

Ordinances Adopted by
and
Special Acts Concerning the
Town of Ashford, Connecticut

REVISED
March 31, 2010

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following obsolete ordinances were removed from the book of <i>Ordinances Adopted by and Special Acts Concerning the Town of Ashford, Connecticut</i> : Construction of Highways, Garbage, Rubbish and Waste Removal, Licensing and Regulation of Mobile Homes, Amendment to Mobile Home Ordinance, Planning and Zoning Commission – Subdivision Regulations, Racing Ordinance, and Sanitary Code.	

Attest: Barbara B. Metsack, Town Clerk

At the Annual Town Meeting held October 21, 1991, the following obsolete ordinances were removed from the book of *Ordinances Adopted by and Special Acts Concerning the Town of*

Ashford, Connecticut: Construction of Highways, Garbage, Rubbish and Waste Removal, Licensing and Regulations of Mobile Homes, Amendment to Mobile Home Ordinance, Planning and Zoning Commission – Subdivision Regulations, Racing Ordinance, and Sanitary Code.

Attest: Barbara b. Metsack, Town Clerk

SALE OF ALCOHOLIC BEVERAGES

It was passed that the Town of Ashford permit the sale, on Sundays, of alcoholic liquors, according the Statutes, in hotels, restaurants, and clubs and social gatherings.

Passed at Town Meeting, September 16, 1953 Attest: Barbara B. Metsack, Town Clerk

(REPEALED TOWN MEETING ON 4/6/2009 – Replaced by ELECTION ORDINANCE) AN ORDINANCE CREATING A PLANNING COMMISSION FOR THE TOWN OF ASHFORD

SECTION I. Pursuant to the authority granted by Chapter 45 of the General Statutes of the State of Connecticut, 1949 Revision as amended, there is hereby created a Planning Commission with all of the powers and duties specified in Chapter 45 for the Town of Ashford, except that the Commission shall not have the powers delegated by Sections 390d and 391d of the 1955 Cumulative Supplement to the General Statutes.

SECTION II. Said Commission shall consist of five (5) members, who shall be appointed as follows: The first Commission shall be appointed at a Town Meeting. One member shall be appointed to serve from the effective date of this Ordinance until the first Monday of October, 1958; one member to serve from the effective date of this Ordinance until the first Monday of October, 1959; one member to serve from the effective date of this Ordinance until the first Monday of October, 1960; one member to serve from the effective date of this Ordinance until the first Monday of October, 1961; and one member to serve from the effective date of this Ordinance until the first Monday of October, 1962, and annually commencing with annual town meeting of 1958, one member shall be appointed to serve for a term of five (5) years at the Annual Town Meeting in each year.

SECTION III. Any member of the Commission who is absent from three (3) consecutive meetings and any intervening duly called special meetings shall be considered to have resigned from the Commission and the vacancy shall be filled as provided by Chapter 45 of the General Statutes, 1949 Revision as amended, except that the Commission may vote to waive the requirement of this section in each case where illness or other extenuating circumstances makes it impossible for a member to meet the attendance requirements of this section.

SECTION IV. Said Commission shall be named the Ashford Planning Commission.

SECTION V. This ordinance shall take effect July 10, 1958.

ATTEST: Barbara B. Metsack, Town Clerk

AN ORDINANCE CONCERNING PEDDLERS

SECTION I. No person shall vend, hawk or peddle, or solicit the sale either present or future of any goods, wares or other merchandise upon any public highway within the Town of Ashford, or from a place to place within the limits of the Town, without first having obtained a license from the Town Clerk. This license shall apply to each and every so engaged person whether self-employed or whether employed by firm, partnership, corporation, or individual.

SECTION II. Licenses shall be in the form of a certificate issued by the Town Clerk upon the payment of the required license fee. The fee shall be two dollars (\$2.00) for one day and ten dollars (\$10.00) for periods of up to one year. Permits shall be effective from 8:00 a.m. of the day or period for which the permit is issued. Residents of the Town of Ashford shall be exempt from paying a fee for such permit.

SECTION III. Any person who shall violate any provision of this ordinance shall be fined not more than twenty-five dollars (\$25.00), and every sale made in violation of the provisions herein shall constitute a separate offense.

SECTION IV. Nothing in this Ordinance shall be construed to prohibit or to require a license for sales by farmers or gardeners of the produce from their farms or gardens, nor for the sale and distribution of milk, teas, coffees, spices, bakery goods, fish, meats or other food products. Nor shall the provisions hereof apply to youngsters under 16 years of age who are residents of the Town.

ADOPTED ON JUNE 17, 1965. ATTEST: Royal O. Knowlton, Town Clerk

BOATING REGULATIONS

Speed Limit – ten (10) miles per hour.

No motorboats to be operated between 8:30 p.m. and 8:00 a.m.

No person shall commit or created a nuisance on the lake.

No water skiing or aqua planing or surf boards permitted.

No floats shall be over fifty (50) feet in front of owner's property. Distance to be measured from property building lines.

No refuse, garbage or grass cuttings or debris shall be dumped or deposited in Lake Chaffee or Ashford Lake.

Penalties – not more than fifty dollars (\$50.00) for each offense.

Adopted at a Town Meeting of the Town of Ashford on October 1, 1962.

ATTEST: Royal O. Knowlton, Town Clerk

ORDINANCE

The purpose of this Ordinance is to establish a Planning and Zoning Commission and a Zoning Board of Appeals for the Town of Ashford under Chapter 124 of the Connecticut General Statutes (Rev. 1958). Adopted at the Town Meeting of October 6, 1969. Regulations adopted by the Planning and Zoning Commission on June 27, 1972.

(REPEALED TOWN MEETING APRIL 6, 2009 – REPLACED BY ELECTION ORDINANCE)

PLANNING AND ZONING COMMISSION

SECTION I. The Planning Commission of the Town of Ashford is hereby designated as and shall hereafter be known as the Planning and Zoning Commission of the Town of Ashford.

SECTION II. The Planning and Zoning Commission shall consist of eight (8) members whose term of office shall be four (4) years. The present five (5) members of the Planning Commission shall be members of the Planning and Zoning Commission for the same term as they would have served on the Planning Commission except the member whose term is to run for five (5) years. This member's term is hereby reduced to four (4) years. The Town meeting at which this ordinance is passed shall elect three (3) additional members to said Planning and Zoning Commission for a one (1), a two (2), and a three (3) year term. Commencing with the Annual Town Meeting thereafter, two (2) members shall be elected to said Planning and Zoning Commission for four (4) year terms. Any member whose term shall expire prior to said election shall continue to hold office until the next Annual Town Meeting. If any inconsistency shall arise as to which person's term of office would be up for renomination, such inconsistency shall be decided by the present members of the Planning and Zoning Commission by a vote of the majority of its members present and voting at its next regular meeting.

SECTION III. Any member may be removed from the Planning and Zoning Commission by a town meeting upon the vote of two-thirds (2/3) of those present and voting and providing said member shall have previously been presented with written charges against him and been given an opportunity for a hearing to defend himself on said charges, or the Planning and Zoning Commission itself may remove a member for due cause after presentation of charges in writing and an opportunity for a fair hearing and by the vote of two-thirds (2/3) of its members present and voting. Unexcused absence from two (2) or more consecutive meetings may be considered due cause.

SECTION IV. The Planning and Zoning Commission shall fill any vacancies which arise for any reason for the unexpired term of said vacancy, provided that all such vacancies shall be filled by an alternate to such board.

SECTION V. The Town meeting at which this ordinance is passed shall elect three (3) alternates to the Planning and Zoning Commission for a one (1), a two (2), and a three (3) year term. Thereafter, the Annual Town Meeting shall elect one (1) alternate each year for a three (3) year period. An alternate may be removed from office for the same reasons and in the same manner as is set out herein for a regular member.

**REPEALED AT TOWN MEETING 4/6/2009 – REPLACED BY ELECTION
ORDINANCE**

PLANNING & ZONING COMMISSION AMENDMENT

This amendment is part of State Statutes.

The Ordinance creating a Planning and Zoning Commission for the Town of Ashford is hereby amended by adding thereto the following paragraphs:

(5) A. In the event that there are less than three (3) alternates to the Planning and Zoning Commission, such vacancy or vacancies shall be filled at the next town meeting, either regular or special, or a special Town Meeting called for that purpose. No vacancy shall remain unfilled for more than twenty-one (21) days.

TOWN MEETING HELD JANUARY 11, 1971. ATTEST: Barbara B. Metsack, Town Clerk

**REPEALED TOWN MEETING 4/6/2009 – REPLACED BY ELECTION ORDINANCE
ZONING BOARD OF APPEALS**

SECTION VI. There is hereby established a Zoning Board of Appeals for the Town of Ashford.

SECTION VII. The Zoning Board of Appeals shall consist of five (5) regular members who shall be elected by the Town Meeting at which this ordinance is passed for a one (1), a two (2), a three (3), a four (4), and a five (5) year term. Thereafter, one (1) member shall be elected at the Annual Town Meeting for a term of five (5) years.

SECTION VIII. The Town Meeting at which this ordinance is passed shall elect three (3) alternates to the Zoning Board of Appeals for a three (3) year, a four (4) year, and a five (5) year term. Upon the expiration of each term, the Town Meeting shall elect one (1) alternate member for a five (5) year term.

SECTION IX. Any member or alternate of the Zoning Board of Appeals may be moved from office in the same manner as a member or alternate of the Planning and Zoning Commission.

SECTION X. The Zoning Board of Appeals shall fill any vacancies which arise for any reason for the unexpired term of said vacancy, provided that all such vacancies shall be filled by an alternate to such board.

SECTION XI. Care shall be taken at all times to provide for minority representation on both the Planning and Zoning Commission and the Zoning Board of Appeals as required by law.

The foregoing is a true copy of an Ordinance adopted at a Town Meeting on October 6, 1969.

ATTEST: Royal O. Knowlton, Town Clerk

**(REPEALED AT TOWN MEETING 4/6/2009 – REPLACED by Election
Ordinance)**

ZONING BOARD OF APPEALS AMENDMENT

Section 12. In the event that there are less than three (3) alternates to the Zoning Board of Appeals, such vacancy or vacancies shall be filled at the next Town Meeting, either regular or special, or at a special Town Meeting called for that purpose. No vacancy shall remain unfilled more than 21 days.

Town Meeting held: January 11, 1971 ATTEST: Barbara B. Metsack, Town Clerk

PARKING DURING WINTER STORMS

The purpose of this Ordinance is to regulate the parking of motor vehicles during winter storms and during the time subsequent to such storms so as not to interfere with snow removal and/or sanding operations by authority granted under Sections 7-148 and 14-307 of the Connecticut General Statutes.

SECTION I. No motor vehicle shall be parked upon any street or highway maintained by the Town of Ashford during any snow storm or thereafter until snow removal operations have been completed on such street or highway.

SECTION II. Any person shall immediately move his motor vehicle so as not to obstruct snow removal and/or sanding operations when requested to do so by the operator of any motor vehicle engaged in such operations on behalf of the Town of Ashford.

SECTION III. Any Selectman of the Town of Ashford or their designated agent may order any motor vehicle which obstructs snow removal and/or sanding operations to be towed to a place of storage designated by such Selectman and the owner of said motor vehicle shall be liable for all towing and storage charges.

SECTION IV. Any person who violates Sections I or II of this ordinance shall be fined not more than fifteen dollars (\$15.00).

Adopted at a Town Meeting held on January 25, 1971 ATTEST: Royal O. Knowlton, Town Clerk

CONSERVATION COMMISSION

Moved and passed that the Town of Ashford establish a seven (7) member Conservation Commission under Chapter 97 Section 7-131A of the Connecticut General Statutes, four (4) of the members to serve until the Town election in November, 1973 and three (3) members to serve until the Town election in November, 1975.

Passed: February 21, 1972 Attest, Barbara B. Metsack, Town Clerk

DRIVEWAY ORDINANCE, CONSTRUCTION OF

1. No approach or driveway to any street or highway maintained by the Town of Ashford shall be constructed nor existing driveway improved unless a permit is first issued by the Board of Selectmen or its agent.
2. The landowner or agent shall install all drainage pipes, culverts, headwalls, catch basins, and ditches and perform any grading as deemed necessary by the Board of Selectmen or its agent to protect the abutting Town road.
3. The landowner or agent shall be liable for damage done to any Town street or highway in the construction of such approach.
4. The Board of Selectmen or its agent may require a bond in an amount sufficient to insure completion of construction when it deems such necessary.
5. All permits shall expire twelve (12) months from the date of issue unless renewed by the Board of Selectmen or its agent and all construction under the permit must be completed before its expiration.
6. Any person, firm or corporation, who violates this ordinance shall be fined not more than one hundred dollars (\$100.00).

Section 12. This ordinance shall become effective September 15, 1972.

ATTEST: Royal O. Knowlton, Town Clerk

INLAND WETLANDS AND WATER COURSES

At the Town Meeting held October 23, 1972, it was passed to designate the Conservation Commission as the agency responsible for implementing Public Act 155, an Act concerning Inland Wetlands and Water Courses as signed into law by Governor Meskill on May 19, 1972.

Passed: October 23, 1972 ATTEST: Barbara B. Metsack, Town Clerk

LEGAL NOTICE

At a Special Town Meeting held June 5, 2006, the Town of Ashford enacted an ordinance entitled "Inland Wetlands and Watercourses Commission" in accordance with Connecticut General Statutes section 22a-42, there shall be an Inland Wetlands and Watercourses Commission consisting of seven (7) members and two (2) alternate members to be appointed by the Board of Selectmen.

Four (4) members will be appointed to serve to June 2007, three (3) members will be appointed to serve to June 2009. Two (2) alternate members will be appointed to serve until June 2007 and June 2009, respectively. Thereafter, any vacancy in the Commission will be filled by the Board of Selectmen for the remainder of the term of the vacated position.

This Ordinance will become effective fifteen (15) days following publication, per the requirements of Connecticut General Statutes section 7-157. Effective immediately upon the effective date of this Ordinance, the Ordinance entitled "Inland Wetlands and Water Courses," enacted by Town Meeting held on October 23, 1972, and designating "the Conservation Commission as the agency responsible for implementing Public Act 155, an Act Concerning Inland Wetlands and Water Courses as signed into law

by Governor Meskill on May 19, 1972," is repealed and of no effect, and all duties, responsibilities, acts, materials, rulings, and rules and regulations of the Conservation Commission in this capacity as the agency responsible for municipal regulation of wetlands and watercourses are transferred to the Inland Wetlands and Watercourses Commission established herein.

Dated at Ashford, Conn this 6th day of June, 2006.

Attest, Barbara B. Metsack, Ashford Town Clerk

This ordinance was repealed at the Special Town Meeting held on June 5, 2006 effective on 6/23/2006. Said Special Meeting enacted an ordinance entitled INLAND WETLANDS AND WATERCOURSES COMMISSION replacing the ordinance passed on Oct. 23, 1972.

RESOLUTION CONCERNING FLOOD PROTECTION AND FLOOD INSURANCE

WHEREAS, certain areas of the Town of Ashford are subject to periodic flooding from streams and rivers causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of the Board of Selectmen to require the recognition and evaluation of flood hazards in all official actions relating to land use in the flood plain areas having special flood hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Chapter 124 of the Connecticut General Statutes;

Now, therefore, be it resolved, that this Board of Selectmen hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 1910 of the National Flood Insurance Program Regulations; and
2. Vests the Planning and Zoning Commission with the responsibility, authority, and means to:
 - a. Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites.
 - b. Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain.
 - c. Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain areas, and cooperate with neighboring communities with respect to management of adjoining flood plain areas in order to prevent aggravation of existing hazards.

d. Submit on the anniversary date of the community's initial eligibility, an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain management measures.

3. Appoints Planning and Zoning Commission to maintain, for public inspection and to furnish upon request, a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded.

Section 12. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Passed October 14, 1975 at a meeting of the Board of Selectmen of Ashford, Connecticut.

RECORDED: Royal O. Knowlton, Town Clerk

BUDGET PUBLICATION REQUIREMENTS

The purpose of this Ordinance is to waive the budget publication requirements of Section 7-344 of the Connecticut General Statutes Revision of 1958, Revised to 1975 and any subsequent revisions as may from time to time be made by the Connecticut General Assembly, the Town of Ashford being a town with less than five thousand (5,000) population based on the latest Federal Census figures.

SECTION I. The Board of Finance of the Town of Ashford shall not be required to prepare and cause its budget recommendations to be published in a newspaper having circulation in the Town of Ashford.

SECTION II. The Board of Finance shall prepare and cause its budget, in compliance with the requirements of State Statutes, to be printed or mimeographed in a quantity equal to not less than 10% (ten percent) of the population of the Town of Ashford based on the latest available Federal Census figures and which copies shall be available for distribution five (5) days before the annual budget meeting of the Town.

Adopted December 16, 1975 Published December 19, 1975

ATTEST: Royal O. Knowlton, Town Clerk

PARKING ON TOWN ROADS

The purpose of this Ordinance is to regulate parking on town roads and highways by authority granted under Section 7-148 and Section 14-307 of the Connecticut General Statutes Revised to 1975.

SECTION I. No motor vehicle shall be parked upon any street or highway maintained by the Town of Ashford.

SECTION II. Any Selectman of the Town of Ashford or his designated agent may order any motor vehicle parked in violation of this ordinance to be towed to a place of storage designated by such Selectman or his agent and the owner of said motor vehicle shall be liable for all towing and storage charges.

SECTION III. Any person, firm or corporation that violates this ordinance shall be fined not more than fifteen dollars (\$15.00).

Adopted December 16, 1975 Published January 28, 1976

ATTEST: Royal O. Knowlton, Town Clerk

ESTABLISHMENT OF BOARD OF FINANCE

At a Special Town Meeting held October 28, 1939, it was voted to establish, in accordance with the provisions of Chapter 28 of the General Statutes of Connecticut, as amended, a Board of Finance for the Town of Ashford.

ATTEST: Barbara B. Metsack, Town Clerk

AN ORDINANCE CONCERNING THE ELECTION OF ALTERNATE MEMBERS TO THE ASHFORD BOARD OF FINANCE

SECTION I. There shall be three alternate members elected to the Board of Finance of the Town of Ashford.

SECTION II. The election of such alternates shall conform to Section 9-167(a) of the Connecticut General Statutes and all revisions of same as concerns minority representation of political parties.

SECTION III. Each alternate, when seated, shall have all the powers and duties set forth in the General Statutes or any special act of the State of Connecticut or any municipal charter of the Town of Ashford as may now be in force or as hereinafter may be enacted concerning such board.

SECTION IV. Alternates elected hereunder shall be electors and taxpayers of the Town of Ashford.

SECTION V. When a regular member of the Board of Finance is absent or disqualified, such absent or disqualified member shall designate an alternate to act in his place. If he fails to make such designation, the Chairman of the Board shall designate an alternate from such panel, 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.

SECTION VI. Three (3) alternate members shall be elected at a Special Town Meeting called for that purpose within forty-five (45) days of the effective date of this Ordinance to serve until the next

Town election. At said Town election one (1) alternate shall be elected for two (2) years, one (1) alternate shall be elected for four (4) years, and one (1) alternate shall be elected for six (6) years. At each subsequent town election, one (1) alternate shall be elected for a six (6) year term. SECTION VII. In the event that there are less than three (3) alternates to the Board of Finance, such vacancy or vacancies shall be filled at the next Town Meeting, either Regular or Special, or a Special Town Meeting called for that purpose. No vacancy shall remain unfilled more than twenty-one (21) days.

Adopted December 16, 1975 ATTEST: Royal O. Knowlton, Town Clerk

FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE

Resolved that the Board of Selectmen enter into an agreement with the Ashford Volunteer Fire Department, Inc. as the sole provider of fire protection for the Town of Ashford and as the designated R-1 through R-4 Emergency Medical Service responder pursuant to Public Act 75-112. Said agreement to contain provisions regarding financial assistance; further that all Town owned fire and emergency medical service equipment be entrusted to the Ashford Volunteer Fire Department, Inc.

Adopted January 15, 1976 Published January 30, 1976

ATTEST: Royal O. Knowlton, Town Clerk

ASHFORD COMMISSION ON AGING

Pursuant to the authority vested and provided in Section 7-127(a) of the Connecticut General Statutes, and other applicable statutory sections and regulations, the following ordinance is hereby adopted:

SECTION I. Name – There shall be formed and organized a committee to be known as The Ashford Commission on Aging.

SECTION II. Purpose – The purpose of this Commission shall be to study the needs and conditions of the elderly. The Commission shall examine such areas as housing, nutrition, health, recreation,

and any other areas deemed vital to the elderly by the Commission. The Commission shall also plan and develop programs aimed at meeting those needs and to improve the conditions of the elderly in the Town of Ashford. The Commission shall also act as an advocate for the elderly and aging and shall make recommendations to the Board of Selectmen and the Town generally, whenever said Commission feels appropriate.

SECTION III. Powers – The Commission shall have any and all powers vested in it by the Connecticut General Statutes and any other regulations that apply.

SECTION IV. Organization – The Commission shall consist of seven (7) members who shall be appointed by the Board of Selectmen. Of the members chosen, there shall be at least one (1) member from the Ashford Seniors Citizens Organization and at least one membership position shall be available, for the Agent for the Elderly. In addition, the First Selectman and the Director of Health and his/her appointee of the Town of Ashford shall be ex officio members of said Commission. The original terms of appointment shall be three (3) members for two (2) years and three (3) members for one (1) year and the Agent for the Elderly for three (3) years, and thereafter all terms shall be two (2) years. Members of the Commission shall serve without compensation. Any vacancy occurring in the membership of the Commission shall be filled by the Board of Selectmen, for the unexpired portion of the vacated term.

SECTION V. Budget – The Commission shall prepare an annual budget which shall be submitted to the Board of Selectmen who shall include said budget in the Selectmen’s budget for the next fiscal year and submit the same to the Board of Finance for approval.

Meeting date: June 5, 1978 ATTEST: Royal O. Knowlton, Town Clerk
Revised at Town Meeting October 20, 1994. ATTEST: Barbara B. Metsack, Town Clerk.

ORDINANCE ESTABLISHING RECREATION COMMISSION

Renamed the Ashford Parks and Recreation Commission at a Special Town Meeting held on May 14, 1998.

SECTION 11 revised at the Annual Town Meeting held on October 20, 2008.

Whereas, it is the considered judgment of the Town of Ashford, Connecticut, that adequate public recreational service of the Town of Ashford, can be better promoted by placing the recreational system under the supervision and direction of a legally constituted commission as authorized by Section 7-148 of the Connecticut General Statutes 1958 revision as amended:

Now, therefore, be it resolved by the Town of Ashford, Connecticut,

SECTION I. That there is hereby created a Recreational Commission which shall be known as the Ashford Recreation Commission, to establish, maintain and conduct parks, playgrounds, swimming areas, gymnasiums and recreational places within the Town of Ashford.

SECTION II. (Revised October 20, 2008) The said Commission shall be composed of five (5) regular members to be approved by the Board of Selectmen, two (2) for the term of four (4) years, one (1) for the term of three (3) years, one (1) for the term of two (2) years and one (1) for term of (1) year. Annually thereafter, the Board of Selectmen shall approve members for the term of five (5) years when a commission member's term expires. There shall be three (3) alternate members to be approved by the Board Selectmen, one (1) for the term of three (3) years, one (1) for the term of two (2) years and one (1) for the term of one (1) year. Annually thereafter, the Board of Selectmen shall approve members for the term of three years (3) when an alternate commission member's term expires. The members of said Commission shall serve until their successors have been appointed and have accepted said Commission appointment. Any member of said commission may be removed by the majority vote of the commission members. Vacancies on said Commission shall be filled by approval from the Board of Selectmen for any unexpired terms. All members shall serve without compensation.

SECTION III. That the Recreation Commission shall appoint from its membership a Chairman and any other officers it feels necessary for the orderly procedure of its primary business, and may adopt by-laws, rules, regulations and policies covering its procedures not inconsistent with the provisions of the State Statutes or Town Ordinances. The Recreation Commission may establish rules governing the operation of the Recreation Facilities and other spaces devoted to the recreational activities to be exercised by the Town. The Commission shall hold periodic and regular meetings at designated times and places at its discretion.

SECTION IV. That said Commission shall have such powers as are now or may hereafter be provided by Statute or Law of the State of Connecticut or by Ordinances of the Town of Ashford relating to the growth, development and management of recreational agencies, physical facilities, and any other spaces devoted to the recreational activities, to be exercised by it subject to any and all restrictions contained in such statutes, laws and ordinances.

SECTION V. That this Ordinance will become effective upon approval at a Town Meeting.

Approved: March 19, 1979 Published: March 23, 1979 Attest: Royal O. Knowlton, Town Clerk

RESOLUTION "80"

The purpose of this Ordinance is to limit, by Town Ordinance, the increase in the annual combined Town budget to revenue generated by growth in The Grand List, in State and Federal assistance, and other income, except for increases, voted upon by Town Meeting, necessary to cover debt service on legal obligations, court judgments against the Town, State mandated programs, and emergency expenditures.

In the event of property revaluation, the actual dollar increase in the combined Town budget shall be limited to the dollar amount of increase in the preceding years budget or the average amount of increase over the preceding three (3) years, whichever is lower.

The above Ordinance shall become effective thirty (30) days after publication in a newspaper having a circulation in such town.

Referendum held April 29, 1980. Published in *The Willimantic Chronicle*, May 5, 1980.

ATTEST: Barbara B. Metsack, Town Clerk

CONFLICT OF INTEREST

The purpose of this Ordinance is to prohibit any member or employee of any municipal board of agency, or any official, officer or employee of such municipality who, in the discharge of his/her official duties, would be required to take an action that would affect a financial interest of himself/herself, his/her spouse, parent, brother, sister, child or the spouse of a child from

A. being financially interested, or have any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials, municipality, board or agency and

Section 12. accepting or receiving, directly or indirectly, from any person, firm or corporation to which any contract or purchase order may be awarded by such municipality, by rebate, gifts or otherwise, any money or anything of value whatsoever, or any promise, obligation or contract for future reward or compensation. Such municipality may prescribe penalties for the violation of this ordinance or regulation enacted pursuant to this section, including the voidance of any municipal purchase, contract or ruling adopted in contravention thereof.

The above Ordinance shall become effective thirty (30) days after publication in a newspaper having a circulation in Ashford.

Referendum held April 29, 1980.

Published in *The Willimantic Chronicle*, May 5, 1980. Effective: June 3, 1980.

ATTEST: Barbara B. Metsack, Town Clerk

TAX EXEMPTION - AMBULANCE TYPE MOTOR VEHICLE

The following Ordinance as amended was adopted at the December 6, 1982 Town Meeting.

The Board of Assessors, in accordance with this Ordinance, adopted under the authority of Section 12-81I of the Connecticut General Statutes, shall exempt from personal property taxation any ambulance-type motor vehicle which is used exclusively for the purpose of transporting any medically incapacitated individual, except any such vehicle used to transport any such individual for payment. Said exemption to be retroactive to the October 1982 Grand List.

The above ordinance became effective fifteen (15) days from date published in newspaper.

ATTEST: Barbara B. Metsack, Town Clerk

PROFESSIONAL ASSESSOR

The following Ordinance as amended, passed at the June 7, 1983 Town Meeting.

The Town of Ashford, pursuant to the Connecticut General Statutes, Section 9-198 of the Revision of 1958, as amended, hereby provides that a certified professional assessor, as defined in Section 12-40(a) of the Connecticut General Statutes, be appointed by the Board of Selectmen for the term of two (2) years. The term of such certified professional assessor shall commence July 1, 1983. The terms of the assessors now in office shall be terminated upon the appointment of a certified professional assessor in accordance with this Ordinance.

This Ordinance took effect fifteen days from passage. ATTEST: Barbara B. Metsack, Town Clerk

BOARD OF EDUCATION - CHANGE IN MEMBERS AND TERMS

The following Ordinance was passed at a referendum held November 10, 1983, pursuant to Section 9-205 of the Connecticut General Statutes to change the number of members to the Board of Education from six (6) to seven (7). The Town shall then elect four (4) members of such board to hold office for four (4) years, each from such date of election, and, at each town election thereafter, shall elect members of such board in place of the members whose terms expire, each for a term of four (4) years from the date of election. At the biennial Town election next following such action, the terms of office of the members of such board then in office shall expire.

ATTEST: Barbara B. Metsack, Town Clerk

TRAVEL/CONVENTION AND VISITORS COMMISSION

It was resolved that the Town of Ashford, acting herein by its legislative body, and pursuant to Section 7-330 of the Connecticut General Statutes, form and join a municipal district for the purpose of establishing a Travel/Convention and Visitors Commission pursuant to Section 7-136aI, 7-136b and 7-136c of the Statutes as amended by Public Act 81-417. The district is known as the Northeast Regional Tourist District. Said district to be funded entirely from sources other than Town funds.

Passed at a Town Meeting held April 3, 1984. ATTEST: Barbara B. Metsack, Town Clerk

NORTHEAST DISTRICT DEPARTMENT OF HEALTH

Resolved that the Town of Ashford, pursuant to Section 19a-241 of the Connecticut General Statutes, join the Northeast District Department of Health, effective July 1, 1985, and that the Board of Selectmen be authorized to do all things necessary to carry this resolution into effect.

Passed at a Town Meeting May 16, 1985. ATTEST: Barbara B. Metsack, Town Clerk

Pursuant to action taken at the Town meeting held on Dec. 15, 2003 the Resolution enacted on May 16, 1985 was Repealed effective July 1, 2004. Attest, Barbara B. Metsack, Town Clerk

AN ORDINANCE CONCERNING STREET NUMBERS

The purpose of this ordinance is to promote public safety and convenience; to ease and speed the delivery of essential emergency services; and to aid the Town in proper and useful planning.

SECTION I. The numbering system as shown on the set of maps on file with the Town Clerk, entitled "Town of Ashford – Street Numbering System," is hereby adopted, as specified in Section 7-148 of the Connecticut General Statutes, as the Street Numbering System of the Town of Ashford.

SECTION II. To ensure that the Street Numbering System is correct and understandable, and that there is no confusion in street names, the following streets and roads shall hence forth be officially recognized by the names indicated herein:

- Nott Highway – Route 74 from Route 44 to the Willington Town Line
- Squaw Hollow Road – Route 44 from the Willington Town Line east to Route 74
- Pompey Hollow Road – Route 44 from Route 74 east to Route 89
- Ashford Center Road – Route 44 from Route 89 east to the Eastford Town Line
- Cushman Road – Lawrence Cushman Road from Route 44 south to Varga Road
- Pease Road – Howey Road from Lipps Road west to its terminus
- East Howey Road – Howey Road from Zaicek Road east to its terminus.
- Lustig Road – Gombar Road from the Willington Town Line north to the Willington Town Line.
- Barlow Mill Road – Axe Factory Road from Boston Hollow Road north to the Union Town Line.
- Moon Road – North Road from Campert Lane north to Eastford Road.

SECTION III. Certain streets and roads have been numbered which are not Town owned. This has been done for consistency and convenience and shall not be interpreted as acceptance of said streets and roads by the Town of Ashford.

Adopted at a Town Meeting held on July 22, 1986.

The above Ordinance became effective fifteen days after publication in a newspaper serving the town. ATTEST: Barbara B. Metsack, Town Clerk

AN ORDINANCE REGARDING HOUSE NUMBERING

SECTION I. Each and every property owner in the Town of Ashford shall, upon notification of the assignment of a street number to the property, be required to affix numerals or words of a size not less than three (3) inches in height to the house, on the mail box or on a post or other like structure so that the house is identifiable from the street.

SECTION II. All property owners shall be notified in writing of the number of numbers assigned to their property. It shall be the duty of the owner to affix said number within thirty (30) days of receipt of said notice.

SECTION III. Failure to post any number under the terms of this ordinance shall be a misdemeanor and shall be punished by a fine of not more than five dollars \$5.00. Each separate day such violation is continued shall constitute a separate offense.

Adopted at a Town Meeting July 22, 1986. This Ordinance shall become effective fifteen (15) days after publication in a newspaper serving the town. ATTEST: Barbara B. Metsack, Town Clerk

FIRE LANES

TITLE. An Ordinance authorizing the establishment of Fire Lanes within the Town of Ashford, and providing penalties for the violation thereof.

SECTION I. Enacting Authority: This Ordinance is enacted pursuant to the provisions of Section 7-148 of the Connecticut General Statutes.

SECTION II. Short Title: This Ordinance shall be known and may be cited as “Fire Lane Ordinance.”

SECTION III. Definitions: As used herein, a “Fire Lane” is a designated unobstructed passageway sufficient in size to permit free passage of fire and other emergency equipment to areas or parts of any private or public property as deemed necessary by the Fire Marshal.

SECTION IV. Establishment: Whenever the Fire Marshal of the Town of Ashford determines that the reasonable safety of persons occupying, or using, any premises, public or private, having a capacity of at least fifteen (15) persons, requires the establishment of a Fire Lane for orderly access of fire and other emergency equipment, he shall establish such Fire Lane by written order and cause a copy of such order to be delivered in person or by registered mail, to the owner of any private land on which such Fire Lane is established or to the agent of such owner.

SECTION V. Appeals: Whenever the Fire Marshal of the Town of Ashford establishes a Fire Lane, he shall file one copy of his order with the Board of Selectmen and one copy with the First Selectman. Any person aggrieved by such order may file a written notice of appeal setting forth reasons for agrievement. Such written notice of appeal must be filed with the First Selectman within such fifteen (15) day period, the Board of Selectmen shall hear such appeal within thirty (30) days after receipt of the notice of appeal by the First Selectman. After hearing, the Board of Selectmen may affirm, modify of rescind such order.

SECTION VI. Signs and Markings: Upon establishment of a Fire Lane as provided herein, the Ashford Highway Department shall cause to be erected or installed, adequate signs, markings and other devices to delineate said Fire Lane. Such signs, markings, and other devices when installed on privately owned premises shall be at the cost of the owner, and may be billed for and collected as a municipal fee in the same manner as municipal taxes.

SECTION VII. Penalties:

a. No person shall park or permit to stand a motor vehicle in a Fire Lane which has been established in accordance with this Ordinance. Except when the operator remains in the vehicle and is in the actual process of picking up or discharging passengers. Any person violating this section shall be fined not more than thirty-five dollars (\$35.00) and a five dollar (\$5.00) court fee. The registered owner of a motor vehicle shall be presumed to be the operator of such vehicle.

Section 12. Any motor vehicle found standing in a Fire Lane which has been established in accordance with this Ordinance may be towed upon the direction of the First Selectman or his/her designee to any public or private parking facility, and any subsequent storage, shall be borne by the registered owner of such vehicle.

SECTION VIII. Payment of Fines: Any person receiving a notice of violation of the provisions of this Ordinance may appear at the office of the First Selectman of the Town of Ashford and shall pay an amount as specified in said notice. Such payment shall bar a prosecution for such violation of this Ordinance.

SECTION IX. Severability: If any section, clause, provision, or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holdings shall not affect or impair any other section, clause, provision, or portion of this Ordinance.

SECTION X. Effective Date: This Ordinance shall become effective fifteen (15) days after publication in a newspaper having a circulation in the Town of Ashford.

Approved at a Town Meeting held on June 9, 1987. Attest: Barbara B. Metsack, Town Clerk

ABANDONED, INOPERABLE AND JUNK MOTOR CARS

BE IT ORDAINED BY THE TOWN MEETING OF THE TOWN OF ASHFORD THAT THE TOWN OF ASHFORD HEREBY ADOPTS THE FOLLOWING ORDINANCE TO CONTROL ABANDONED, INOPERABLE AND JUNK MOTOR CARS.

SECTION I. Purpose: It is the intention of this Ordinance to provide for the protection of the health, welfare, property and safety of the public in general by prohibiting the existence of abandoned, wrecked, junked, inoperative, discarded and dismantled motor vehicles left within the town in places other than junk yards or other so designated areas.

SECTION II. Definitions: For the purposes of this ordinance, the following words and phrases shall have the meaning ascribed to them in this section:

Antique or collectible motor vehicle: Any motor vehicle at least ten (10) years old which holds a distinctive value because of its style, year of manufacture, name, place of manufacture or method of construction.

Inoperable motor vehicle: Any vehicle which, due to the mechanical condition thereof, cannot be operated upon the public roadway without major repair.

Junked motor vehicle: Any vehicle unregistered by the department of motor vehicles as defined in the above definition, which is determined to be inoperable.

Motor vehicle: Any vehicle which is self-propelled and designed to travel along the ground and shall include but not be limited to automobiles, buses, motor bikes, vans, motorcycles, motorscooters, trucks, go-carts, golf carts, campers and trailers.

SECTION III. Storing, parking, etc. dismantled, inoperative, etc., motor vehicles prohibited; declared nuisance; exceptions.

a. No person shall park, store, leave, or permit the parking, storing, or leaving of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition whether attended or not, upon any public or private property within the Town for a period of time in excess of thirty (30) days. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this article.

Section 12. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with business enterprise duly licensed by the Connecticut Department of Motor Vehicles and properly operated

in the appropriate business zone, pursuant to the zoning laws of the Town, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes.

SECTION IV. Notice to Remove: Whenever it comes to the attention of the Town that any nuisance as defined in this ordinance exists, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal within thirty (30) days.

SECTION V. Responsibility for Removal: Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the Town, the owner, or occupant of the private property where same is located, shall be liable for the expenses incurred, if there are any.

SECTION VI. Notice Procedure: The Board of Selectmen or its designated agent shall give notice of removal to the owner or occupant of the private property where it is located, at least thirty (30) days before the time of compliance. It shall constitute sufficient notice when a copy of the notice is sent by registered mail to the owner or occupant of the private property at his last known address.

SECTION VII. Contents of Hearing: The notice shall contain the request for removal within the thirty (30) days specified in this article, and the notice shall advise that upon failure to comply with the notice to remove, the Town or its designee shall undertake such removal with the cost, if any, of removal to be levied against the owner or occupant of the property.

SECTION VIII. Request for Hearing: The persons to whom the notices are directed, or their duly authorized agents may file a written request for a hearing before the Board of Selectmen or its designated agent within the thirty (30) day period of compliance prescribed in this Ordinance for the purpose of defending the charges made by the town.

SECTION IX. Procedure for Hearing: The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least seven (7) days in advance thereof. At any such hearing in the Town the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

SECTION X. Removal of Motor Vehicle from Property by Town: If the violation described in the notice has not been remedied within the thirty (30) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is held, and the existence of the violation is affirmed by the Board of Selectmen or its designated agent, the Town shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of the Ordinance. Before such final action shall be taken the Board of Selectmen shall cause to be printed in a newspaper having a substantial circulation in the Town a public notice indicating the intent of the Town to cause the removal of said vehicle from private property.

SECTION XI. Notice of Removal by Town: Within forty-eight (48) hours of the removal of such vehicle, the Board of Selectmen or its designated agent shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, the said vehicle, or vehicles, has been impounded and stored for violation of this article. The notice shall give the location of where the vehicle or vehicles are stored and the costs incurred by the Town for removal.

SECTION XII. Disposition of Vehicles: Upon removing a vehicle under the provisions of this Ordinance the Town shall after ten (10) days cause it to be appraised. If the vehicle is appraised at two hundred dollars (\$200.00) or less, the Board of Selectmen shall summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over two hundred dollars (\$200.00), the Board of Selectmen shall give notice of public sale not less than thirty (30) days before the date of the proposed sale.

SECTION XIII. Contents of Public Sale Notice: The notice of sale shall state:

- a. The sale of abandoned property in the possession of the Town of Ashford.
- b. A description of the condition of the vehicle, including make, model, license number and any other information which will accurately identify the vehicle.
- c. The terms of the sale.

Section 12. The date, time and place of the sale.

SECTION XIV. Redemption of Impounded Vehicles: The owner of any vehicle seized under the provisions of this Ordinance may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the town of such sum as the Board of Selectmen may determine and fix for the actual and reasonable expenses or removal, plus any preliminary sale advertising expenses.

SECTION XV. Liability of Owner or Occupant of Property from which Vehicle Removed: Upon the failure of the owner or occupant of property from which abandoned vehicles have been removed by the Town to pay the unrecovered expenses incurred by the Town in such removal, a lien shall be placed upon the property for the amount of such expenses.

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

Town Meeting Held June 9, 1987. Attest: Barbara B. Metsack, Town Clerk

SCENIC ROAD ORDINANCE

Connecticut General Statutes Section 7-149(a) found that the preservation and protection of the scenic or historic values of rural roads is essential to the welfare of the people of Connecticut. It is the purpose of this Ordinance to balance the need to provide convenient and safe public transportation routes with the need to preserve these scenic and rural values.

SECTION I. Pursuant to the provisions of Section 7-149(a) of the Connecticut General Statutes, PA 81-401, the Planning and Zoning Commission may designate town highways or portions of highways as scenic roads. No state highway or portion thereof may be designated as the scenic road under this Ordinance.

SECTION II. The Planning and Zoning Commission shall consider designating as a scenic road, only those town roads which are free of intensive commercial development and intensive vehicular traffic and which meet at least one of the following criteria:

- a. it is unpaved,
- b. it is bordered by mature trees or stone walls,
- c. the travel portion is no more and 20 feet in width,

- d. it offers scenic views,
- e. it blends naturally into the surrounding terrain, or
- f. it parallels or crosses over brooks, streams, lakes or ponds.

SECTION III. A. When a highway is to be considered for designation as a scenic road, the Planning and Zoning Commission shall schedule a public hearing on the proposal. Hearing notices and deadlines will be in accordance with the provisions of Section 8-26(d) and (h) and 8-26(e) of the Connecticut General Statutes. The Planning and Zoning Commission shall notify the Selectmen, the highway foreman, and owners of lot frontage abutting the highway or portion of a highway of the proposed designation and scheduled public hearing.

B. Following the public hearing, the Planning and Zoning Commission shall vote on the proposed designation. No highway or portion of a highway may be designated as a scenic road under this section unless the owners of a majority of lot frontage abutting a highway or a portion of the highway agreed to the designation by filing a written statement of approval with the Town Clerk of the Town of Ashford. The designation shall become effective upon such date as the Planning and Zoning Commission may establish.

C. The scenic road designation may be rescinded by the Planning and Zoning Commission, using the same procedures and having the written concurrence of the owners of a majority of lot frontage abutting the highway.

D. Any person aggrieved by a designation of a highway or a portion of a highway designated as a scenic road pursuant to this Section by the Planning and Zoning Commission may appeal such designation in the manner in utilizing the same standards of review provided for appeals from the decisions of Planning and Zoning Commissions under Section 8-28.

SECTION IV. A. No road which has been designated as a scenic road under this Ordinance shall be altered or improved, including but not limited to, widening of the right of way or of the travel portion of the road, paving, changes of grade, removal of stone bridges, straightening, removal of stone walls, and removal of mature trees, except for good cause determined by the Planning and Zoning Commission. Prior to the Planning and Zoning Commission approving any alteration or improvement of a road designated as a scenic road under this Ordinance, the Planning and Zoning Commission shall schedule a public hearing on the proposed alteration or improvement. The Planning and Zoning Commission shall notify the Selectmen, the highway foreman, and owners of lot frontage abutting the highway or portion of the highway designated as a scenic road of the proposed alteration and improvement and scheduled public hearing. Hearing notices and deadlines shall be in accordance with the provisions of Section 8-26(d) and 8-26(e) of the Connecticut General Statutes. Following the public hearing, the Planning and Zoning Commission shall vote on the proposed future alterations and improvements and shall state the reasons for any such approved alterations or improvements in the Planning and Zoning Commission's minutes.

Section 12. Any highway or portion of any highway designated as a scenic road shall be maintained by the Town of Ashford, in good and sufficient repair and in passable condition. Such maintenance shall include trimming of the tree branches that encroach on the portion of the highway below the height needed to allow emergency vehicles to pass; trimming or removal of brush and removal of boulders or other obstacles that encroach on the portion of the highway; necessary trimming for utility lines; trimming of brush to enhance and protect scenic views, stone walls, mature

trees and other characteristics of the scenic road; correction of drainage problems; and re-treatment and repair of existing roadway surfaces.

SECTION V. This Ordinance shall become effective fifteen days after publication.

Town Meeting held August 31, 1989. Appeared September 20, 1989.

ATTEST: Barbara B. Metsack, Town Clerk

The following roads in the Town of Ashford have been accepted as scenic roads:

Bebbington Lane – January 8, 1990; Varga Road – February 13, 1990; Seckar Road – April 9, 1990; Lipps Road – November 9, 2002; Colts Pond Rd – September 13, 1999, Oaks Rd- Nov. 13, 2007.

FEE SCHEDULE – At the October 21st, 2002 Annual Town Meeting, it was voted to adopt a fee of \$250.00 for Scenic Road Applications submitted to the Ashford Planning & Zoning Commission. Said fee of \$250.00 is to cover legal notices and the notification of abutting property owners, selectmen and road foreman. Fee schedule to take effect fifteen days after publication in a newspaper having circulation in the Town of Ashford.

Attest, Barbara B. Metsack, Town Clerk

REFUSE HAULING

Be it ordained, by the voters of the Town of Ashford, meeting on December 8, 1988, that:

1. Pursuant to the authority conferred upon this town meeting by Section 22a-220a of the General Statutes, all processible solid waste generated within the boundaries of the Town of Ashford shall be disposed of at a site to be determined by the Board of Selectmen.
2. All refuse collectors hauling solid waste generated by residential, business, commercial or other establishments within the Town shall register with the Selectmen and disclose the name of any other municipality in which such collector hauls refuse.
3. All collectors hauling refuse in privately owned vehicles shall clearly mark the door of any such vehicle with the business name and address of the hauler.
4. Sections 1, 2, and 3 of this Ordinance shall not apply to those persons disposing of residential trash generated on their own properties, and doing so on a not for profit basis. The town's transfer station will continue to be available to such persons who may leave their refuse at the transfer station, and the Town will arrange to transport it in bulk to a site to be determined by the Board of Selectmen. The Board of Selectmen are hereby authorized to devise reasonable rules and regulations for the hours and conditions of operation of the transfer station.

Section 12. Any person violating this Ordinance shall be subject to a fine of not more than one hundred dollars (\$100.00). Each day upon which a violation is found to exist shall constitute a separate violation, for which a separate fine may be imposed.

Effective upon passage. ATTEST: Barbara B. Metsack, Town Clerk

MANDATORY RECYCLING ORDINANCE

SECTION I. PURPOSE: The purpose of this Ordinance is to make recycling mandatory in the Town of Ashford in compliance with Public Act 87-544, codified in Sections 22a-241 through 22a-241h of the Connecticut General Statutes, which requires every municipality in Connecticut to establish a mandatory recycling program no later than January 1, 1991. Public Act 87-544 sets forth a statewide strategy to recycle not less than twenty-five percent (25%) of the solid waste generated in the State after January 1, 1991. The Town of Ashford recognizes that recycling conserves valuable material resources and energy, and reduces the overall amount of solid waste presently disposed of, thus saving valuable landfill space and tax dollars.

SECTION II. DEFINITIONS: Unless the context specifically indicates otherwise, the meanings of the terms used in this Ordinance shall be as follows:

- A. "ARC" shall mean the Ashford Recycling Committee; until a committee separate from the Board of Selectmen is created by Town Ordinance, the Board of Selectmen shall serve as the Recycling Committee.
- B. "Cardboard" shall mean corrugated boxes and similar corrugated and kraft paper material which have a minimum of contamination by food or other material.
- C. "Commercial establishments: shall mean buildings, or portions of buildings used for business purposes and not for residential dwelling purposes.
- D. "Composting" shall mean an accelerated biological process in which organic materials, such as yard wastes, are broken down.
- E. "Commercial solid waste collector" shall mean an ARC permit holder who collects and transports solid waste and recyclable materials from any location to the Town solid waste facility for a fee.
- F. "DEP" shall mean the Connecticut Department of Environmental Protection.
- G. "Director" shall mean the Town Recycling Coordinator.
- H. "Dry-cell battery" shall mean a device used for generating electric current through a chemical reaction, including but not limited to, nickel-cadmium batteries, carbon batteries and alkaline batteries.
- I. "Dwelling unit" shall mean any room or group of rooms, located within a structure and forming a single habitable unit, with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.
- J. "Garbage" shall mean putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, service or consumption of food.

K. "Glass food container" shall mean a glass bottle or jar of any size or shape used to package food products suitable for human or animal consumption.

L. "H.D.P.E. plastic container" shall mean a high density polyethylene bottle or jar of any size or shape used to package food, household laundry products, or crankcase oil.

M. "Intermediate Processing Center" shall mean a facility which can recycle an item or items and market or deliver for reuse the resulting material product or products. Such facilities may be owned by public or private entities or combinations thereof and may offer service on a state, regional, municipal, or sub-municipal level.

N. Leaves shall mean the foliage of trees.

O. "Local Processing System" shall mean a facility or technique authorized by a municipality and acceptable to the DEP which can recycle an item or items and market or deliver for reuse the resulting material product or products.

P. "Market" shall mean to sell a recyclable item to a customer or consumer who will reuse it or dispose of it for reuse in a material product.

Q. "Metal feed container" shall mean an aluminum, bi-metal, steel, tin-plated steel, or other metallic can, plate or tray of any size or shape used to package food products suitable for human or animal consumption.

R. "Multiple housing facility" shall mean a housing facility containing more than one dwelling unit under one roof.

S. "Newspaper" shall mean used or discarded newsprint which has a minimum of contamination by food or other material.

T. "Newsprint" shall mean that class or kind of paper chiefly used for printing newspapers and weighing more than twenty-four and one-half pounds but less than thirty-five pounds for five hundred sheets of paper two feet by three feet in size, on rolls which are not less than thirteen inches wide and twenty-eight inches in diameter and having a brightness of less than sixty.

U. "Occupant" shall mean any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit, or commercial establishment, or any other improved real property, either as an owner or as a tenant.

V. "Office paper" shall mean used or discarded high-grade white paper and manila paper including, but not limited to, paper utilized for file folders, tab cards, writing, typing, printing, computer printing, and photo-copying, which is suitable for recycling and which has a minimum of contamination. For the purposes of this Ordinance, office paper generated by household dwelling units is excluded.

W. “Persons” shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or organizations and associations of any kind, or their legal representatives, agents, or assigns.

X. “P.E.T. plastic food container” shall mean a polyethylene terephthalate container of any size or shape used to package beverages.

Y. “Recyclable materials” shall include cardboard, glass food containers, leaves, metal food containers, newspaper, office paper, scrap metal, storage batteries or batteries, waste oil, and any other materials specifically designated as recyclables by DEP regulations, state statutes or ARC regulations.

Section 12. “Recycle” shall mean to separate or divert an item or items from the solid waste stream for the purposes of processing it or causing it to be processed into a material product, including the production of compost, in order to provide for the disposition of the item or items in a manner, other than incineration or land filling, which will best protect the environment. Nothing in this definition shall preclude the use of waste oil as fuel in an oil burner.

Section 12. “Recycling center” shall mean the area at the solid waste facility or regional processing center designated by the Town for the handling of recyclable materials.

Section 12. “Refuse” shall mean solid waste.

Section 12. “Regional Processing Center” shall mean an intermediate processing center which is authorized by the town or by a group of municipalities or designated by the Commissioner which can recycle an item or items and market the resulting material product or products.

Section 12. “Scrap metal” shall mean wastes such as white goods and other metal containers which consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys thereof.

Section 12. “Scrap tires” shall mean rubber or synthetic rubber tires used by or manufactured for vehicles including but not limited to automobiles, trucks, busses and trailers.

Section 12. “Shall” is mandatory, while “may” is permissive as used herein.

Section 12. “Solid waste” shall mean unwanted or discarded materials, including solid, liquid, semi-solid or contained gaseous materials. Such wastes include but shall not be limited to garbage, street refuse, rubbish, animal and agricultural wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes, and shall exclude hazardous wastes as defined in Section 22a-115 of the Connecticut General Statutes.

Section 12. “Solid waste facility” shall mean be determined by the Board of Selectmen.

Section 12. “Solid waste management” shall mean the process of storing, collecting, transporting, processing and disposing of wastes.

Section 12. “Special materials” shall mean clean fill, scrap metal, white goods, tires and bulky items and items such as furniture, mattresses, rugs, and similar non-metallic items.

Section 12. “Storage battery” or “battery” shall mean lead acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, tractors and like applications.

Section 12. “Town” shall mean the Town of Ashford, Connecticut.

Section 12. “Transport” shall mean the transporting of solid waste or recyclable materials from the place of collection to the solid waste facility or local, regional, or intermediate processing center.

Section 12. “Waste oil” shall mean crankcase oil which has been utilized in internal combustion engines.

Section 12. “Yard wastes” shall mean grass clippings, leaves, tree trimmings, weeds, garden plants, shrubs, branches, limbs, brush, and similar materials grown on and emanating from premises within the Town.

SECTION III. PROHIBITED DISPOSAL AND COLLECTION PRACTICES: This Ordinance applies to all persons within the Town of Ashford.

On and after the effective date of this Ordinance, it shall be unlawful for any persons to:

- A. Deliver materials designated as recyclable materials to the solid waste facility for disposal.
- B. Handle recyclable materials in any manner which is inconsistent with this Ordinance or with regulations adopted by the ARC pursuant to this Ordinance concerning recycling.
- C. Collect or transport recyclable materials owned by other persons without a permit issued by the ARC pursuant to the Town’s Solid Waste Ordinance, or pursuant to this Ordinance.
- D. Collect or transport recyclable materials from outside the Town for disposal at the solid waste facility or for recycling at the recycling center without prior written permission from the ARC.
- E. Violate any other provision of this Ordinance.

SECTION IV. SEPARATION AND DELIVERY OF RECYCLABLE MATERIALS

A. All materials designated as recyclable materials shall be separated from non-recyclable materials at dwelling units, commercial establishments, and multiple housing facilities in an appropriate fashion such that the surrounding area is maintained in a clean, neat, and sanitary condition at all times and so as not to constitute a nuisance or otherwise be objectionable. Failure to separate recyclable materials in accordance with this paragraph shall be a violation of this Ordinance.

B. All materials designated by the ARC as recyclable materials shall be collected and delivered as follows:

1. Recyclable materials may be collected and delivered by any ARC permit holder to the recycling center during operating hours. Town residents and commercial establishments may contract with any commercial solid waste collector for collection and delivery of recyclable materials. Recyclable materials shall be transported in secure vehicles subject to inspection by and approval of the ARC.

2. Recyclable materials may be placed at the curbside for collection by haulers licensed by the ARC. Collections shall be carried out in accordance with a schedule and route to be established and published regularly by the ARC.

Failure to collect and deliver recyclable materials as set forth in this paragraph shall be a violation of this Ordinance.

C. Recyclable materials which are delivered to the recycling center must be placed in the containers designated for each type of recyclable material. Ownership of all recyclable materials shall be deemed transferred to the Town at the moment that such materials are transferred to the recycling center; provided, however, that the ARC and Town reserve the right to reject those recyclable materials determined by ARC or the Town to be contaminated or otherwise unacceptable recyclable materials either at the curbside or at the recycling center. Contaminated or otherwise unacceptable recyclable materials shall be delivered by the ARC permit holder delivering such materials to the solid waste facility for disposal. Failure to separate and/or place recyclable materials in the appropriate containers shall be a violation of this Ordinance.

D. Recyclable materials placed at the curbside for collection must be separated into the proper groups and each group of recyclable materials must be properly secured. The proper methods for separating recycled materials into groups and securing such materials shall be designated by the ARC in the ARC regulations. Materials designated as recyclable materials must be placed properly at the curbside and shall not be deposited in the travel portion of the road or street. Ownership of recyclable materials placed at the curbside shall be transferred to the Town at the moment such materials are picked up by the hauler; provided, however, that the ARC and Town reserve the right to reject those recyclable materials determined by ARC or the Town to be contaminated or otherwise unacceptable recyclable materials either at the curbside or at the recycling center. The ARC may establish by regulations a limit on the amount of recyclable materials which will be picked up at the curbside at any address by the hauler and require that the remainder of recyclable materials above said limit must be

transported at that addressee's sole expense to the recycling center by an' ARC permit holder (in its discretion) for a fee to be determined under Section VI of this Ordinance. Contaminated or otherwise unacceptable recyclable materials shall be delivered by the ARC permit holder delivering such materials to the solid waste facility for disposal. Failure to separate, secure, or properly place recyclable materials at the curbside on the designated day shall be a violation of this Ordinance. The purposeful contamination of recyclable materials also shall be a violation of this Ordinance.

E. Any collector who has reason to believe that a person from whom he collects solid waste or recyclable materials in violation of this Ordinance or ARC regulations shall promptly notify the ARC. Upon the request of the ARC, the collector shall provide a warning notice by tag or other means, to any person suspected by the collector or ARC of violating separation requirements.

F. The ARC shall promulgate and publish regulations under Section VII of this Ordinance from time to time which further specify the duties and responsibilities of all persons pursuant to this ordinance, including but not limited to the location and timing of routes to be followed for curbside collection, and requirements for separating and securing recyclables for curbside collection. Without limiting the generality of the foregoing, the ARC is authorized to require, by regulation, commercial haulers to periodically submit lists of Town customers to assist the Town in enforcing the provisions of this Ordinance. Failure to comply with said regulations shall be a violation of this Ordinance.

SECTION V. COMPOSTING AND OTHER LAWFUL METHODS OF RECYCLING: Nothing herein shall be construed to prevent or discourage any person from lawfully taking and disposing of recyclable materials outside of the Town or from lawfully composting or otherwise lawfully utilizing recyclable materials such that they never enter the waste stream, particularly with respect to leaves and other yard wastes.

SECTION VI. FEES: The Town at a town meeting shall determine the amount of any toll, fee, charge or other rate, if any, to be paid under this Ordinance for curbside collection of recyclable materials and/or delivery or recyclable materials to the recycling center, and shall publish notice of changes to such toll, fee, charge, or other rate no later than ten (10) days prior to the effective date of such change. The ARC, by regulation adopted in accordance with Section VII of this Ordinance, may determine the amount of any toll, fee, charge, or other rate, if any, to be paid under this Ordinance unless and until the Town, at a town meeting, exercises its power under this Section.

SECTION VII. REGULATIONS:

A. The ARC shall make, amend, revoke, and enforce any necessary rules and regulations governing recycling in the Town.

B. Any and all regulations proposed by the ARC under the provisions of this Ordinance shall be presented at a public hearing no later than fifteen (15) days prior to their proposed effective date. Copies of any regulations to be adopted by ARC subsequent to the hearing shall be filed

with the Town Clerk and made available to the public no later than ten (10) days prior to their effective date. The effective date of the regulations shall be stated in said regulations.

SECTION VIII. ENFORCEMENT GENERALLY:

A. This Ordinance, and any regulations promulgated by the ARC pursuant to this Ordinance, shall be enforced by the ARC and its agents and assigns, by the Director and his agents and assigns, and by the Board of Selectmen and its agents and assigns. The Director, and any other agents specifically designated by both ARC and the Board of Selectmen, is hereby authorized to issue written warnings and citations to violators of this Ordinance in accordance with Public Act 88-221, codified in Section 7-148 of the Connecticut General Statutes. Hearings conducted in accordance with Public Act 88-221 shall be conducted by the ARC with respect to all such citations and all enforcement provisions of this Ordinance are to be implemented only as a last resort, when responsible efforts to achieve voluntary compliance have failed.

B. The Board of Selectmen are hereby authorized to appoint a Director and to contract with him for services required to implement this Ordinance. The Director and any agents appointed to assist him, shall serve at the discretion of the Board of Selectmen.

SECTION IX. WRITTEN WARNING AND CITATIONS:

A. The Director or other duly authorized party, upon a determination that a violation of this Ordinance or any regulations promulgated hereunder has occurred or is occurring, is authorized to issue a written warning to the violator or violators. Such written warning shall be delivered by certified mail, shall provide notice of the alleged violations, shall enclose a copy of this Ordinance, and shall direct the violator or violators to cease violating this Ordinance and/or take appropriate corrective actions.

B. If within ten (10) days after receipt of the written warning by the violator or violators the Director or other duly authorized party determines that the violations are continuing and/or have not been corrected, the Director or other duly authorized party may issue to the violator or violators a citation. The citation may order corrective measures, suspension or revocation of a permit, and/or payment of a fine of not more than fifty dollars (\$50.00) for individuals, or one hundred dollars (\$100.00) for commercial establishments, or one thousand dollars (\$1,000.00) for waste haulers, for the first violation, or up to five hundred dollars/five hundred dollars/five thousand dollars (\$500/\$500/\$5,000.00) for subsequent violations. Such citation shall advise the person cited of the following information, as appropriate: (1) the allegations against him; (2) any corrective actions ordered; (3) any permit suspension or revocation, and/or the amount of any fines, penalties, costs or fees due; (4) his right to contest his liability before the ARC, by delivering in person or by mail written notice to the Director or other duly authorized party within ten (10) days of the date thereof requesting a hearing; (5) his failure to request such a hearing will result in an assessment of fines, penalties, costs or fees and final decision being entered against him; and (6) such final decision may issue without further notice. If the person who is sent notice pursuant to this Ordinance wishes not to contest his responsibility for any alleged violation or the

sanctions imposed in the citation, he may, without requesting a hearing, comply with the citation, by conducting any corrective measures ordered, returning the permit in the event of a suspension or revocation, and paying the full amount of any uncontested fines, penalties, costs or fees in person or by mail to the ARC. Such actions or payments shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person taking the actions or making the payment. Any person who does not deliver or mail a written request for a hearing within ten (10) days of the date such person received the citation shall be deemed to have admitted the allegations of the citation and the responsibility therefore, and the Director or other duly authorized party shall certify such person's failure to respond to the ARC. The ARC shall thereupon enter its final decision, and shall, if a fine, penalty, cost or fee has been assessed, follow the procedures set forth in Section 10(C).

SECTION X. HEARINGS

A. Any person who requests a hearing pursuant to Section 9(B) hereof shall be given written notice of the date, time and place for the hearing by the ARC. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice, provided the ARC shall grant upon good cause shown any reasonable request by an interested party for postponement or continuance. Original or certified copies of the written warning and citation issued by the Director or other duly authorized party shall be filed and retained by the ARC, and shall be deemed to be business records within the scope of Section 52-180 of the Connecticut General Statutes and evidence of the facts contained therein. The presence of the Director or other duly authorized party shall be required at the hearing if such person so requests. A person wishing to contest his responsibility for any alleged violation or the sanctions imposed in the citation shall appear at the hearing, may present evidence in his behalf, and may be represented by counsel. A designated Town official, other than a member of the ARC, may present evidence on behalf of the Town. The hearing shall be conducted by a hearing officer appointed by the Chief Executive Officer of the Town; provided, that in the event that the hearing might result in the suspension or revocation of a permittee, the hearing shall be conducted by all of the members of the ARC. If such persons fail to appear, the hearing officer may enter a decision by default against him upon a finding or proper notice and liability under this Ordinance. The hearing officer may accept from such person copies of investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as it deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his decision at the end of the hearing. If the hearing officer determines that the person is not responsible for the alleged violations or the sanctions imposed in the citation, he shall dismiss the matter and enter his determination in writing accordingly. If the hearing officer determines that the person is responsible for the alleged violations or the sanctions imposed in the citation, he shall forthwith enter his determination in writing and assess any fines, penalties, costs or fees against such person as provided by this Ordinance.

B. Any person aggrieved by any decision of the hearing officer ordering corrective measures, suspension or revocation of a permit, or a fine, penalty, cost or fee, may appeal to the Board of Selectmen, within ten (10) days of the ARC decision. The appeal shall be in writing, shall state the basis of the aggrievement, and shall be filed in the office of the Town Clerk. The Board of Selectmen shall hold a hearing on the appeal within thirty (30) days from the date it is filed, and notice of the time and place of said hearing shall be provided to the appellant by certified mail not less than seven (7) days prior to said hearing. The appellant and the Town shall have the right to be heard and to participate in said hearing, and shall be allowed to be represented by counsel. At the conclusion of said hearing, the Board of Selectmen shall make a decision on the appeal, and shall issue written notice of its decision by certified mail to the appellant and the ARC.

C. If any assessment under this Ordinance is not paid on the date of its entry, the ARC shall send by first class mail a notice of the assessment to the person found liable and shall file not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of the superior court for the geographical area in which the Town is located together with an entry fee of eight dollars (\$8.00). 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 and court costs of eight dollars (\$8.00) against such person in favor of the Town.

SECTION XI. JUDICIAL REVIEW: A person against whom an assessment has been entered pursuant to this Ordinance is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (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 Section 52-259 of the Connecticut General Statutes, in the superior court for the geographical area in which the Town is located. The institution of such an appeal shall entitle such person to a hearing in accordance with the rules of the judges of the superior court.

SECTION XII. EMERGENCIES: The ARC may suspend all or part of the regulations applying to the collection, transportation and disposal of recyclable materials or the provisions of this ordinance in circumstances where the public health, safety, well being, or convenience are jeopardized. Such suspension shall be for the shortest practicable time period. Other reasonable rules and regulations governing the handling and disposal of recyclable materials may be imposed during these times.

SECTION XIII. SEVERABILITY: In the event that any court of competent jurisdiction should rule that any word, clause, sentence, section, part or provision of the foregoing Ordinance is invalid, that determination shall not affect the validity of the remainder of this Ordinance, and all other provisions of this Ordinance shall remain in full force and effect.

Adopted at Town Meeting: December 29, 1990. Revised Oct. 20, 1994
Town Meeting. ATTEST: Barbara B. Metsack, Town Clerk

TOWN CLERK COMPENSATION

Be it ordained that the Town Clerk of Ashford shall receive a salary to be fixed by the legislative body "f the town in lieu of all fees and other compensation provided for in the General Statutes. The Town Clerk shall collect those fees and compensation set by Statute and shall deposit all such money thus collected in accordance with the provisions of law governing the deposit of moneys belonging to the town.

Said Ordinance shall become effective July 1, 1991. Dated at Ashford, Connecticut this 13th day of May 1991. Published in *The Williman^uc Chronicle*, 16 May 1991 ATTEST: Barbara B. Metsack, Town Clerk

ASHFORD WATER POLLUTION CONTROL AUTHORITY

Be it ordained that the Town of Ashford hereby creates a board to be known as the Ashford Water Pollution Control Authority to exercise the powers conferred by Chapter 103 of the General Statutes. The Authority shall consist of five (5) members, who will serve without compensation and who will be appointed by the Chief Executive Officer of the Town. Upon the adoption of this Ordinance, the First Selectman shall appoint five (5) electors of the Town to initial terms of five (5), four (4), three (3), two (2) and one (1) year(s), with each succeeding appointee appointed to a full five (5) year term. Members of the Authority may, upon hearing before the Board of Selectmen, be removed for cause, including, but not limited to, failure to discharge the duties of the office.

Dated at Ashford, Connecticut this 13th day of May 1991.

Published in *The Willima^{nt}ic Chronicle* _____

ATTEST: Barbara B. Metsack, Town Clerk

AN ORDINANCE WAIVING PROPERTY TAXES OF UNDER FIVE DOLLARS

At the Town Meeting held November 8, 1993, pursuant to Section 12-144c of the Connecticut General Statutes, it was passed by the legislative body of the Town of Ashford that the Tax Collector may waive collection of any property tax due in an amount less than Five Dollars (\$5.00).

This ordinance will take effect fifteen days after being published in a local newspaper.

Published in *the Willimantic Chronicle* on November 13, 1993.

ATTEST: Barbara B. Metsack, Town Clerk

AN ORDINANCE CONCERNING TOWN CONTRACTS FOR PURCHASES AND SALES

At the Town Meeting held November 8, 1993, it was passed to revise Sections I and II and to add Section V relative to the minimum amount required for competitive bidding.

SECTION I

All Town purchases of, and contracts for, supplies, materials, equipment and contractual services to be done by other than Town employees or Town officials, excepting herefrom items on which the State of Connecticut has established a price schedule and items for sale by the State of Connecticut or any other local, state or federal government shall be based, when possible, on competitive bids as follows:

Purchases of and contracts for, supplies, materials, equipment and contractual services valued at greater than Ten Thousand Dollars (\$10,000.00) will be bid by publishing notice of a request for proposals in a newspaper circulating in an area most likely to attract bidders or by invitations to bid at the discretion of the Board of Selectmen.

In the case of sales in excess of Ten Thousand Dollars (\$10,000.00) of property which has become obsolete, unserviceable or unsuitable for Town use, the Board of Selectmen may, at its discretion, sell such property on the basis of competitive bids or at public auction.

Each bid shall be opened to the public. In the event no bids are received, the Selectmen may negotiate in the open market for such sale or purchase.

SECTION II

All purchases or sales of Ten Thousand Dollars (\$10,000.00) or less in amount shall be made in the open market, but shall, when possible be based on at least three competitive quotations.

SECTION III

The Board of Selectmen shall have the right to reject any or all bids.

SECTION IV

All contracts shall be approved as to form by the Selectmen and a copy of each such contract shall be filed with the Town Clerk.

SECTION V

The requirements of this ordinance may be waived by the Board of Selectmen whenever an emergency exists by reason of extraordinary circumstances or contingencies that could not reasonably be foreseen and guarded against.

These revisions took effect upon passage. ATTEST: Barbara B. Metsack, Ashford Town Clerk

TAX ABATEMENTS FOR DAIRY FARMS

WHEREAS, the voters of the Town of Ashford believe that the preservation of farmland and open space is vitally important to retaining Ashford's rural character and it's high quality of life; and

WHEREAS, Connecticut General Statutes ss12-81 allows towns to abate up to fifty percent of the property taxes on any dairy farms, and to recapture abated taxes in certain circumstances in the event of a sale of the property; and

WHEREAS, the Town wishes to establish a mechanism whereby tax relief can be granted to dairy farms as provided by law;

NOW THEREFORE, BE IT ORDAINED, that the Town of Ashford("Town") may abate property taxes on dairy farms and recapture taxes so abated in the event of sale, in accordance with the following procedures and requirements:

1. Any action by the Town concerning the abatement of property taxes for dairy farms, or the recapture of any taxes so abated, is done pursuant to Connecticut General States ss12-81m, as such statute may be amended from time to time.

2. A request for an abatement must be made by application to the Board of Selectmen and to the Town Board of Finance by the record owner of the property, or a tenant with a signed, recorded lease of at least three years, which lease requires tenant to pay all taxes on the dairy farm as part of the lease.

3. In order for an abatement to apply for the tax year beginning July 1, 1997, the application must be submitted no later than October 1, 1996. For any tax year thereafter, the application must be submitted by October 1 of the preceding year.

4. An abatement is only available for "dairy farmers". The applicant must provide "the Board of Selectmen and the Board of Finance with evidence to support the status of the farm as a "dairy farm". In determining whether a farm is a "dairy farm", the Board of Selectmen and the "Board of Finance shall take into account, among other factors: the acreage of the farm; the number and types of livestock on the farm; the quantities of milk sold by the farm; the gross income of the farm derived from dairy related activities; the gross income derived from other types of activities; and evidence of Dairy Farm or Milk Producing Permit or Dairy Plant of Milk dealer Permit, as provided by Connecticut General Statutes ss22-173. All residences and building lots are excluded.

5. Upon affirmative vote by both the Board of Selectmen and the Board of Finance, the Town may abate up to fifty percent (50%) of the property taxes for a dairy farm.

6. Any abatement will continue in force for five years, or until such time as the farm is sold, or until such time as the farm ceases to be a "dairy farm", whichever occurs first.

7. The property owner receiving the abatement must notify the Board of Selectmen and the Board of Finance in writing within thirty (30) days of the sale of property or the cessation of operations as a "dairy farm".

8. Upon sale of the property" and subject to the provisions of Section 9 herein, the property owner must pay to the Town a percentage of the original amount of the taxes abated, pursuant to the following schedule.

Number of Years Sale Follows Abatement for Given Tax Year

Percentage of Original Amount of Taxes Abated Which Must be Paid

More than 10	0
Between 9 and 10	10%
Between 8 and 9	20%
Between 7 and 8	30%
Between 6 and 7	40%
Between 5 and 6	50%
Between 4 and 5	60%
Between 3 and 4	70%
Between 2 and 3	80%
Between 1 and 2	90%
Between 0 and 1	100%

9. Upon affirmative vote by the Board of Selectmen and the Board of Finance, the Town may waive any of the amounts which would otherwise be owed pursuant to Section 8 herein if the farm continues to be used as "farm land", "forest land" or "open space", a those terms are defined in Section 12-1"7b of the Connecticut General Statutes, after the sale of the property.

10. The taxes owed to the Town pursuant to Sections 8 and 9 hereof shall be due and payable by the record property owner/grantor to the Town Clerk of Ashford at the time of recording of her/his deed or other instrument of conveyance. Such revenue received by the Town Clerk shall become part of the general revenue of the Town. No deed or other instrument or conveyance which is subject to the recapture of tax, as set forth in Section 8 hereof, shall be recorded by the Town Clerk unless the funds due under the recapture provisions of Section 8 hereof have been paid, or the obligation has been waived pursuant to Section 9 hereof.

11. The Tax assessor shall file, not later than 30 days after abatement is approved by the Board of Selectmen and the Board of Finance, with the Town Clerk, a certificate for any dairy farm land that has been approved for a tax abatement, which certificate shall set forth the date of initial abatement and the obligation to pay the recapture funds as set forth in Section 8 hereof. Said certificate shall be recorded in the land records of the Town of Ashford.

This ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having circulation in the Town of Ashford.

Approved at Town Meeting held March 11, 1996.

Published in the CHRONICLE on March 16, 1996.

[This ordinance "Tax Abatements for Dairy Farms" was repealed and replaced by an ordinance entitled "Tax Abatements for Dairy Farms and Orchards Including Vineyards" at the Ashford Town Meeting held on April 26, 2005]

LITTERING & ILLEGAL DUMPING

Section 1. ILLEGAL DUMPING, LITTERING, MIXING OF RECYCLABLES PROHIBITED

(a) No person shall engage in any activity which violates: (1) subsection (a) of section 22a-250 of the general statutes; (2) an ordinance adopted pursuant to subsection (f) of section 22a-220 of the general statutes; (3) subsection (f) of section 22a-220a of the general statutes or (4) subsection (i) of section 22a-220a of the general statutes,

(b) Any activity which violates section (a) is considered to be a nuisance.

Section 2. ENVIRONMENTAL PROTECTION OFFICIALS, APPOINTMENT

The chief elected official of the municipality shall appoint one or more persons as environmental protection officials to issue littering, dumping, and recycling citations and enter orders authorized by this chapter. The environmental protection official shall be appointed in the same manner as members of boards and commissions of the municipality. Such officials shall not be persons appointed as hearing officers pursuant to section 4.

Section 3. CITATION, ABATEMENT, CIVIL PENALTY

(a) The environmental protection official may issue citations for any violation of section 2 of this act. Such citation shall be on a form as approved by the chief elected official of the municipality.

(b) The environmental protection official may order any person who has violated section 2 of this act to abate such violation and may issue a fine in accordance with provisions of subsection (c) of this section.

(c) Any person who engages in an activity which violates subsection (f) of 22a-220 of the Connecticut general statutes, subsection (i) of 22a-220a of the Connecticut general statutes or subsection (a) of 22a-250 of the Connecticut general statutes shall be assessed a civil penalty for the first offense of up to two hundred fifty dollars and for a second or subsequent offense a civil penalty of up to one thousand dollars. Any person who engages in an activity which violates subsection (f) of 22a-220 of the Connecticut general statutes shall be assessed a civil penalty of up to one thousand dollars.

Section 4. HEARING OFFICERS, APPOINTMENT

The chief elected official of the municipality shall appoint one or more persons to conduct littering, dumping, and recycling violations hearings and enter orders authorized by this act. The hearing officer shall be appointed in the same manner as members of the municipal boards and commissions. A hearing officer shall not be authorized to issue citations or be employed by the municipality.

Section 5. APPEAL FORM

(a) Any person or persons to whom a citation is mailed or delivered pursuant to the provisions of this act shall have the right to file an appeal from any such citation by filing with the town clerk, within ten days from the date of receipt thereof, a written and dated appeal containing:

- (1) A description, or the address, of the premises or location involved in the citation.
 - (2) The name and mailing address of each person participating in the appeal.
 - (3) A brief statement setting forth the interest of such person in the premises described in the citation, if any.
 - (4) A brief statement identifying the specific ordinance or statute under which the appeal is being brought, together with any facts supporting the appeal.
 - (5) A statement of the relief sought, and any reasons why the citation should be reversed, modified or set aside.
 - (6) A verification by the person or persons participating in the appeal as to the truth of the matters set forth in the appeal.
- (b) The town clerk shall notify the chief elected official of the municipality of the receipt of the appeal. The chief elected official shall appoint a hearing officer to hear the appeal.

Section 6. SETTING HEARING DATE, STAY OF ENFORCEMENT

(a) After receipt of any appeal filed pursuant to section 5, the hearing official shall provide written notice of the date, time and place of the hearing by causing a copy of such notice to be delivered personally to the appellant, or by mailing a copy to the appellant by certified mail, postage prepaid, to the address shown on the appeal. The hearing date shall be not less than fifteen days nor more than thirty days from the date of mailing or delivery of such notice, provided the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance.

(b) Enforcement of any citation and abatement order of the environmental protection official shall be stayed during the pendency of a timely and properly filed appeal.

Section 7. CITATION APPEAL HEARING PROCEDURE

(a) The rules of evidence for hearings pursuant to section 6 shall be as follows: (1) Any oral or documentary evidence may be received, but the hearing officer shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence; (2) hearing officer shall give effect to the rules of privilege recognized by law; (3) when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be judgment on the written form; (4) documentary evidence may be received in the form of copies or excerpts, if the original is not readily available, and upon request, parties and the hearing officer conducting the proceeding shall be given an opportunity to compare the copy with the original; (5) a party and such hearing officer may conduct cross-examinations required for a full and true disclosure of the facts; (6) notice may be taken of judicially cognizable facts and of generally recognized technical or

scientific facts within the hearing officer's specialized knowledge; (7) parties shall be notified in a timely manner of any material noticed and they shall be afforded an opportunity to contest the material so noticed; and (8) the hearing officer's experience, technical competence, and specialized knowledge may be used in the evaluation of the evidence. The hearing officer, by way of mail, may accept from the appellant copies of police reports, investigatory and citation reports, and other official documents.

(b) Each appellant may be represented by an attorney. The presence of the environmental protection official shall be required at the hearing if the appellant so requests. An appellant shall appear at the hearing and may present evidence of his or her behalf. An environmental protection official or any municipal official, other than the hearing officer, may present evidence on behalf of the town. If an appellant fails to appear, the hearing officer may enter an assessment and order by default.

(c) The hearing officer shall render a written decision within ten business days of the completion of the hearing and file such decision with the town clerk. The decision of the hearing office shall be final and shall be served upon the appellant, either personally or by certified mail, postage prepaid, within seven days of the date when such decision is entered.

Section 8. APPEAL DECISION

(a) If it is determined by the hearing officer that an appellant is not in violation of the provisions of this act, the matter shall be dismissed as to that appellant and the hearing officer shall enter such determination, in writing, and the record of the citation shall indicate such dismissal within 10 business days of the filing judgment decision with the town clerk.

(b) If it is determined that one or more appellants are in violation of any of the provisions of this act, and the issuance of the citation is proper, the hearing officer shall order each such appellant to pay the applicable fine and, if appropriate, shall forthwith order each such appellant to abate the described condition within thirty days from the date of such order. The hearing officer shall enter such determination in writing, and shall file such order with the town clerk. In the event that the abatement is not completed within thirty days of the date of such order, the hearing officer, upon certification from the environmental protection official that the abatement has not been completed, shall forthwith enter and assess against each such appellant a fine not to exceed one hundred dollars for each offense. If such assessment is not paid on the date of its entry, the hearing officer shall send by certified mail, return receipt requested, a notice of the assessment to the person or persons found liable and not less than thirty days nor more than twelve months after such mailing, file a certified copy of the notice of assessment with the town clerk.

Section 9. ENFORCEMENT OF ORDERS

The chief elected official of each municipality may take whatever means necessary to enforce the orders of the hearing officer.

Section 10. FUNDS DEPOSITED IN GENERAL FUND OR SPECIAL FUND

Any funds collected pursuant to this act shall be placed in the [general fund of municipality] or [special fund established to pay for litter enforcement or other environmental protection costs.]

This ordinance became effective upon passage at the Town Meeting of March 11, 1996.

AN ORDINANCE CONCERNING EXCESS TAX PAYMENT OF LESS THAN \$5.00

At the Town Meeting held June 11, 1996, pursuant to Section 10 of Public Act 95-283, it was passed by the legislative body of the Town of Ashford that the Tax Collector of Ashford is hereby authorized to retain excess tax payment on any list, provided the amount of the excess payment is less than \$5.00. The excess tax payment is to be held for six months period of time and that the excess payment not be turned over to the general fund without notification to the taxpayer.

This ordinance took effect fifteen days after being published in the newspaper.

Published in the *CHRONICLE* Attest, Barbara B. Metsack, Town Clerk.

TAX REFUNDS

Pursuant to Section 10 of Public Act 95-283, the Tax Collector of Ashford is hereby authorized to retain any excess tax payment on any list, provided the amount of the excess payment is less than \$5.00. The excess tax payment is to be held for six months period of time and the excess payment is not to be turned over to the general fund without notification to the taxpayer.

Said ordinance was passed at a Special Town Meeting held June 11, 1996.

The ordinance was published in the *CHRONICLE*. Attest, Barbara B. Metsack, Town Clerk

ECONOMIC DEVELOPMENT COMMISSION

This ordinance was adopted at the Special Town Meeting held January 26, 1998. Said ordinance was effective February 15th, 1998. Ordinance was published in the *Chronicle* on January 31st.

Underlined portions of this ordinance are revisions passed at the October 3, 2005 Annual Town Meeting to become effective 15 days after being published in the *Chronicle*. Ordinance published in the *Chronicle* on October 8th. This ordinance was further amended at the town meeting held on December 5, 2005 revising the final sentence of Section II. (b) by substituting “Four (4)” for “Two (2)”.

SECTION I. Establishment.

The town accepts the provision of Connecticut General Statute 7-136 and pursuant to the authority granted therein does establish and create an economic development commission for the promotion and development of the economic resources of the town.

SECTION II. Appointment of members; terms.

(a) The number of members of the economic development commission shall be nine (9) members; and two (2) alternate members. No more than six (6) of such members shall be of the same political party.

(b) The members of the commission shall be appointed by the Board of Selectmen; two (2) of the members shall be appointed for a term of one (1) year beginning from the date of the first Board of Selectmen's Meeting following ratification of this ordinance; two (2) of the members shall be appointed for a term of two (2) years from the date of the first Board of Selectmen's Meeting following ratification ordinance; one (1) member shall be appointed for a term of three (3) years from the date of the first Board of Selectmen's Meeting following ratification of this ordinance; two (2) alternate members shall be appointed for a term of two (2) years from the date of the first Board of Selectmen's Meeting following ratification of this ordinance. Four (4) additional members authorized by the ordinance revision of October, 2005 shall be appointed for terms of five (5) years.

(c) Upon the expiration of the original terms of membership set forth in subsection (b), the first selectman shall, in filling the vacancies created by such expirations, appoint members for terms of five (5) years each.

SECTION III. Vacancies.

The Board of Selectmen shall appoint a new member to fill any vacancy occurring in the membership of the economic development commission, such new member so appointed to be of the same political part as the person creating the vacancy and the term for such appointment shall be for the unexpired portion of the term of the person creating the vacancy.

SECTION IV. Removal of members; hearing.

(a) Any member of the economic development commission may be removed by the Board of Selectmen for cause and, on request of such member, after public hearing.

(b) Upon the request of any such member for a public hearing the Board of Selectman shall, at the expense of the town, within fifteen (15) days next following such request, publish in a newspaper having a general circulation in the town a notice setting forth the date, time and place of such hearing and in general terms the matters to be considered at said meeting , such notice to be published not less than once nor more than three (3) times, the first such publication to be not more than fifteen (15) days before the date of the hearing and the last such publication to be not less than five (5) days before the date of the hearing.

SECTION V. Compensation.

The Economic Development Commission may appoint employees necessary for the discharge of its duties.

SECTION VI. Employees authorized.

The Economic Development Commission may appoint employees necessary for the discharge of its duties.

SECTION VII. Powers and duties.

The Economic Development Commission shall conduct research into the economic conditions and trends in the town, shall make recommendations as to appropriate officials and agencies of the town regarding action to improve its economic condition and development, shall seek to coordinate the activities of and cooperate with unofficial bodies organized to promote such economic development and may prepare, print and distribute books, maps, charts and pamphlets which in its judgment will further its official purposes.

SECTION VIII. Appropriation of funds authorized.

There may be an annual appropriation of funds to the use of the economic development commission, such appropriation, however, shall not exceed one-twentieth of one (1) percent of the last completed grand list of taxable property in the town. The Economic Development Commission shall annually prepare an itemized estimate of the cost of conducting the affairs of the Commission for the ensuing year and shall submit such estimate to the Board of Finance not later than two (2) months preceding the annual meeting at which appropriations are to be made. The Commission may transfer any unexpended or uncontracted for portion or portion of any appropriation for one item to any other item in their itemized estimate. Expenditures by the commission shall not exceed the appropriation made by the town.

SECTION IX. Annual report.

The Economic Development Commission shall report annually, to the Annual Town Meeting on its activities and expenditures during the preceding year.

REGIONAL COUNCIL OF GOVERNMENTS

The Regional Council of Governments replaced the Windham Regional Planning Agency.

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

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

NOW, THEREFORE BE IT RESOLVED, that the Town of Ashford adopts the following Sections of the Connecticut General Statutes that provide for the creation of a regional Council of Governments:

Section 4-124i Regional Council of Governments. Definitions.

As used in sections 4-124i to 4-124p, inclusive:

(a) "Planning region" means a planning region of "he state as def'ned or redefined by Secretary of the Office of Policy and Management, or his designee under the provisions of section 16a-4a;

- (b) "Regional Council of Elected Officials means any Regional Council of Elected Officials organized under the provisions of this chapter;
- (c) "Regional Planning Agency" means any Regional Planning Agency organize" under the provisions of chapter 127;
- (d) "Chief Elected Official" means the highest ranking elected governmental official of any town, city or borough within the state:
- (e) "Elected Official" means any Selectman, Mayor" Alderman, or member of a common council or other similar legislative body of any town or city, or warden or burgess of any borough;
- (f) "Council" means a regional council of governments organized under the provisions of sections 4-124i to 4-124p, inclusive;
- (g) "Member" means any town, city or borough with in a planning region of the state having become a member of a regional council of governments in accordance with said sections.

Section 4-124j. Creation. Membership. Withdrawal.

Within any planning region of the state a regional council of governments may be created by the adoption of sections 4-124-i to 4-124p, inclusive, by ordinance of the legislative bodies of not less than 60 per cent of all towns, cities and boroughs within such planning region entitled to membership on such council as hereinafter provided. Where any regional council of elected officials, or a regional planning agency, exists within a planning region, a regional council of governments may be created either as hereinabove provided, or by the adoption of said sections by resolution of any such regional council or councils of elected officials and any such regional planning agency, and the ratification of any such resolution by ordinance of the legislative bodies of not less than 60 per cent of all such towns, cities and boroughs. All towns, cities and boroughs within a planning region will be entitled to membership on such council, including any city or borough with boundaries not coterminous with the boundaries of the town in which it is located. Any nonmember town, city or borough entitled to membership may join the council by the adoption of said sections by ordinance of its legislative body. Any member town, city or borough may withdraw from the council by adoption of an appropriate ordinance of its legislative body to become effective on the date of such adoption, provided, that any such withdrawing member will be obligated to pay its pro rata share of expenses of operation and pro rate shares of funds committed by the council to active programs as of such date of withdrawal.

Section 4-124k. Representatives of members.

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

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

(a) Upon the adoption of sections 4-24i to 4-124p, inclusive, or upon the ratification of a resolution adopting said sections, as provided in section 4-124j, by any town, city or borough entitled to membership on a regional council of governments, the clerk of such town, city or borough will immediately prepare and file with the secretary of the office of policy and management, or his designee a certified copy of the adopting or ratifying ordinance, and, upon receipt of such certified ordinances from not less than 60 per cent of all such towns, cities and boroughs within a planning region, said secretary or his designee will certify to such towns, cities and boroughs and all other eligible towns, cities and boroughs within the planning region, that a regional council of governments has been duly established within such planning region. Any subsequent ordinances adopting the provisions of said sections, or affecting the withdrawal from the council of a member will be similarly filed. Except as hereinafter provided in this section, upon the establishment of a regional council of governments within a planning region in accordance with said sections, no regional council of elected officials nor regional planning agency will be subsequently established within such planning region.

(b) If at the time of the adoption or ratification of the provisions of said sections by the requisite 60 per cent majority of all eligible towns, cities or boroughs within a planning region there exists within such planning region, a regional council of elected officials, or regional planning agency, or both, the existence and activities of any such regional council of elected officials or regional planning agency will continue uninterrupted for the duration of a transition commencing with the certification of the establishment of the council by the secretary of the office of policy and management, or his designee pursuant to subsection (a) or this section. The chief elected officials of each town, city or borough subsequently adopting said sections, or in the absence of a chief elected official, an elected official appointed by the legislative body of any such member, will constitute a transitional executive committee or the regional council of governments during such transitional period. any such transitional executive committee acting under this subsection will have the following authority and responsibilities: (i) To draft and propose bylaws for adoption by the council; (ii) to select and propose for election by the council, candidates for offices of the council which may include any one or more members of the transitional committee; (iii) to propose staffing arrangements, for adoption by the council; (iv) to prepare and propose, for adoption by the council, a program of planning and implementation activities, which will provide for the assumption of such active programs of any such existing regional council of elected officials or regional planning agency, as such executive committee may deem appropriate and a budget for a period not to exceed one year following such transitional period; (v) to propose, for adoption by the council, the date upon which such transitional period will terminate, which date will not be later than one year from the date of certification by the secretary of the office of policy and management, or his designee of the establishment of the council.

(c) Upon the expiration of the transitional period provided for under subsection 9b) of this section, the regional council of governments will succeed to and be responsible for all of the rights, privileges and obligations, whether statutory or contractual, of any regional council of elected officials, or regional planning agency, or both, within the planning region, and no regional council of elected officials nor regional planning agency will be subsequently created within such planning region, except as provided in subsection (d) of this section.

(d) If at any time after the establishment within a planning region of a regional council of governments the members of the council will constitute less than 40 per cent of all eligible towns, cities and boroughs within such planning region, the council will thereafter be deemed a regional council of elected officials without the rights and duties of a regional planning agency for so long as and until the membership of the council shall again constitute not less than 60 per cent of all such eligible towns and boroughs within the planning region. Whenever the members of the council shall constitute less than 40 per cent of all such eligible towns, cities and boroughs within the planning region, a regional council of elected officials and a regional planning agency may be established within such region under the general statutes, as amended.

Section 4-124n. Bylaws. Officers. Committees. Meetings.

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

Section 4-124o. Regional planning commission.

Except as hereinafter provided, the planning duties and responsibilities of a regional council of government on the making of a plan of development pursuant to section 8-34a, will be carried out exclusively by a regional planning commission, acting on behalf of and as a subdivision of the council. Each member will be entitled to a representative on the regional planning commission who will be an elector of such member and on its planning commission. Such representative will be appointed by such planning commission, with the concurrence of the appointing authority of such member. Each member may also appoint an alternate representative who will be an elector of such member and who will be appointed by its planning commission, with the concurrence of the appointing authority of such member. Such alternate representative will, when the representative of the member from which he is appointed is absent, have all the powers and duties of such representative. Each regional planning commission representative will be entitled to one vote in the affairs of such commission but will not otherwise be entitled to vote in the affairs of such commission but will not otherwise be entitled to vote in the affairs of the council. All matters referred to the council which by statute or otherwise are required to be referred to and considered by a regional planning agency will be considered and commented upon by the regional planning commission in accordance with procedures recommended by such commission and adopted by the council with the concurrence of such commission. The council will have the authority, at the request of a party having referred any such matter to the council's attention, to review and revise, in whole or in part, the comments and recommendations of the regional planning commission as to such matter. If

at any time the council is deemed a regional council of elected officials under subsection (d) of section 4-121I, the existence of such regional planning commission will terminate forthwith.

Section 4-124p. Receipt of funds. dues. Contracts. Audits. Annual report.

Each regional council of governments established under the provisions of section 4-121I to 4-124p, inclusive, is authorized to receive for its own use and purposes any funds from any source including the state and federal governments and including bequests, gifts and contributions made by any individual, corporation or association. Any town, city or borough participating in a regional council of governments will annually appropriate funds for the expenses of such council in the performance of its purposes. Such funds will be appropriated and paid in accordance with a dues formula established by the regional council of governments. Such council may withhold any services it deems advisable from any town, city or borough which has failed to pay such dues. Within the amount so received, a council may from time to time engage employees, and contract with professional consultants, municipalities, the state and the federal governments, regional council of governments. Such council may withhold any services it deems advisable from any town, city or borough which has failed to pay such dues. Within the amount so received, a council may from time to time engage employees, and contract with professional consultants, municipalities, the state and the federal governments, regional councils of elected officials, regional planning agencies and other inter-town regional or metropolitan agencies, or with any one or more of them, to carry out its purposes. The accounts of any regional council of governments will be subject to an annual audit under the provisions of chapter III and such council will file an annual report with the clerks of its member towns, cities or boroughs, with planning commissions, if any, of members, and with the secretary of the office of policy and management, or his designee.

Said ordinance was effective immediately following passage at the Special Town Meeting held January 26, 1998.

Notice of passage was published in the *CHRONICLE* ON January 30, 1998.

(At a Special Town Meeting held December 28, 2006 an ordinance was passed to withdraw from Windham Region Council of Governments).

AN ORDINANCE CONCERNING CONSTABLES

At a Special Town Meeting held July 2, 2001 the following ordinance was passed. The ordinance became effective fifteen days after publication in the *CHRONICLE*.

Pursuant to Connecticut General Statutes S9-185, in lieu of constables to be elected under Connecticut General Statutes S9-200, the Board of Selectmen shall instead, by resolution adopted at a meeting to be held not later than one (1) month after the town election, appoint three constables, all of whom shall be residents of the Town of Ashford, to serve at the pleasure of the Board of Selectmen.

Dated at Ashford, Connecticut this ninth day of July, 2001.

Attest, Barbara B. Metsack, Town Clerk.

AN ORDINANCE ESTABLISHING A FEE SCHEDULE

FOR PLANNING & ZONING

Pursuant to the authority of Connecticut General Statutes Section 8-1c, a fee schedule for planning & zoning applications and functions, replacing any previously enacted fee schedule, was adopted at a Special Town Meeting held on June 4, 1998. Said ordinance becomes effective fifteen days after legal notice is published.

Application for change of Zoning Regulations	\$250.00
Application for a Special Exception	\$250.00
Application for a change of Subdivision Regulations	\$250.00
Home Occupation Permit	\$ 35.00
Home Occupation Permit if public hearing is required	\$235.00
Application for a subdivision/ re-subdivision	
1-4 lots	\$350.00
5 or more lots	\$350.00+\$100.00/lot
Plan review	\$100.00
Engineering review	\$100.00/hour
Engineering review - new road	\$1.00/linear foot w/\$200.00 minim–m
Inspecton and supervision of road construction & utilities -	
	1 1/2% of estimated cost of installation
Inspection of Sediment & Erosion Control measures-	
	\$50.00/lot plus \$30.00 for each acre of disturbed area excluding lot
Inspection of new Commercial development -	
	\$7.50/100 sq.ft. of building (foot print) with a minimum of \$100.00
Additional fee of \$10.00 is charged for the following applications to comply with Public Act 92-235:	
Change of Zoning regulations, Special Exception, change of Subdivision	
Regulations and Subdivision/Re subdivision plan	

ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR INLAND WETLAND VIOLATIONS

It is hereby ORDAINED by the Town Meeting of the Town of Ashford under the authority granted by Connecticut General Statutes Sec 22a-44g:

1. That the Wetlands Agent is authorized to issue citations for violations of the Inland Wetlands and Watercourses Regulations of the Town of Ashford to the extent and in the manner provided by this Ordinance, such action shall be taken only subsequent to the issuance of a cease and desist order and failure to respond to such order in a timely manner. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to a person named in such citation. If the person named in a citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail. If sent by regular mail, the day of receipt of the citation shall be

determined to be three days after the day of mailing. The Wetlands Agent shall file and retain an original or certified copy of the citation.

2. That the fines for each such citation shall be no more than one thousand (1000) dollars.

3. The citation shall include the following provisions:

- a. the allegations against him or her and the amount of the fines;
- b. that the person may pay the fine specified in the citation to the Town within 30 days of the receipt of the citation or service on the property where the violation occurs;
- c. that the person cited may contest liability before a Hearing Officer appointed by the First Selectman, as provided in paragraph 7 of this ordinance, by delivering, in person or by mail, within ten days of the date of the notice, a written demand for a hearing;
- d. that if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her; and
- e. that such a judgment may issue without further notice.

The person who is sent notice pursuant to paragraph 3 of this Ordinance wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, either in person or by mail, to the Wetlands Agent. All fines shall be made payable to the Town of Ashford. 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 ten days of the date of the notice described in paragraph 3 of this Ordinance shall be deemed to have admitted liability, and the wetlands Agent shall certify to the Hearing Officer that such person has failed to respond. The Hearing Officer shall thereupon enter and assess the fines provided for by this Ordinance and shall follow procedures set forth in paragraph 6 of this Ordinance.

5. Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held no less than fifteen days nor more than thirty days from the date of the mailing of notice, provided the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The presence of the Wetlands Agent shall be required at the hearing if requested by the person who was issued the citation; such request must be included within the appeal. A person wishing to contest liability shall appear at the hearing and may present evidence in his or her behalf, and may be represented by agent or attorney. The Wetlands Agent may present evidence on behalf of the municipality. If the person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against him or her upon finding of proper notice and liability under the applicable provisions of the Inland Wetland Regulations. the Hearing Officer may accept written information by mail from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. The Hearing officer shall conduct the hearing in the order and form and with such methods of proof as he or she deems fair and appropriate. The rules regarding admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his or her decision at the end of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, the Hearing Officer shall dismiss the matter and enter that

determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, the hearing officer shall forthwith enter and assess the fines against such person as provided by this citation.

6. If such assessment is not paid on the date of 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 thirty days nor more than twelve months after such mailing, a certified copy of the notice of assessment with the Clerk of the Windham County Superior Court, together with an entry fee of eight dollars. Further proceedings may then be held pursuant to the Connecticut General Statutes Section 7-152c(f) as amended from time to time.

7. the First Selectman shall appoint **three (3)** citation Hearing Officers to conduct the hearings provided by the Ordinance. Neither the Wetlands Agent nor Zoning Enforcement Officer, nor members of the Ashford Conservation and Inland Wetlands Commission, may be appointed as a Hearing Officer pursuant to this Ordinance.

This ordinance passed at the Special Town Meeting held on May 8, 2000 and took effect on May 27, 2000 being the fifteenth day following the publication of the ordinance in the CHRONICLE on May 12, 2000. Attest, Barbara B. Metsack, Town Clerk

**TOWN OF ASHFORD
VOLUNTEER FIRE DEPARTMENT PERSONNEL
TAX ABATEMENT ORDINANCE**

Section 1. Purpose:

In recognition of the benefits to the people of the Town of Ashford by the dedicated service of the Town's volunteer fire and ambulance personnel, th' Town of Ashford hereby establishes a tax abatement program pursuant to Public Act No. 99-272, Sections 6 and 7 for volunteer fire and ambulance personnel on the conditions outlined below.

Section 2. Eligibility:

Members of the Ashford Volunteer Fire Department who reside or pay property tax in the Town of Ashford shall be eligible when meeting the following criteria:

1. Member must have achieved two "years of active service," defined here in by July 1 of the current year to be eligible for a tax abatement on July 1 of the following year; and
2. In order to earn credit for a "year of active service," the member

must satisfy the following "requirements:

- a. Attendance at 50 percent of department meetings unless a member is excused for good cause;
 - b. Attendance at a minimum of five (5) training sessions/drills per year; and
 - c. Response to a minimum of 15 percent of emergency calls per year.
3. This ordinance shall take effect immediately upon passage, and may be applied during its first year of effectiveness, to taxes payable on July 1, 2000, the initial date of abatement hereunder.
 4. Except for the year immediately preceding the July 1 on which the eligibility determination is made, it shall be presumed that any year prior to July 1, 1999, during which the member was active in the Department, was a "year of active service."

Section 3. Certification:

Annually, on or before August 31 of each year, the Board of Directors of the Ashford Volunteer Fire Department shall submit to the Board of Selectmen a list of the members of the Department who are eligible as defined in Section 2. This list shall contain addresses and the amount of abatement for which each member is eligible.

Section 4. Abatement Schedule:

Abatement of property taxes shall be granted the following July 1 to eligible members as follows:

1. If a member has completed two "years of active service" as of July 1 preceding the date of abatement, the member shall be entitled to a \$500 annual abatement of property taxes.
2. If a member has completed five "years of active service" as of the July "1 preceding the date of abatement, the member shall be entitled to a \$750 annual abatement of property taxes.
3. If a member has completed seven "years of active service" as of July 1 preceding the date of abatement, the member shall be entitled to a \$1,000 annual abatement of property taxes.

Section 5. Retirement Benefit:

Members who have a minimum of twenty "years of active service" and have been recognized as Life Members in the organization shall continue to receive an abatement of \$1,000 annually for as long as they continue to reside and own property in the Town of Ashford.

This ordinance passed at the Special Town meeting adjourned to referenda held on June 15, 2000 and was published in the *CHRONICLE* on June 22, 2000.

Dated at Ashford, Connecticut, this 16th day of June, 2000.

Attest, Barbara B. ^{Me}tsack, Ashford Town Clerk

**TOWN OF ASHFORD
BUILDING CODE FEE ORDINANCE**

Pursuant to Chapter 541 of the Connecticut General Statutes a new schedule of building permit fees was enacted by town meeting on June 2nd, 2003. Said ordinance, as follows, will become effective thirty days after its publication in a newspaper.

New Buildings.....Use square footage fee table
 Enclosed Additions.....Use square footage fee table
 Unenclosed Additions.....Use \$10.00 per \$1,000 (10.0 mills)

Minimum Fee for Any Permit is \$10.00

Itemized Fee Listing:

Barns or Sheds		.08 per sq. ft.
	(All sheds require a permit regardless of size)	
Decks		.10 per sq. ft.
Demolition		\$10.00/m
Garages - Residential	Attached	-.13 per sq. ft.
	Detached	.15 per sq. ft.
Porches	Covered	.13 per sq. ft.
	Enclosed	.17 per sq. ft.
Renovations (Basements, Interior Floor Space, etc.)		.20 per sq. ft.
Signs (All Permanent Type Installations)		1.00 per sq. ft.
Swimming Pools	Above ground	\$25.00 per pool
	In ground	\$10.00/m

One or Two Family Dwellings .63 per sq. ft.

The square footage is the GROSS area of all floors which are designed or intended to be used as habitable living space at the present time or in the future. (In other words, roughed-in but incomplete 2nd floors are counted.)

Minimum Fee.....\$1⁰ Basic Rate.....\$10.00/1000
Fees are based on construction cost of \$100.00 per sq. ft.

Connecticut General Statutes Sec. 29-263. Permit to construct or alter. Education Fee. In addition to the foregoing, all municipalities must assess and collect an educational training fee of .16 per \$1000 on all building permits issued.

This Ordinance was published in *The Chronicle* on June 12, 2003 and became effective on July 12, 2003. ATTEST: Barbara B. Metsack, Town Clerk

PUBLISHING ANY PROPOSED ORDINANCE

Whenever the Town of Ashford is required by C.G.S. Section 7-157(a) to publish any proposed ordinance, the Town Clerk is authorized to publish a summary of such proposed ordinance in lieu of such proposed ordinance, provided that in any case in which such a summary is published, the Town Clerk shall make a copy of such proposed ordinance available to any person requesting a copy at no charge. Any summary so published shall bear a disclaimer as follows: "This document is prepared for the benefit of the public, solely for the purpose of information, summarization and explanation. This document does not represent the intent of the legislative body of the Town of Ashford for any purpose." The provisions of this section shall not apply to any proposed ordinance which makes or requires an appropriation.

This ordinance was published in *The Chronicle* on December 10, 2004 and became effective on December 26, 2004. ATTEST: Barbara B. Metsack, Town Clerk

At an Ashford Town Meeting held on April 26, 2005, an Ordinance entitled "TAX ABATEMENTS FOR DAIRY FARMS" was repealed and the following immediately substituted therefore:

TAX ABATEMENTS FOR DAIRY FARMS AND ORCHARDS, INCLUDING VINEYARDS

WHEREAS, the voters of the Town of Ashford believe that the preservation of farmland and open space is vitally important to retaining Ashford's rural character and it's high quality of life; and

WHEREAS, Connecticut General Statutes ss 12-81m allows towns to abate up to fifty percent of the property taxes on any dairy farm or fruit orchard, including a vineyard for the growing of grapes for wine, and to recapture abated taxes in certain circumstances

in the event of a sale of the property; and

WHEREAS, the Town wishes to establish a mechanism whereby tax relief can be granted to dairy farms or fruit orchards including vineyards as provided by law;

NOW THEREFORE, BE IT ORDAINED, that the Town of Ashford ("Town") may abate property taxes on dairy farms or fruit orchards, including a vineyard for the growing of grapes for wine, and recapture taxes so abated in the event of sale, in accordance with the following procedures and requirements:

1. Any action by the Town concerning the abatement of property taxes for dairy farms or fruit orchards or the recapture of any taxes so abated, is done pursuant to Connecticut General Statutes ss 12-81m, as such statute may be amended from time to time.
2. A request for an abatement must be made by application to the Board of Selectmen and to the Town Board of Finance by the record owner of the property, or a tenant with a signed, recorded lease of at least three years, which lease requires tenant to pay all taxes on the dairy farm or fruit orchard as part of the lease.
3. In order for an abatement to apply for the tax year beginning July 1, 2006, the application must be submitted no later than October 1, 2005. For any tax year thereafter, the application must be submitted by October 1 of the preceding year.
4. An abatement is only available for "dairy farms" or "fruit orchards including vineyards." The applicant must provide the Board of Selectmen and the Board of Finance with evidence to support the status of the property as a "dairy farm" or "fruit orchard." In determining whether a property is a "dairy farm" or "fruit orchard," the Board of Selectmen and the Board of Finance shall take into account, among other factors: the acreage of the property; the number and types of livestock or fruit trees or bushes on the farm; the quantities of milk or fruit sold by the facility; the gross income of the farm or orchard derived from dairy or orchard related activities; the gross income derived from other types of activities; and evidence of Dairy Farm or Milk Producing Permit or Dairy Plant or Milk Dealer Permit, as provided by Connecticut General Statutes ss 22-173. All residences and building lots are excluded, but any building for seasonal residential use by workers in an orchard which is adjacent to the fruit orchard itself shall be included.
5. Upon affirmative vote by both the Board of Selectmen and the Board of Finance, the Town may abate up to fifty percent

9. Upon affirmative vote by the Board of Selectmen and the Board of Finance, the Town may waive any of the amounts which would otherwise be owed pursuant to Section 8 herein if the property continues to be used as "farm land," "forest land," or "open space," as those terms are defined in Section 12-107b of the Connecticut General Statutes, after the sale of the property.
10. The taxes owed to the Town pursuant to Sections 8 and 9 hereof shall be due and payable by the record property owner/grantor to the Town Clerk of Ashford at the time of recording of her/his deed or other instrument of conveyance. Such revenue received by the Town Clerk shall become part of the general revenue of the Town. No deed or other instrument or conveyance which is subject to the recapture of tax, as set forth in Section 8 hereof, shall be recorded by the Town Clerk unless the funds due under the recapture provisions of Section 8 hereof have been paid, or the obligation has been waived pursuant to Section 9 hereof.
11. The Tax assessor shall file, not later than 30 days after abatement is approved by the Board of Selectmen and the Board of Finance, with the Town Clerk, a certificate for any dairy farm, orchard, or vineyard land that has been approved for a tax abatement, which certificate shall set forth the date of initial abatement and the obligation to pay the recapture funds as set forth in Section 8 hereof. Said certificate shall be recorded in the land records of the Town of Ashford.

Legal notice was published in the CHRONICLE on May 5, 2005. The above ordinance entitled "Tax Abatements for Dairy Farms and Orchards Including Vineyards became effective fifteen days after publication in the CHRONICLE.
Attest, Barbara B. Metsack, Town Clerk

At a Special Town Meeting of the Town of Ashford, held on Tuesday, May 31, 2005 at the Ashford School, the following Ordinance was adopted:

ANNUAL BUDGET ORDINANCE

(REPEALED AT SPECIAL TOWN MEETING HELD ON SEPT. 18, 2006)

Section I:

This ordinance is adopted pursuant to Section 7-148(c)(2)(A) of the General Statutes of the State Connecticut, as amended.

Section II:

The "annual town meeting" or "annual budget meeting" as referred to and described in Title 7, General Statutes of the State of Connecticut, as amended, shall be conducted as follows:

1. Once lawfully convened pursuant to Section 7-1, *et seq.*, General Statutes of the State of Connecticut, the meeting shall choose a moderator and proceed to conduct its business in accordance with Section 7-7 of the General Statutes of the State of Connecticut, which shall include a discussion of the annual budget, but there shall not be a vote on the annual budget at the meeting so held.
2. When all business other than the vote of the annual budget has been transacted, the meeting shall:
 - a. Set a date, not less than seven nor more than fourteen days thereafter, for a vote on the annual budget by a "YES" or "NO" vote on the voting machines;
 - b. Set the hours during which such votes may be cast, not less than between the hours of twelve o'clock noon and 8 o'clock P.M. and not more than between the hours of six o'clock A.M. and 8 o'clock P.M.

Section III:

The vote on the annual budget shall include separate votes on the proposed education budget and the proposed general government budget, each such proposed budget to be considered by separate "YES" and "NO" votes.

Section IV:

In the event the meeting does not set the date and hours for such vote, the town selectmen shall set the date and hours of the vote.

Section V:

The foregoing budget and voting procedure shall apply to all votes on the adoption of annual budgets, including any vote taken to adopt an annual budget by machine vote. No annual budget shall be adopted except pursuant to the procedures set

forth in this ordinance requiring a machine vote and referendum. However, in the event that only one of the two proposed budgets is approved at any referendum, any subsequent referendum shall include only a vote on the proposed education budget or proposed general government budget which was unapproved. Any approval of either budget shall be deemed a final approval of such budget.

Section VI:

This ordinance shall become effective fifteen (15) days after publication in a newspaper pursuant to the provisions of Section 7-157 of the General Statutes of the State of Connecticut.

Legal notice was published in the CHRONICLE on June 3, 2005. The above ordinance entitled "Annual Budget Ordinance" became effective fifteen days after publication in the CHRONICLE.

ATTEST: Barbara B. Metsack, Town Clerk

LAND USE AGENCY FEE ORDINANCE

The Land Use Agency Fee Ordinance was passed at the Annual Town Meeting held on October 3, 2005 to become effective fifteen days after being published in *The Chronicle*. Ordinance was published on October 8, 2005. Attest, Barbara B. Metsack, Town Clerk

A. Reasonable Fee Schedule

Pursuant to section 8-1c and 8-26 of the Connecticut General Statutes, the voters of the Town of Ashford to establish by ordinance a schedule of reasonable fees for the processing of applications by the planning and zoning commission, zoning board of appeals or inland wetlands commission is delegated to the membership of each such land use agency of the Town of Ashford for enactment and publication of any such fee schedule in the zoning or inland wetlands regulations of the Town of Ashford, as applicable.

B. Technical or Professional Consultant Fee

In processing any application, if it is determined by the planning and zoning commission, zoning board of appeals or conservation and inland wetlands commission of the Town of Ashford that it is reasonable and necessary for it to engage the services of one or more technical or professional experts to aid the board or commission in evaluating or determining the application, for example, an engineer to review construction plans or subdivision improvements,

the board or commission may retain such outside assistance and surcharge the applicant for all such expenses reasonably and necessarily incurred, as an additional fee.

2. The planning and zoning commission, zoning board of appeals or inland wetlands commission of the Town of Ashford is authorized to create and implement whatever procedures the board or commission determines to be reasonable and necessary to surcharge and collect any such technical or professional consultant fees from an applicant in any case in which the board or commission determines that such expertise is required. Any such system may include the requirement of a deposit paid by the applicant at or soon after the time of application and prior to the retention of any such technical or professional consultant by the board or commission so as to ensure payment by the applicant of such reasonable and necessary fee.

Eastern Highlands Health District

At the December 15, 2003 Town Meeting the following resolution was passed.
RESOLVED, pursuant to Connecticut General Statutes section 19a-241(a), that the Town of Ashford shall apply for membership in the Eastern Highlands Health District, effective July 1, 2004, and that the First Selectman be authorized to make such application in writing to the Eastern Highlands Health District forthwith, and not later than December 30, 2003.

Section 12. Attest, Barbara B. Metsack, Town Clerk.

Town of Ashford Transfer Station Ordinance

Section 1. Definitions.

For the purpose of this ordinance, certain words and terms used herein shall be used, interpreted and defined as set forth in this section.

(a) "Ashford Town Offices" (ATO) is the facility located at 5 Town Hall Road, Ashford, Connecticut.

(b) "Biomedical waste" means infectious waste, pathological waste and chemotherapy waste generated during the administration of medical care or the performance of medical research involving humans or animals and which, because of its quantity, character or composition, has been determined by the commissioner of the Connecticut Department of Environmental Protection to require special handling but excluding any solid waste which has been classified by the department as a hazardous waste pursuant to Connecticut General Statutes (C.G.S.) section 22a-115 or is a radioactive material regulated pursuant to C.G.S. section 22a-148;

(c) "Municipal collection" means solid waste collection from residents by a municipal authority;

(d) "Municipal solid waste" means solid waste from residential, commercial and industrial sources, excluding solid waste consisting of significant quantities of hazardous waste as defined in CGS section 22a-115, land-clearing debris, demolition debris, biomedical waste, sewage sludge and scrap metal;

(e) "Operational Management Plan" (OMP) shall mean the Ashford Recycling Center and Transfer Station Operational Management Plan, referred to hereafter as (ARCTSOMP), to be developed by the Board of Selectmen or its duly authorized agent(s).

(f) "Solid Waste" shall mean unwanted or discarded materials, including solid, liquid, semisolid or contained gaseous materials. Such waste includes, but shall not be limited to, garbage, street refuse, rubbish, animal and agricultural wastes, discarded appliances, special wastes, industrial wastes, demolition and construction wastes, and shall exclude hazardous wastes as defined in Section 22a-115 of the Connecticut General Statutes.

(g) "Solid waste facility" means any solid waste disposal area, volume reduction plant, transfer station, wood-burning facility or biomedical waste treatment facility;

(h) "Town" shall mean the Town of Ashford, a municipal corporation located in Windham County, State of Connecticut.

(i) "Transfer Station" means any location or structure owned or utilized by the Town, whether located on land or water, where solid waste, generated elsewhere, may be received and stored for transfer or transferred from transportation units and placed in other transportation units for movement to another location, whether or not such waste is stored at the location prior to transfer;

(j) "Transfer Station Staff" shall mean any employee(s) or person(s) designated by the Town to facilitate the operation of the Transfer Station.

(k) "Recyclable materials" shall include cardboard, glass food containers, metal food containers, newspaper, office paper, scrap metal, storage batteries or batteries, waste oil, and any other materials specifically designated as recyclables by Department of Environmental Protection (DEP) regulations, State statutes or Town of Ashford regulations. For definitions of specific recyclable materials, etc. refer to the Town of Ashford Mandatory Recycling Ordinance. (Adopted at Town Meeting held December 29, 1990; revised October 20, 1994).

- (l) “Refuse” shall mean solid waste.

Section 2. Transfer Station Use.

There shall be a Town of Ashford Transfer Station designated by the Board of Selectmen. Only refuse generated in the Town of Ashford shall be placed in, at or upon the Transfer Station, unless approved by the Board of Selectmen or the ARCTSOMP and within the guidelines of the Connecticut General Statutes. Per C.G.S. section 22a-220a, the disposal of such solid waste at any other area in the Town is prohibited unless it is approved, in writing, by the Board of Selectmen or its duly authorized agent, prior to disposal.

Section 3. Prohibited Refuse.

No person shall deposit any amount of prohibited items at the Transfer Station. The Board of Selectmen or its designee(s) shall itemize prohibited items in the ARCTSOMP.

Section 4. Access to Transfer Station.

Only the following categories of persons shall be permitted to dispose of refuse at the Transfer Station:

- (a) Residents of the Town of Ashford
- (b) Non-resident owners of residential property situated in the Town of Ashford, but only for the sole purpose of disposing of routine residential or household refuse generated from residential property situated in the Town of Ashford.
- (c) Any person operating a business or other entity that is situated in the Town of Ashford.

Section 5. General

- (a) The Board of Selectmen of the Town of Ashford shall institute a permit system requiring all persons who dispose of refuse at the Transfer Station to obtain a permit for each motor vehicle utilized by such person in the hauling or disposing of refuse at the Transfer Station. No person shall be permitted or authorized to deposit or dispose of any refuse of any nature at the Transfer Station without having first obtained such permit.
- (b) The First Selectman or his duly authorized agent may require any person to certify under penalty of false statement, as defined by the General Statutes of the State of Connecticut, that any refuse to be dumped, deposited or placed at the Transfer Station was not generated or collected, in whole or in part, from any point outside the geographical limits of the Town of Ashford. In the event any authorized representative of the Town of Ashford charged with the responsibility of monitoring the deposit of refuse at the Transfer Station, determines that any proposed disposal of refuse at the Transfer Station violates any of the provisions of the

ordinance , or any of the provisions of the regulations adopted by the Board of Selectmen pursuant to the ordinance, or that such disposal of refuse would violate any applicable law or regulation, State or Federal, then, in such event, such representative of the Town of Ashford may deny entry to any person seeking deposit of such refuse. Such access shall be denied even though the person seeking to deposit such refuse holds or displays a current valid permit.

- (c) Any person holding a permit must permanently affix such permit on the lower left corner of the transporting vehicle's windshield unless otherwise designated by the ARCTSOMP. Any person who fails to properly display the permit in such manner shall not be allowed entry to the Transfer Station.

Section 6. Designated Disposal Areas.

Refuse shall only be disposed of at the Transfer Station in areas specifically designated in the ARCTSOMP or as directed by the Transfer Station Staff.

- a. No one shall retrieve or attempt to retrieve refuse deposited within the Transfer Station i.e. "dumpster diving," whether or not said refuse is contained within a container.
- b. Persons permitted to use the Transfer Station may take items from designated areas known as the "Swap Shop" or "Book Swap" areas in accordance with the ARCTSOMP. Persons permitted to use the Transfer Station may ask the Transfer Station personnel to retrieve items of interest. The staff may accommodate said requests at their discretion.

Section 7. Hazardous and Biomedical Waste

No materials deemed hazardous by CGS section 22.a-115, 42 U.S. Code section 6901 or 42 Code of federal regulations section 261 or materials deemed hazardous by ARCTSOMP shall be deposited at the Transfer Station. No biomedical waste shall be deposited at the Transfer Station.

Section 8. Transportation of Refuse.

All vehicles transporting refuse from the Transfer Station to other processing facilities shall have the refuse secured so that no material can escape from such vehicle.

Section 9. Powers of the Board of Selectmen.

The Board of Selectmen of the Town of Ashford is hereby authorized to establish rules and regulations for the purpose of implementing this Transfer Station Ordinance, and for the maintenance of the Transfer Station in a safe, sanitary and efficient manner. The Board of Selectmen shall have the authority to regulate hours of operation and to designate locations for disposal of refuse within the Transfer Station.

- (a) The Board of Selectmen shall institute a permit system and fee schedule for the purpose of implementing this Transfer Station Ordinance. Such fee schedules, rules, and regulations shall be set forth in the ARCTSOMP, which shall be available for inspection in the First Selectman's office.
- (b) The Board of Selectmen shall establish a permanent Ashford Solid Waste and Recycling Committee (ASWRC) whose members shall be appointed by the Board of Selectmen (previously known as the Ashford Recycling Committee (ARC). This appointed committee shall convene at least once every year to review costs, operations and environmental regulations related to solid waste and recycling within the Town. This committee, the ASWRC, shall advise the Board of Selectmen in the development of the ARCTSOMP.

Section 10. Fees.

- (a) Residents. There shall be no fee charged to residents for disposing of residential or household refuse, except those items specifically designated in the ARCTSOMP as requiring a fee.
- (b) Businesses. There shall be no fee except those items designated in the ARCTSOMP as requiring a fee.

Section 11. Fee Payment.

The ARCTSOMP shall include a fee schedule and method of implementation.

Section 12. Separation of Refuse.

MSW and recyclable material shall be separated and handled as described in the ARCTSOMP or as directed by the Transfer Station staff.

Section 13. Hours of Operation.

The transfer station shall be open for use as authorized by the Board of Selectmen. The Board of Selectmen shall have the authority to change hours of operation as may be deemed appropriate. The hours of operation, holiday schedule and public access shall be posted at the transfer station and the Ashford Town Offices.

Section 14. Trespassing.

No person shall enter or be permitted within the transfer station except during the hours when it is open to the public and when a representative of the Town is on duty.

Section 15. No Scavenging.

Subject to the provisions of Section 6 of this Ordinance, per C.G.S. section 22a-220a(h), the scavenging of solid waste at the transfer station is prohibited.

Section 16. Item and Load Fees.

The Board of Selectmen may propose and change fees as it deems appropriate, but only after a approval by a majority vote at a Town Meeting held thereon and notice thereof is provided by publication in a newspaper having a circulation in the Town prior to the meeting in accordance with Town Meeting protocol.

Section 17. Civil Penalties.

The Board of Selectman is hereby vested with the authority to revoke the permit of any person who violates any term in this ordinance or any regulation adopted by the Board of Selectmen pursuant to its authority granted by this ordinance.

The first warning is from the Transfer Station staff. If this fails to resolve an incident then the First Selectman will be notified and shall then issue a written warning to the offending party. If this fails to resolve the issue, then a suspension of the permit allowing access to the Transfer Station and or a fine designated in the ARCTSOMP shall be imposed.

The Board of Selectmen shall provide the holder of such permit with at least five (5) days notice of its intent to revoke said permit or an assessment of a fine. Said five (5) day period shall commence on the first day following notice to the permit holder by certified mail. If the permit holder desires to contest such proposed revocation, he shall file written notice that he contests the proposed revocation no later than the sixth day after the date the notice was mailed. The Board of Selectmen shall, upon receipt of such notice of contest, conduct a hearing within ten (10) days if of its receipt to determine the merits of the matter. Upon a determination of the merits of such matter, the Board of Selectmen shall forthwith issue its decision. Nothing in this appeal procedure shall be construed to permit any unauthorized or illegal dumping at the transfer station.

Section 18. Invalidity.

If any provision of this ordinance or its application to any person, situation, or circumstance is held invalid, such invalidity shall not affect any other provision or application of same.

Section 19. Effective Date.

This ordinance shall become effective fifteen days after publication in a newspaper pursuant to the provisions of CGS Section 7-157.

This ordinance was passed at the Special Town Meeting held on March 13, 2006. Said ordinance took effect on _____ the fifteenth day following publication in the CHRONICLE a newspaper having circulation in the Town of Ashford.

Attest, Barbara B. Metsack, Ashford Town Clerk

INLAND WETLANDS AND WATERCOURSES COMMISSION

At a Special Town Meeting held June 5, 2006, the Town of Ashford enacted an ordinance entitled "Inland Wetlands and Watercourses Commission" in accordance with Connecticut General Statutes section 22a-42, there shall be an Inland Wetlands and Water Courses Commission consisting of seven (7) members and two (2) alternate members to be appointed by the Board of Selectmen. Four (4) members will be appointed to serve to June 2007, three (3) members will be appointed to serve to June 2009. Two (2) alternate members will be appointed to serve until June 2007 and June 2009, respectively. Thereafter, any vacancy in the Commission will be filled by the Board of Selectmen for the remainder of the term of the vacated position.

This ordinance will become effective fifteen (15) days following publication, per the requirements of Connecticut General Statutes section 7-157. Effective immediately upon the effective date of this Ordinance, the Ordinance entitled "Inland Wetlands and Water Courses" enacted by Town Meeting held on October 23, 1972, and designating "the Conservation Commission as the agency responsible for implementing Public Act 155, an Act Concerning Inland Wetlands and Water Courses as signed into law by Governor Meskill on May 19, 1972," is repealed and of no effect, and all duties, responsibilities, acts, materials, rulings, and rules and regulations of the Conservation Commission in this capacity as the agency responsible for municipal regulations of wetlands and watercourses are transferred to the Inland Wetlands and Watercourse Commission established herein.

This ordinance was passed at the Special Town Meeting held on June 5, 2006. Said ordinance took effect on June 23, 2006 the fifteenth day following publication in the CHRONICLE a newspaper having circulation in the Town of Ashford.

Attest, Barbara B. Metsack, Ashford Town Clerk

WITHDRAWAL FROM WINDHAM REGION COUNCIL OF GOVERNMENTS

Section I: This ordinance is adopted pursuant to the provisions of Section 4-124j of the Connecticut general Statutes which authorizes any town, city or borough which has adopted the provisions of Sections 4-124i to 4-124p, inclusive, of the Connecticut General Statutes, to withdraw from a regional council of governments.

Section II: In accordance with the provisions of Section 4-124j of the Connecticut General Statutes and, pursuant thereto, having previously elected to participate in the Windham Region Council of Governments as the same has been defined by the Connecticut Development Commission and as may have been redefined by the Secretary of the Office of Policy and Management or his designee, the Town of Ashford now hereby declares its intent to withdraw from said Windham Region Council of Governments.

Section III: In accordance with the provisions of Section 4-124j of the Connecticut General Statutes, the Town of Ashford, acting herein by its legislative body, hereby declares that it shall withdraw from participation in the regional council of governments now in existence for the Windham Planning Region, and that such withdrawal shall become effective on the date of the adoption of this ordinance.

Section IV: The Town of Ashford, acting herein by its legislative body, does hereby repeal and render void and of no effect the “Regional Council of Governments Ordinance” enacted by the Special Town Meeting held on January 26, 1998.

Section V: This ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having circulation in the Town of Ashford, pursuant to the provisions of Section 7-1579a) of the Connecticut General Statutes.

(At a Special Town Meeting held on December 28, 2006, the Legislative body passed this ordinance authorizing and implementing the withdrawal.)

This ordinance was published in *The Chronicle* on January 12, 2007 and became effective Fifteen days following publication.

Attest, Barbara B. Metsack
Town Clerk

EMERGENCY CANCELLATION ORDINANCE

Purpose:

The purpose of this Emergency Cancellation ordinance is to safeguard members of the Town of Ashford boards, commissions, committees and agencies, and private citizens, meetings due to extreme weather conditions or any other emergency which may jeopardize public safety.

Resolved:

That an emergency may be declared by the First Selectman or the chairperson or leader of any other Town of Ashford board, commission, committee or agency, resulting in cancellation or postponement of a public meeting in the following circumstances:

1. Whenever the Town Hall Office Building or another posted meeting place is closed or inaccessible due to safety considerations: or
2. Whenever severe weather warnings from the National Weather Service, Central Office of Emergency Preparedness, or a similar agency remain in effect; or
3. In the case of a basic utility outage affecting the meeting location or a substantial portion of Ashford residences; or
4. In the case of a Federal or State declared Civil Emergency including any portion of the Town of Ashford; or
5. In the case of any other disaster which in the opinion of any such leader renders attendance at any such public meeting dangerous or extremely impractical.

If the First Selectman is unavailable, a decision to cancel or postpone a meeting per this Ordinance shall be made by the other two selectmen. If a board, commission, committee or agency chairman or leader is unavailable, authority under this Ordinance shall be vested in the vice-chair or the nominee of any such chairman or leader. Reasonable effort shall be made to notify all members of any town agency and the public of any cancellation or postponement made under the authority of this Ordinance.

Notice and Rescheduling:

Unless it is practically impossible to do so, notice of cancellation or postponement of any public meeting shall be conspicuously posted on or near the door of the place where the meeting was scheduled to occur. Any noticed Town Meeting which is postponed shall be rescheduled within 30 days, and warned and posted in accordance with applicable law.

This ordinance passed at a Sspecial Town Meeting held on April 2, 2007. Said ordinance became effective fifteen days after publication in THE CHRONICLE.

Attest, Barbara B. Metsack, Town Clerk

FEE OR FINE ORDINANCE

At the Special Town Meeting held on April 2, 2007 the following ordinance became effective fifteen days after publication in THE CHRONICLE.

The voters of the Town of Ashford do hereby ordain that the authority of the legislative body of the Town of Ashford to revise fee or fine amounts previously set forth in the following named Ordinances of the Town of Ashford is hereby delegated to the Board of Selectmen of the Town of Ashford for enactment and publication of any such revisions to said previously established fee or fine amounts. Town of Ashford Ordinances affected and so modified by this Fee or Fine Ordinance include those entitled as follows:

- Building Code Fee Ordinance
- Driveway Ordinance, Construction of
- Parking During winter Storms
- Parking on Town Roads
- An Ordinance Concerning Peddlers
- Mandatory Recycling Ordinance
- Scenic Road Ordinance

Attest, Barbara B. Metsack, Town Clerk

APPOINTMENT OF TAX COLLECTOR

Pursuant to Connecticut General Statutes, Sec. 9-185 and Sec. 9-189, the Tax Collector shall be appointed by the Board of Selectmen. The term of office shall be four (4) years and until his or her successor has been appointed and has qualified. The first person so appointed to the office shall be appointed upon the expiration of the term of office of the official in office at the effective date of this ordinance or the occurrence of a vacancy in said office, whichever first occurs.

Approved at Special Town Meeting 6 April 2009. This ordinance will become effective 15 days following publication in the *Reminder News*. Ordinance published on April 14, 2009 in the *Reminder News*.
NOTE: In the case of a vacancy in this position, selection procedures are enumerated in the Town of Ashford Personnel Policies.

APPOINTMENT OF TREASURER

Pursuant to Connecticut General Statutes, Sec. 9-185 and Sec. 9-189, the Treasurer shall be appointed by the Board of Selectmen. The term of office shall be two (2) years and until his or her successor has been appointed and has qualified. The first person so appointed to the office shall be appointed upon the expiration of the term of office of the official in office at the effective date of this ordinance or the occurrence of a vacancy in said office, whichever first occurs.

Approved at Special Town Meeting 6 April 2009. This ordinance will become effective 15 days following publication in the *Reminder News*. This ordinance published on April 14, 2009 in the *Reminder News*
NOTE: In the case of a vacancy in this position, selection procedures are enumerated in the Town of Ashford Personnel Policies.

APPOINTMENT OF TOWN CLERK

Pursuant to Connecticut General Statutes, Sec. 9-185, the Town Clerk and Registrar of Vital Statistics shall be appointed by the Board of Selectmen. The term of office shall be four (4) years and until his or her successor has been appointed and has qualified. A good faith effort will be made to employ a Town Clerk who is a resident of the Town of Ashford. The first person so appointed to the office shall be appointed upon the expiration of the term of office of the official in office at the effective date of this ordinance or the occurrence of a vacancy in said office, whichever first occurs.

Approved at Special Town Meeting 6 April 2009. This ordinance will become effective 15 days following publication in the *Reminder News*. This Ordinance was published on April 14, 2009 in the *Reminder News*.

NOTE: In the case of a vacancy in this position, selection procedures are enumerated in the Town of Ashford Personnel Policies.

ORDINANCE

MODIFY WAY IN WHICH MEMBERS AND ALTERNATES ARE ELECTED TO THE PLANNING AND ZONING COMMISSION AND ZONING BOARD OF APPEALS

The purpose of this Ordinance is to confirm the creation of the Planning and Zoning Commission and Zoning Board of Appeals and to modify the way in which their members and alternates are elected, under the authority of Chapter 124 of the Connecticut General Statutes, as amended. This Ordinance was adopted at the Town Meeting of April 6, 2009.

SECTION I. "An Ordinance Creating a Planning Commission for the Town of Ashford," passed at Town Meeting and took effect July 10, 1958, the "Planning and Zoning Commission" Ordinance adopted at the Town Meeting of October 6, 1969, the "Planning and Zoning Amendment," passed at the Town Meeting held January 11, 1971, the "Zoning Board of Appeals" Ordinance adopted at a Town Meeting on October 6, 1969, and the "Zoning Board of Appeals Amendment," adopted by the Town Meeting on January 11, 1971, are all REPEALED, and the following is substituted therefore:

SECTION II. Pursuant to Chapter 124 of the Connecticut General Statutes, the Town of Ashford shall continue to have a Planning and Zoning Commission and Zoning Board of Appeals having such powers

and duties that are prescribed by statute.

SECTION III. Beginning with the biennial town election held in November of 2009, the members and alternate members of the Planning and Zoning Commission and Zoning Board of Appeals shall be elected in each biennial town election as follows:

- A. Three (3) members of the nine-member Planning and Zoning Commission for terms of six (6) years.
- B. Three (3) alternate members of the Planning and Zoning Commission for terms of two (2) years.
- C. Two (2) or three (3) members of the five-member Zoning Board of Appeals for terms of four (4) years.
- D. Three (3) alternate members of the Zoning Board of Appeals for terms of four (4) years.

SECTION IV. To effectuate the transition from election by town meeting to the biennial town election, beginning in 2009, as required by SECTION III, the term of any member or alternate member may be lengthened but not reduced by the Board of Selectmen.

SECTION V. Minority party representation shall be determined pursuant to Connecticut General Statutes section 9-167a.

SECTION VI. Any vacancy in said Planning and Zoning Commission shall be filled from the panel of alternate members by the Planning and Zoning Commission until the next biennial town election. When a vacancy exists in the panel of alternates to the Planning and Zoning Commission it shall be filled by the Board of Selectmen until the next biennial town election. Any vacancy in said Zoning Board of Appeals shall be filled from the panel of alternate members by the Zoning Board of Appeals until the next biennial town election. When a vacancy exists in the panel of alternates to the Zoning Board of Appeals it shall be filled by the Board of Selectmen until the next biennial town election.

This ordinance to become effective 15 days following the publication (April 14, 2009) in the *Reminder News*. Attest, Barbara B. Metsack, Town Clerk

**Town of Ashford
An Ordinance Establishing
The Ashford Agriculture Commission**

ESTABLISHED: By Ordinance adopted by a Special Town Meeting held on 3/15/2010

CHARGE/DUTIES: The Agriculture Commission shall be an advisory board with the following charges and duties:

General

- a. To foster sustainable agriculture in Ashford.
- b. To serve as a conduit between local farmers and non-profit agencies, civic organizations, municipal boards and commissions, elected officials, and non-farm residents.
- c. To advocate for agriculture before land use commissions.
- d. To act as a resource for agricultural information.

Education and Outreach

- a. To increase awareness of agricultural enterprises in the community.

- b. To provide information to town government about agricultural laws and legal issues.
- c. To promote the value of agriculture viability in the areas of employment, property taxes, environment and open space preservation.
- d. To provide information and guidance on agriculture-related issues—such as zoning, inland wetland, public works and others—to town departments and other boards and commissions as necessary.
- e. To support young farmers by supporting local, regional, and state vocational agricultural education programs.
- f. To recognize and support new farming operations and farms.
- g. To serve in an advisory capacity to residents, established town committees/commissions and departments related to agricultural issues.

Economic Opportunities

- a. To identify opportunities for expanding agriculture in Ashford.
- b. To promote opportunities for residents and local businesses to support farming.
- c. To provide information regarding available financial support related to agricultural viability.
- d. To foster a climate that supports agricultural viability in Ashford.

MEMBERSHIP: The Agriculture Commission will consist of 5 members and 3 alternates appointed by The Board of Selectmen in accordance to Connecticut General Statutes. Insofar as practical, members appointed shall be representative of all groups interested in the management, protection and regulation of agriculture as defined by Connecticut General Statutes 1-1q, particularly those directly involved in agriculture, including a member of Future Farmers of America (FFA). The failure of a voting member to attend four (4) consecutive meetings of the commission may constitute cause for the Board of Selectmen to remove the member and fill the position thus vacated. A chair, vice chair and a secretary will be elected and will serve for a term of one year.

LENGTH OF TERM: Staggered 3-year terms, with initial appointments to be 3 members for 3 years and 2 members for 2 years; 1 alternate to be for 3 years and 2 alternates for 2 years. Members of the Commission shall serve without pay.

This Ordinance will become effective fifteen days after being publicshed in the REMINDER NEWS.

Attest, Barbara B. Metsack, Ashford Town Clerk.

