesigned breakpoint upon a finding that such a design is necessary to protect significant natural resources on the property.
- (5) Visual character.

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- (a) The applicant shall be required to provide adequate evidence that the visibility of the proposed telecommunications facilities from surrounding areas has been minimized to the extent possible. Such evidence shall include a viewshed analysis showing all areas from which the facilities would be visible. The Commission may require the applicant to fly a balloon or to employ another appropriate method to simulate the visibility of the tower or other facilities at the proposed location from other sites within the town.
- (b) Towers not requiring FAA painting/markings shall have a nonreflective galvanized finish or be painted a color approved by the Board of Selectmen.
- (c) No signs shall be permitted on any tower or antenna other than for safety or security purposes directly involving the operation.
- (d) No lights or illumination shall be permitted unless required by state or federal laws or regulations.

B. Antennas.

- (1) Antennas shall be attached to a building or structure, to a tower existing on or before the effective date of this chapter, or to a tower that has been constructed in accordance with this chapter.
- (2) Satellite and microwave dishes may be attached to towers, buildings and structures only when the applicant can demonstrate that such placement would not unreasonably damage or impair any natural or historic resources of the town or state, and would not unreasonably interfere with existing or currently proposed public safety communications or the receipt or transmission of telecommunications signals from or to existing properties in the vicinity of the dish or dishes. Such dishes must be located on the tower building or structure in a manner that minimizes their visibility from other property in the town. In no instance shall any dish exceed three feet in diameter. Not more than three dishes shall be allowed on any tower.
- (3) Panel antennas shall not exceed six feet in any dimension.
- (4) Wherever possible, antennas and dishes shall be enclosed in their host structures and in all cases shall be disguised or camouflaged.

C. Telecommunications equipment buildings.

- (1) All telecommunications facilities, other than towers and antennas, shall be enclosed in a building.
- (2) No such equipment building shall exceed 750 square feet for each antenna served.
- (3) All such equipment buildings shall be designed so as to be visually compatible with other buildings in the area and fully screened by vegetation.
- (4) Multiple equipment buildings for a shared facility shall be attached structures or shall be clustered around the facility.

§ 124-5. Application and permit requirements.

No telecommunications facility shall be constructed, altered or expanded within the Town of Bethlehem without a permit. Applications for such permits shall be filed with the Board of Selectmen, who shall determine whether the proposed facility complies with the provisions of this chapter. The following requirements shall apply to all applications for telecommunications facilities:

- A. A detailed site development plan will be presented which will include an A-2 survey. Plans for any tower shall include field-developed topographic details, at a contour interval no greater than five feet, of the proposed tower location and all land within a horizontal distance equivalent to 150% of the height of the tower. The plan will also include, among other appropriate items, the following:
 - (1) Detailed architectural, engineering and construction plans, including complete elevation details for all improvements contemplated as part of the application.
 - (2) A detailed soil and erosion control plan.
 - (3) Detailed driveway access construction plans including, among other items, drainage and utility plans.
 - (4) Detailed proposed landscaping plans prepared by a licensed landscape designer.
 - (5) The location of the fall zone.
- B. Details of proposed antenna and mounting equipment, including size and color.
- C. Elevations of all proposed and existing screening and details of materials, including color.
- D. Elevations of all proposed equipment buildings or boxes, and details of all proposed fencing, including color.
- E. A preliminary design drawing, including cross sections and elevations of any proposed tower. A description of the tower's capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for collocated antennas and the minimum separation distances between antennas.
- F. A structural analysis of the tower certified by a registered professional engineer demonstrating the adequacy of the design to support the required load and indicate any additional capacity provided for collocated antennas. If a predesigned breakpoint has been incorporated, an illustration of how the tower will collapse shall be provided as well.
- G. A report from a licensed engineer certifying that the installation of the proposed telecommunications facilities will not interfere with public safety communications.
- H. Any additional information reasonably required by the Board of Selectmen, including but not limited to:
 - (1) An environmental assessment of the facility and/or access road.
 - (2) Radio frequency power density modeling and/or testing data.
 - (3) A structural analysis of tower capacity.

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- I. Documentation regarding the availability of any existing or approved telecommunication tower or other structure within the search area ring (one-fourth-mile radius) that meets the needs of the applicant, with particular regard to proposed towers.
- J. A map depicting the extent of the provider's planned coverage within the Town of Bethlehem and the service area of the proposed facility.
- K. Upon request of the Board of Selectmen, the applicant shall provide a simulation of the proposed telecommunications facility in order to help the Board of Selectmen ascertain the visual impacts associated with such proposal. If such a simulation is required, public notice of the time and place of such balloon elevation, and an alternate date in the case of unfavorable weather conditions, shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in Bethlehem at least seven days before the elevation of such balloon.
- L. Certain areas of special investigation and consideration may require additional information to be supplied as part of the application process for any proposed telecommunications facility, and such information may be requested by the Board of Selectmen. These areas include the area within a 0.5 mile radius of the Town Office Building, and within a 0.5-mile radius of each of the three operating airports within Bethlehem and located at 249 Hard Hill Road North, 78 Thomson Road and 337 Crane Hollow Road.

§ 124-6. Conditions of approval.

- A. The permit holder shall exercise good faith in allowing other providers to collocate on the tower, provided that such shared use does not impair the technical level of quality of service. In the event that any dispute arises as to whether the permit holder has exercised good faith in accommodating other users, the town may require a third-party technical study at the expense of either or both the permit holder and the applicant.
- B. The permit holder shall be required to remove all towers, antennas and ancillary equipment within six months of the date of cessation of use of such equipment for transmission purposes. Upon removal of such facilities, and within three months after such removal, the site shall be restored as nearly as possible to the physical condition that existed prior to the installation of the facilities. Each application shall include a plan for such facility removal and site restoration for approval by the Board of Selectmen.

§ 124-7. Requirement for surety.

The Board of Selectmen may require a cash bond, to be administered by the Town Treasurer, against the restoration plan and any special landscaping or erosion control required as a condition of approval.

§ 124-8. Expiration of permit.

Any permit granted hereunder will expire six months after cessation of use.

Chapter 128 VEHICLES AND TRAFFIC

ARTICLE I Parking

§ 128-1. Definitions.

§ 128-2. Parking in certain areas restricted.

§ 128-3. Vehicles causing obstructions.

§ 128-4. Towing of obstructing vehicles.

§ 128-5. Schedule of fines; parking tickets.

§ 128-6. Appeal of fine.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Parking in fire lanes — See Ch. 79.

Parking vehicles in parks and beaches — See Ch. 98, Art. II.

ARTICLE I Parking [Adopted 3-14-1995]

§ 128-1. Definitions.

For purposes of this article, the following terms shall have the meanings listed below:

OPERATOR — The person operating or in control of a vehicle.

PARKING — The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations or traffic signs or signals.

VEHICLE — Any device in, upon or by which any person or property is or may be transported upon a public highway.

§ 128-2. Parking in certain areas restricted.

There shall be no parking of any vehicle in any areas designated by the traffic authority as no-parking zones, restricted parking zones (during the time of such restriction) bus stands or handicapped zones (unless such vehicle bears a special parking identification card or license plate issued by the Commissioner of Motor Vehicles).

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§ 128-3. Vehicles causing obstructions.

There shall be no parking of any vehicle in such a manner as to, in the opinion of a police officer, obstruct traffic or the use of any sidewalks, obstruct the movement of an emergency vehicle or interfere with the ingress into or egress from any private driveway, except with the permission of the owner of such driveway.

§ 128-4. Towing of obstructing vehicles.

Whenever a police officer believes that the parking of any vehicle in the manner described in § 128-3 hereof or in such a manner as to interfere with clearing snow and ice from the highway constitutes a threat to public safety, any police officer shall direct any operator to remove the vehicle. In the event the location of the operator is not apparent to the police officer, the police officer may cause the vehicle to be towed and, in addition to any fine imposed pursuant to this article, the Town of Bethlehem may collect the costs of towing and storage of the vehicle from the operator or owner of the vehicle as an additional fine.

§ 128-5. Schedule of fines; parking tickets.

The Board of Selectmen is hereby authorized to establish a schedule of fines for violations of §§ 128-2, 128-3 and 128-4 above the fine for any such offense not exceeding \$50 per offense, and to print parking tickets to be issued by the police officers. Said parking tickets must be paid in person or by mail to the Town of Bethlehem within the time period specified on the ticket, which time period shall not exceed seven days. Fines not paid within said time period shall be doubled.

§ 128-6. Appeal of fine.

Any person wishing to contest any fine may appeal such fine to the parking violation hearing officer, appointed by the First Selectman, in the manner set forth in C.G.S. § 7-152b, which is incorporated herein by this reference.

Chapter 132 WATERCOURSES

§ 132-1. Permission to obstruct watercourses.

§ 132-3. Removal of obstruction by Selectmen; assessment of costs.

§ 132-2. Expense of relocation or extension.

[HISTORY: Adopted by the Town Meeting of the Town of Bethlehem 4-26-1966. Amendments noted where applicable.]

GENERAL REFERENCES

Road encroachment permits — See Ch. 105, Art. III.
Earth materials — See Ch. 75.

Flood damage prevention — See Ch. 84.

§ 132-1. Permission to obstruct watercourses.

Under the provisions of Connecticut General Statutes, the towns may make provision to enter into or upon any land to correct the flow of surface water through watercourses which prevent the free discharge of municipal highway surface water through said courses. Persons authorized to construct or repair highways may make or clear any watercourse or place for draining off the water therefrom into or through any person's land as far as is necessary to drain off such water. No one shall erect any dwelling or other building, or create any yard, or place any goods or merchandise or place any obstruction in the way of the free discharge or surface water through established watercourses without first obtaining written permission from the Selectmen.

§ 132-2. Expense of relocation or extension.

Should any relocation or extension of a culvert or watercourse be necessary, the expense of such relocation or extension shall, unless otherwise agreed upon by the Selectmen, be borne by the property owner requesting the change.

§ 132-3. Removal of obstruction by Selectmen; assessment of costs.

Should any obstruction be illegally placed in the way of draining off surface and highway water, the Selectmen shall cause to have the obstruction removed. The person, firm or corporation responsible for placing the obstruction may be assessed the costs of the removal.

APPENDIX

DISPOSITION LIST

DISPOSITION LIST

The following is a chronological listing of legislation of the Town of Bethlehem adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Information regarding legislation which is not included in the Code nor on this list is available from the office of the Town Clerk. The last legislation reviewed for the original publication of the Code was an ordinance adopted 6-10-1999. A complete listing including disposition, of all legislation reviewed in conjunction with the original publication of the Code is on file in the office of the Town Clerk.

Enactment	Adoption Date	Subject	Disposition
	12-20-1999	Adoption of Code	Ch 1, Art. II
	5-18-2000	Preservation of Open Land Fund	Ch. 23, Art. II
	6-18-2002	Tax Relief for Volunteer Ambulance Association Members	Ch. 12, Art. IV
	4-23-2003	Junk Yards and Dealers	Ch. 91
	5-1-2004	Aquifer Protection Agency	Ch. 5

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DEFINITIONS NOTE: For the convenience of the Code user, all terms defined in this Code are included in the Index under the heading "Definitions".

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