

**TOWN OF LITCHFIELD  
ANNUAL TOWN MEETING  
JANUARY 31, 2023**

The Annual Town Meeting of the Town of Litchfield was held on Tuesday, January 31, 2023 at the Litchfield Intermediate School Auditorium. There were approximately 140 people in attendance. First Selectman, Denise Raap, called the meeting to order at 7:15 p.m. Lisa A. Losee, Town Clerk, served as Clerk.

The motion was made by Jeffrey Zullo and seconded by Jonathan Torrant that Cleve Fuessenich preside as Moderator. Motion was made by J. Zullo, seconded by J. Torrant to close the nominations. It was then so voted unanimously that Cleve Fuessenich serve as Moderator. Motion carried.

The Moderator stated that those eligible to vote at Town Meetings are (i) any person who is an elector of the Town of Litchfield and (ii) any citizen eighteen years of age or more who, jointly or severally, is liable to the Town of Litchfield for taxes assessed against him or her on an assessment of not less than One Thousand dollars on the last completed grand list of the Town, or who would be so liable if not entitled to an exemption under subdivision (17), (19), (22), (23), (25) of Section 12-81 of the General Statutes.

The Moderator read the certificate of Posting and Publication and it is attached to these minutes as Exhibit A.

Motion was made by J. Torrant to waive the reading of the Call, seconded by Erich Marriott. A copy was made available to all those in attendance and is attached as Exhibit B. All voted in favor and the motion carried.

**Item I: To approve the 2021-2022 Annual Financial Report.**

Having no Annual Report to approve, J. Zullo motioned to table Item I to a future town meeting, seconded by E. Marriott. E. Marriott, Chairman of the Board of Finance, explained that annual reports have not been produced for some time and the last issue contained errors that will be corrected. The Board of Finance is working on this. The Moderator called for a vote. All then voted in favor to table Item I to a future town meeting and the motion carried.

**Item II: To approve allocations for American Rescue Plan Act funds.**

Copies of a handout, titled LITCHFIELD 2<sup>ND</sup> ROUND APPROVED ARPA REQUESTS, was made available to all in attendance and is attached to these minutes as Exhibit C. John Morosani made motion to approve the ARPA funds collectively, seconded by John Baker. J. Zullo asked that the Moderator read the list of intended ARPA funds out individually which he did. There was no discussion. Carol Bramley moved the question, seconded by J. Torrant. All voted in favor of voting to approve the ARPA funds collectively. Bill Buckley made motion to approve the allocation of ARPA funds, seconded by Jodi Tenney. The Moderator called for a vote. All then voted unanimously in favor of approving Item II and the motion carried.

**Item III: To consider and act upon various line item transfers to adjust General Fund departmental budgets to be within approved spending limits for fiscal year 2021/22 in the total amount of \$176,192.00, as recommended by the Board of Finance in Budget Transfer #7.**

A copy of the transfer request was made available to all in attendance and is attached to these minutes as Exhibit D. Motion to approve this transfer as recommended by the Board of Finance was made by J. Zullo and seconded by J. Torrant. E. Marriott, Chairman of the Board of Finance, explained that this was

a bookkeeping move, that no new funds were involved and there was no impact on the budget. It was moving budgeted funds from one account to another. There was no discussion. The Moderator called for a vote. All voted unanimously in favor of approving Item III and the motion carried.

**Item IV: To consider and act upon an amendment to the Code of Ordinances of the Town of Litchfield, Chapter 12 "Solid Waste Management".**

A copy of the proposed ordinance was made available to all in attendance and is attached to these minutes as Exhibit E. Motion to adopt said ordinance was made by J. Tenney and seconded by J. Zullo. D. Raap explained this initiative began with the SMART Task Force in an effort to reduce the tipping fees paid by the Town for the disposal of garbage. The Town currently pays \$700,000 in tipping fees (\$105 per ton) for the disposal of garbage. There are 3500 residential homes and currently only residents pay the tipping fees, even though 54% of the cost is generated through commercial use from 200 businesses. The Town has a 5 year contract with USA Hauling. With this ordinance businesses would pay \$111 per ton. This would remove approximately \$240,000 from the operating budget. All businesses, every non-residential user would pay. This is not a double tax on business owners who also own property. This is in affect in most towns. This ordinance has not been changed since 1980. The question was moved by J. Zullo, seconded by C. Bramley. The Moderator called for a vote. By voice vote the ayes held the majority with two nay votes. Motion carried.

Off topic, Michael Smith asked if an affordable scale for contractors' debris could be installed at the Landfill. Raz Alexe, Public Works Director, responded that he has looked into this and there is not enough volume to justify the cost of installing a scale.

**Item V: To adopt an interlocal agreement with the Town of Morris and the Sandy Beach Commission for the operation of Sandy Beach.**

A copy of the Agreement was made available to those in attendance. Motion to adopt said Agreement was made by Christine Harding and seconded by J. Tarrant. Ed Ryle, Chairman of the Sandy Beach Commission, asked that this item be tabled to a future meeting. He stated that the Sandy Beach Commissioners have not had the opportunity to review and approve said agreement and that a meeting with Selectmen from Litchfield and Morris was scheduled. Motions were withdrawn by C. Harding and J. Tarrant. B. Gibney moved to table the approval of this agreement to a future town meeting per the Chairman's request, seconded by Jenn Parsons. The Moderator called for a vote. It was voted unanimously to table Item V. Motion carried.

**Item VI: To consider and act upon an amendment to the Code of Ordinances of the Town of Litchfield, Chapter 8 "Licenses and Miscellaneous Business Regulations", Article II "Peddlers, Hawkers and Solicitors", for the addition of Section 8-31 "Food Vendor Trucks/Vehicles".**

A copy of the proposed amendment was made available to all in attendance and is attached to these minutes at Exhibit G. Motion to adopt said ordinance was made by J. Tarrant and seconded by J. Zullo. Food Truck owner and non-resident, Thomas Russo, felt the ordinance was extremely limiting for food truck owners. B. Gibney made point of order, questioning the ability for a non-resident to speak at town meeting. The Moderator stated that there was precedence set and that he would be allowed to speak but not to vote. C. Bramley stated that the Planning & Zoning Commission looked into regulations, considering and in support of local business over those coming in from out of town, but had no way to enforce them. J. Morosani stated that food trucks needed to be regulated. He thought this was a good starting point and the ordinance could be modified if needed as time went on. J. Tenney stated this deals with private events and that no food truck could be on municipal property or park on any streets without the consent and signed permit from the first selectman. In the Borough there are no food trucks allowed.

starting point and the ordinance could be modified if needed as time went on. J. Tenney stated this deals with private events and that no food truck could be on municipal property or park on any streets without the consent and signed permit from the first selectman. In the Borough there are no food trucks allowed. P. Laure voiced concern with conflict of interest in having the First Selectman issue permits. J. Zullo stated that the Board of Selectmen is the checks and balance on all possible conflicts of interest. Currently there is no mechanism at all to allow food trucks in Litchfield. Peter Dauten asked who would enforce this ordinance. D. Raap answered that the First Selectman and Fire Marshal would be responsible for enforcement. J. Tenney said a list of fully licensed food trucks and approved by the Fire Marshall would be put on the town website. D. Wilson voiced concern that a property owner who also owns a food truck could not operate the food truck on his own property that taxes are being paid on. C. Bramley answered that Planning & Zoning does not permit commercial business on residential property and on commercial property it would not be allowed as a regular stationary business. Food trucks would only be allowed for specific events. She agreed that this ordinance could be modified if necessary but stated it is important to get started. E. Marriott moved the question, seconded by J. Tarrant. The Moderator called for a vote by hand count. All were in favor with the exception of five opposed. Motion carried.

There being no further business to discuss a motion to adjourn was made by J. Zullo and seconded by J. Tarrant. All voted in favor and meeting adjourned at 8:15 p.m.

Respectfully submitted,

Lisa A. Losee  
Town Clerk

A handwritten signature in black ink, appearing to read "Lisa A. Losee", written in a cursive style.

Exhibit A

POSTING CERTIFICATE  
NOTICE OF ANNUAL TOWN MEETING  
TO BE HELD JANUARY 31, 2023

I, Lisa A. Losee, the duly elected Town Clerk of the Town of Litchfield, Connecticut, hereby certify that there has been posted in the office of the Town Clerk, on the Town website, and all other places designated by the Town on January 18, 2023, the Warning of the Annual Town Meeting to be held on Tuesday, January 31, 2023 at 7:00 pm at the Litchfield Intermediate School, that which was caused to be published in the Republican-American, a newspaper having a substantial circulation in the Town of Litchfield, in its issue of January 20, 2023; which publication was at least five days prior to the holding of said Town Meeting (counting the date of publication but not the date of the meeting).

Signed and sealed at Litchfield, Connecticut this 20<sup>th</sup> day of January, 2023.

A handwritten signature in black ink, appearing to read 'Lisa A. Losee', written in a cursive style.

Lisa A. Losee  
Town Clerk  
Town of Litchfield

Exhibit B

**NOTICE OF THE ANNUAL TOWN MEETING  
TOWN OF LITCHFIELD  
TO BE HELD ON JANUARY 31, 2023**

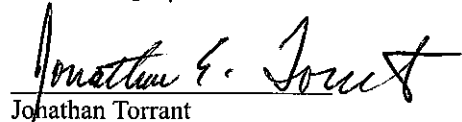
Notice is hereby given to the electors of the Town of Litchfield and those qualified taxpayers lawfully entitled to vote in Litchfield Town Meetings pursuant to Section 7-6 of the Connecticut General Statutes that the Annual Town Meeting will be commenced on January 31, 2023, at 7:00 P.M., at the Litchfield Intermediate School, 35 Plumb Hill Road, for the following purposes:

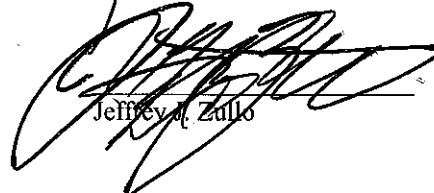
- I. To approve the 2021 - 2022 Annual Financial Report.
- II. To approve allocations for American Rescue Plan Act funds.
- III. To consider and act upon various line item transfers to adjust General Fund departmental budgets to be within approved spending limits for fiscal year 2021/22 in the total amount of \$176,192.00, as recommended by the Board of Finance in Budget Transfer #7.
- IV. To consider and act upon an amendment to the Code of Ordinances of the Town of Litchfield, Chapter 12 "Solid Waste Management".
- V. To adopt an interlocal agreement with the Town of Morris and the Sandy Beach Commission for the operation of Sandy Beach.
- VI. To consider and act upon an amendment to the Code of Ordinances of the Town of Litchfield, Chapter 8 "Licenses and Miscellaneous Business Regulations", Article II "Peddlers, Hawkers and Solicitors", for the addition of Section 8-31 "Food Vendor Trucks/Vehicles".

Dated at Litchfield, Connecticut, this 17<sup>th</sup> day of January, 2023.

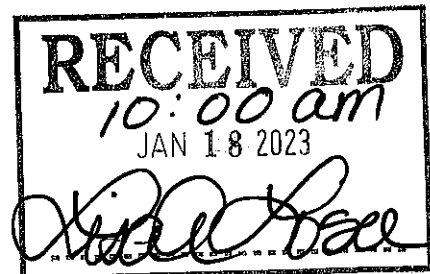
**A MAJORITY OF THE BOARD OF THE  
BOARD OF SELECTMEN, TOWN OF LITCHFIELD**

  
Denise Raap

  
Jonathan Torrant

  
Jeffrey J. Zullo

Any persons requiring special assistance should contact First Selectman Denise Raap between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday at 860-567-7550.



LITCHFIELD 2<sup>nd</sup> ROUND APPROVED ARPA REQUESTS

Exhibit C

1. **\$73,165** from the Broadband Committee, Chairman John Morosani, to complete the 2<sup>nd</sup> phase of the Broadband rollout for the Town of Litchfield.
2. **\$105,000** from the Litchfield Housing Authority Executive Director, Jim Simoncelli. Acquire the property adjacent to Wells Run to allow for the expansion of the affordable housing by 4-8 units
3. **\$10,000** – submitted by Cathy Fields, Litchfield Historical Society – to support children's programs that they offer for free.
4. **\$100,000** – Litchfield Land Trust, submitted by Berta Andrulis Mette, for the improvements at 28 Russell St, the original Housatonic Railroad site. There will be parking available for visitors and be the hub for the Greenway Trail and office space for the Audubon Society and the Litchfield Land Trust.
5. **\$60,000** – Friends of the Litchfield Greenway, submitted by Berta Andrulis Mette. To complete the Greenway Trail from 28 Russell Street to the Ghost Trail, including the installation of a crosswalk.
6. **\$10,000** – The Litchfield Community Center, submitted by Berta Andrulis Mette, Executive Director. During Covid, the LCC set up a Community Essentials Funds working with Bill Davenport and Food Rescue USA to provide food and other necessities to needy families, seniors and residents. All monies raised were used for this purpose and no administrative costs were charged.
7. **\$35,750** - Traffic Safety Committee, submitted by Jodi Tenney, Chairman. Pedestrian Flashing Beacons, Signs for inside the Crosswalks, Wamogo Flashing Beacon and School Zone signs.
8. **\$60,000** – submitted by Raz Alexe, Public Works, Litchfield Storm Water Study II
9. **\$35,000** – submitted by Raz Alexe, Public Works, Town Hall HVAC Replacement
10. **\$250,000** submitted by WPCA, for a UV System Replacement at the Sewer Plant (submitted during the First Round of ARPA allocations)
11. **\$50,000** – submitted by Jim Amrich, American Legion, construction of ADA compliant elevator/left and bathrooms at the American Legion Building
12. **\$100,000** – Park & Rec, Town Beach (TB) Upgrades, Pavillion, Electric at TB, improved landscaping and parking at TB
13. **\$ 15,000** – submitted by Kennedy Cogan, President Bantam Cinema & Arts Center, Inc – assist with operating and utility costs to help sustain the cinema.
14. **\*\$18,000** – submitted by Corinne Houle and Terry Connor, Sandy Beach Commission, a new well for the Beach Managers house and beach facilities
15. **\*\$8,500** - submitted by Corinne Houle and Terry Connor, Sandy Beach Commission, removal of 11 dead ash trees
16. **\*\$6,691.33** - submitted by Corinne Houle and Terry Connor, Sandy Beach Commission, replacement windows, trim materials and labor

**\*Items 14-16 ABOVE: LITCHFIELD IS WILLING TO CONTRIBUTE 70% OF SANDY BEACH IMPROVEMENTS (\$23,233). PLEASE ASK MORRIS FOR 30% (\$9,958) TO COVER THE ADDITIONAL MONIES REQUEST.**

**ACTION TAKEN**

**ARPA COMMITTEE APPROVED TOTAL \$926,152.**

**ALSO RECOMMENDATION TO TRANSFER REMAINING \$45,000 FROM "LOSS OF REVENUE BUSINESS FUND" BACK TO ARPA FUNDS**

**ITEMS MOVED TO BE INCLUDED IN CAPITAL REQUESTS 23-24**

17. \$40,000 - Diesel Exhaust Capture System, submitted by Sean Fogerty East Litchfield Fire Dept.
18. \$50,000 – submitted by Jack Hodges, Northfield Fire Dept. – new fire hoses

**ITEMS THAT ARE DEFERRED FOR FUTURE DISCUSSION/EXAMINATION**

19. \$55,000 1 bid received – submitted by Carol Bramley, Technology for Public Hearings at the Annex meeting room - recording equipment, laptops, etc.
20. \$32,000 – submitted by Lucas Hyder, White Memorial, HVAC system for White Memorial Museum
21. \$ 30,318 – Oliver Wolcott Library, submitted by AnnMarie White, ED, additional monies needed to purchase a generator for the library

**REQUEST THE FIRE MARSHAL TO ADD TO THE 23-24 OPERATING BUDGET**

22. \$6000 – submitted by Chris Wilcox, Litchfield Fire Marshal – ipads for remote work in the field, ID Badge Printing Machine

BOS approved 12/6/22

BOF approved 12/12/22

# Memorandum

Date: August 02, 2021

To: Board of Selectman *passed 8/2/22*  
Board of Finance/Town Meeting *passed 8/8/22*

From: Amaechi Obi, Finance Director

Re: Fiscal Year 2021/2022 Budget Transfer #7 for \$176,192

*Exhibit D*

The Finance Department is requesting the following year-end transfer to adjust General Fund departmental budgets, including salaries, to be within approved spending limits. Note although some departments increases are less than the \$20,000 threshold that requires a Town Meeting, at year end, the Town consistently includes them in the final year end transfer. The total of \$176,192.00 is .55% of the original budget of \$32,018,379.

**FY 20/21 Budget Transfer Requested:**

	Dept	Object	(Decrease) Debit	(Increase) Credit
TO	1105	50101 Wages		\$1928
TO	1106	51010 Office Supplies		\$67
TO	1107	50102 Wages		\$444
TO	1201	52109 Prov. Serv		\$979
TO	1501	50103 Wages		\$8,839
TO	1601	54140 Probate		\$50
TO	1701	53101 BOE Electric		\$64,704
TO	1801	52105 Legal Fees		\$2515
TO	1804	50101 Wages (budget figure incorrect)		\$1,174
TO	3103	51302 Rd Maint. Resurfacing		\$66,753
TO	3103	53101 Rd Maint. Signs		\$11,974
TO	3104	53105 Diesel Fuel		\$8,800
TO	3107	50103 Wages (accrual days)		\$486
TO	5201	52111 Other Prof Serv		\$2,064
TO	5201	50103 Wages (refund to come back)		\$3320
TO	6201	51106 Supplies misc.		\$17
TO	8101	56105 Pension Volunteer		\$2,078
FROM	1101	52110 Prf. Services	\$3,480	
FROM	1101	51401 Advertising	\$1,594	
FROM	1102	51401 Advertising	\$469	
FROM	1102	51803 Meetings	\$531	
FROM	1104	50104 Wages PT	\$1,359	
FROM	1104	51402 Printing	\$1000	
FROM	1104	58110 Prior Year	\$5,966	
FROM	1109	50102 Wages	\$374	
FROM	1109	51401 Advertising	\$68	
FROM	1301	50103 Wages	\$1,803	
FROM	1301	51402 Printing	\$1856	
FROM	1301	51801 Reg. Materials	\$125	
FROM	1401	52111 Prf. Services	\$1000	
FROM	1402	52105 Legal Services	\$1000	



Dept	Object		(Decrease) Debit	(Increase) Credit
FROM 1402	52111	Prof. Service	\$300	
FROM 1403	52105	Legal Services	\$1000	
FROM 1404	52105	Other Services	\$500	
FROM 1405	50103	Wages	\$140	
FROM 1405	51803	Meetings	\$300	
FROM 1405	53104	Fuel	\$370	
FROM 1405	51802	Dues	\$100	
FROM 1502	52111	Prof. Serv	\$9925	
FROM 1502	51403	Data Processing	\$1519	
FROM 1803	51402	Printing	\$1327	
FROM 1903	51703	Contingency	\$52,500	
FROM 2101	50110	Private Duty	\$2000	
FROM 2102	50103	Wages	\$2000	
FROM 2102	50104	PT Wages	\$500	
FROM 2102	50108	OT	\$3500	
FROM 2102	50110	Private Duty	\$2000	
FROM 2102	51102	Supplies	\$638	
FROM 2102	51106	Supplies	\$689	
FROM 2102	51202	Equip Repairs	\$1700	
FROM 2102	51204	Repairs	\$1400	
FROM 2102	51413	Protective Clothing	\$500	
FROM 2102	51420	Uniforms	\$864	
FROM 2102	52111	Prof. Services	\$1450	
FROM 2102	52203	Serv Cont. Other	\$3000	
FROM 2102	53104	Fuel	\$3135	
FROM 2102	55104	Misc. Supplies	\$600	
FROM 2102	55102	Office Equip	\$800	
FROM 2102	53107	Telephone	\$942	
FROM 2201	50106	PT Wages	\$8590	
FROM 2201	51419	Fire Protection	\$1445	
FROM 2201	54115	Fire Commission	\$895	
FROM 2401	50104	Wages	\$3685	
FROM 2401	53107	Telephone	\$330	
FROM 3101	52101	Prof. Services	\$4713	
FROM 3101	51401	Advertising	\$350	
FROM 3102	50103	Wages	\$7849	
FROM 3105	55204	Building Improvements	\$6100	
FROM 3106	51416	Demo-Brush	\$27,911	

<b>TOTALS</b>	<b>\$176192</b>	<b>\$176,192</b>
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**TOWN OF LITCHFIELD**  
**ORDINANCE AMENDING SOLID WASTE CHAPTER**

**Section 1. Authority**

This ordinance is adopted pursuant to General Statutes sections 22a-220, 22a-220a, 21a-221, 22a-250, 22a-250c, and 7-148(c)(7)(H)(xi), which authorize municipalities to provide for the safe and sanitary disposal of solid waste within their boundaries, to designate where such refuse shall be disposed of, to enter into solid waste contracts, to make laws for the protection of the health and well-being of the public, and to assess such penalties as are necessary for the enforcement thereof.

**Section 2. Amendment to the Code of Ordinances**

That the Code of Ordinances of the Town of Litchfield, Connecticut, chapter, 12, "Solid Waste Management", is here by amended as follows:

**"ARTICLE I. IN GENERAL**

**Sec. 12-1. Declaration of policy.**

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

- (1) The town is authorized by law to regulate the disposition of refuse generated within its boundaries and to collect a charge therefor and to license refuse collectors; and
- (2) The town is also authorized by ~~general statutes~~ Connecticut General Statutes, sections 22a-220 and 22a-220a to designate the area where refuse generated within its boundaries shall be disposed make provisions for the safe and sanitary disposal of all solid wastes which are generated within its boundaries, and to designate where such refuse shall be disposed of; and
- (3) The town has executed ~~at the~~ municipal service agreement for the disposal of solid waste and acceptable recyclables requiring it to cause all solid waste generated within its boundaries and which meets the contractual standards to be delivered to ~~the Mid-Connecticut System~~ USA Hauling and Recycling, Inc.; Furthermore, the Board of Selectmen is authorized to enter into such contracts with haulers, disposers, composters and recyclers as is necessary and convenient to manage and reduce the municipal waste stream, provided however, that any appropriation of municipal funds or multi-years financial commitment of the town is approved by the Board of Finance, and if required, a Town Meeting; and

- (4) The public health, safety and welfare of the town, and the protection of the natural resources and environment of the town, will be best served by requiring the delivery of such solid waste as provided by the service agreement between the town and USA Hauling, Inc. to the Torrington Transfer Station for processing by the Mid-Connecticut System and the generation of electricity; and
- (5) The enactment of this article is in furtherance of the town's regional solid waste management plan.
- (6) Whereas the Town has historically paid for the disposal of solid waste generated within its borders through its budget, as supported by tax revenue, the people of the Town of Litchfield seek to defray such public cost by requiring each "commercial", "industrial", and "institutional" establishment, as defined by section 12-2 of this Chapter, in the Town pay a disposal/tip fee for the disposal of such establishment's solid waste, as provided for in section 12-15 of this Chapter.
- (7) The Town of Litchfield seeks to discourage, prevent, and punish unlawful dumping and littering within its borders through the provision of penalties for such offenses.
- (8) The Town of Litchfield strives to reduce the solid waste generated within its borders, while increasing recycling and composting in the reduction of such solid waste. The Board of Selectmen is authorized to, after public hearing and comment, enact a solid waste policy to effectuate this Chapter and to reduce the solid waste generated in the Town of Litchfield.

#### **Sec. 12-2. Definitions.**

This Chapter shall incorporate the definitions used in General Statutes section§ 22a-207, "Definitions"<sup>2</sup> (or any successor statute thereto). The following terms shall have the following meanings:

*Apartment complex* means multifamily structure of four (4) or more separate dwelling units grouped into one (1) or more buildings.

*Commercial establishment* means any enterprise engaged in a nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

*Condominium complex* means any grouping of dwelling units which are covered by Chapter 828825 of the Connecticut General Statutes (Condominium Common Interest Ownership Act).

*Contractual standards* for solid waste delivered to the ~~Mid-Connecticut System~~USA Hauling are as follows: It must be solid waste emanating from within the corporate boundaries of this town, and must be acceptable solid waste as provided by the Municipal Solid Waste Disposal and Recycling Services Agreement (hereinafter "municipal Service Agreement") by and between the Town of Litchfield and USA Hauling and Recycling, Inc.; Such solid waste must not include any hazardous waste and shall comply with all standards of acceptable solid waste provided by such Agreement.

(1) ~~It must not be of such a quantity, quality or other nature as to materially impair the operation or capacity of the Mid-Connecticut System or any portion thereof, normal and reasonable wear and usage excepted;~~

(2) ~~It must not be of such a quantity, quality or other nature as to materially impair the strength or the durability of the structures, equipment, or works which are a part of the Mid-Connecticut System or any portion thereof;~~

(3) ~~It must not be of such a quantity, quality or other nature as to create flammable or explosive conditions in the Mid-Connecticut System or any portion thereof;~~

~~It must not contain chemical or other properties which are deleterious, as determined by the Connecticut Resources Recovery Authority or capable of causing material damage to any part of the system or to personnel; and~~

(4) ~~It must not include any hazardous waste.~~

*Disposal charge* means that amount of money to be charged for each ton of solid waste delivered to the ~~Mid-Connecticut System~~ USA Hauling and Recycling, Inc., as established by the procedures authorized in the ~~municipal service agreement~~ municipal Service Agreement.

*Hazardous waste* means pathological, biological, cesspool or other human wastes, human and animal remains, radioactive, toxic, and other hazardous wastes which according to federal, state or local rules or regulations from time to time in effect require special handling in their collection, treatment or disposal, including, as defined in General Statutes Section 22a-115, including those regulated under 42 U.S.C. sections 6921-6925 and regulations thereunder adopted by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. section 6901, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of similar nature.

*Industrial establishment* means any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, and the like.

*Institutional establishment* means any establishment engaged in service to persons, including, but not limited to, hospitals, nursing homes, orphanages, non-profits, schools, and universities.

~~*Mid-Connecticut System* means the solid waste disposal and energy recovery facility designed and constructed by Combustion Engineering, Inc. pursuant to an agreement with the Connecticut Resources Recovery Authority (CRRA) located in Hartford; the transfer stations which service that facility; and the landfill provided by or designated by the CRRA.~~

*Municipal service agreement* means the municipal solid waste management services contract ~~between CRRA and the town dated as of December 4, 1986~~ hauling agreement by and between the Town of Litchfield and USA Hauling and Recycling, Inc.

*Recyclable materials* means those items designated by the director of public works, the

Town of Litchfield Recycling Center rules and regulations, and by the municipal service agreement for segregation from the municipal solid waste stream.

*Refuse collector* shall include any person engaged in the business of collecting and transporting commercial, household or industrial solid waste for hire within the boundaries of the town.

*Residential establishment* means any premises used primarily as a domestic dwelling, including, but not limited to, single- and multiple-family homes, apartments, and condominiums.

*Single stream* means a system of recycling in which all fiber (newspaper, cardboard, mixed paper, catalogs, magazines and junk mail) and containers (glass, metal and plastic) are placed, unsorted, in one (1) large wheeled "toter" by residents, collected by the hauler and sorted at a regional recycling center.

*Solid waste* means unwanted or discarded materials consistent with the meaning of that term pursuant to section 22a-260(7) of the General Statutes, excluding semi-solid or liquid materials collected and treated in a sewerage system.

*Tip fee* means the fees for the disposal of acceptable solid waste and recyclables as set forth in the Municipal Service Agreement. Tip fees shall have the effective dates as provided for in the Municipal Service Agreement, and any subsequent amendments and services agreements.

### **Sec. 12-3. Refuse collection, conveyance and disposal.**

All solid waste accumulated in the town shall be collected, conveyed and disposed of by the town or by persons licensed by the town to perform such work and in accordance with the provisions of this article. No other person shall collect, convey over any street or dispose of any solid waste except the owners of premises in the town upon which solid waste has accumulated may personally collect, convey and dispose of such solid waste upon complying with the other provisions of this article, excluding the provisions for a refuse collection license and with any other applicable ordinances and regulations. No solid waste collected from outside this town shall be disposed of under a license or registration issued pursuant to this article.

### **Sec. 12-4. Refuse collector registration required.**

Any person who operates or wishes to operate as a refuse collector in the town shall apply for registration as a refuse collector with the town in the manner prescribed by this article.

### **Sec. 12-5. Registration forms and fees for refuse collectors.**

(a) All persons desiring to register as refuse collectors must apply to the ~~d~~Director of ~~p~~Public ~~w~~Works on forms provided by that department. The forms shall require the registrant to furnish all information requested, including, but not limited to:

(1) The name and address of the business;

- (2) The names of all partners, officers or proprietors of the business;
  - (3) A listing and description of the vehicles to be used for solid waste hauling in the town;
  - (4) The names and addresses of all customers presently served, if any, within the town;
  - (5) The approximate tonnage of solid waste expected to be collected each week;
  - (6) The names of all other communities served by the registrant; and
  - (7) Evidence of general liability insurance in the minimum amount of one hundred thousand million dollars (\$1,000,000.00) per accident, two million dollars (\$2,000,000.00) aggregate, and automobile liability insurance in the minimum amount of five hundred one million thousand dollars (\$1,0500,000.00), and evidence of compliance with all applicable Connecticut worker's compensation insurance requirements, including but not limited to evidence of worker's compensation insurance with limits no less than five hundred thousand dollars (\$500,000.00) each accident by bodily injury, five hundred thousand dollars (\$500,000.00) each accident by disease and a policy limit of five hundred thousand dollars (\$500,000.00). The collector must also evidence umbrella liability insurance in excess of the foregoing insurances of no less than one million dollars (\$1,000,000.00) each occurrence and one million dollars (\$1,000,000.00) in the aggregate.
- (b) A registered refuse collector shall update the information required by subsection (a) of this section at least once each year at the time the registration is renewed.
- (c) Registration shall be effective until the following June thirtieth and shall be renewed on an annual basis during the month of June of each year.
- (d) The initial registration fee shall be one-hundred fifty dollars (\$150~~50~~.00) and each annual renewal fee shall be one-hundred fifty dollars (\$150.00). The annual registration shall be effective from July first to June thirtieth of the following year. Registration fees shall not be prorated.

**Sec. 12-6. Approval, denial of application for registration as refuse collector.**

- (a) The ~~d~~Director of ~~p~~Public ~~w~~Works shall ~~sendmail~~ written or electronic notice of the approval or denial of an application for registration as a refuse collector to the applicant within fifteen (15) days after submission of the application. Registration shall be deemed effective as of the date of mailing or electronically sending of notice of approval.
- (b) The ~~d~~Director of ~~p~~Public ~~w~~Works may refuse to grant registration to any applicant, or may suspend the registration of any registered refuse collector, if that person:
- (1) Violates any provision of this article;
  - (2) Is not insurable in accordance with this article; or

(3) Is otherwise deemed to be unsuitable.

A denial or suspension of registration may not exceed a period of one hundred eighty (180) days for any one (1) violation; provided, however, that repeated or willful violations of this article may result in permanent refusal or revocation of registration.

(c) Denials, suspensions or revocations shall only become effective five (5) calendar days after receipt of written or electronic notice from the director of public works informing the person of the director's decision and the reason for it. An aggrieved person may promptly appear at an informal hearing before the director of public works to respond to the reasons for the director's decision and the director shall, at that time, affirm, reject or modify his decision.

(d) The initial registration fee shall be two-hundred and fifty dollars (\$250.00). The annual registration shall be effective from July first to June thirtieth of the following year. Registration fees shall not be prorated.

#### **Sec. 12-7. Appeal of decision regarding registration as refuse collector.**

(a) Any person aggrieved by a denial, suspension or revocation of registration as a refuse collector may appeal that decision to the ~~b~~Board of ~~s~~Selectmen by filing a notice of a hardcopy, written appeal with the ~~t~~Town ~~e~~Clerk within fifteen (15) days after either notice of the initial decision is mailed to that person, or the informal hearing provided under subsection (c) of this section is held and the decision affirmed by the official. The clerk shall immediately notify the board of selectmen of that appeal.

(b) A hearing shall be scheduled before the ~~b~~Board of ~~s~~Selectmen for a date not more than thirty (30) days after the notice of appeal is filed. The hearing may be postponed or continued to a later date one (1) time and the later date must be no more than two (2) weeks after the original date. Written notice of the hearing shall be given by the Town eClerk to the person taking the appeal and to any person who requests notice of the hearing. The hearing may be at a regular or special meeting of the board of selectmen.

(c) At that hearing, the person aggrieved shall be permitted to present evidence and cross-examine witnesses. No formal rules of evidence shall apply, but the ~~b~~Board of ~~s~~Selectmen may exclude irrelevant or duplicative evidence. The Board of selectmen shall make its decision within forty-five (45) days of the date of the notice of appeal is filed. That period may, but need not be, extended by any period of postponement which is requested for the convenience of the person bringing the appeal. The decision may uphold the decision denying, suspending or revoking the registration, reverse the decision and order the registration granted or reinstated, or order the registration granted or reinstated with modifications. The decision of the ~~b~~Board of ~~s~~Selectmen shall be final.

#### **Sec. 12-8. Unregistered refuse collectors prohibited.**

Commencing thirty (30) days after the effective date of this ~~a~~Article, all unregistered refuse collectors and all refuse collectors whose registration has been suspended or revoked are prohibited from engaging in the business of collecting, transporting or disposing of solid waste generated within the town.

#### **Sec. 12-9. Refuse collector vehicle permits.**

The Director of Public Works shall issue hauler permits for each vehicle identified on a refuse collection / hauler registration application to be used by a refuse collector / hauler whose application is approved. Such hauler permits shall not be transferable from vehicle to vehicle, provided however, the Director may allow a temporary transfer of hauler permits in hardship situations. Hauler permits shall be conspicuously displayed in the window of each vehicle.

#### **Sec. 12-10. Location of solid waste disposal.**

~~Pursuant to general statutes, section 22a-220a, t~~The ~~b~~Board of ~~s~~Selectmen hereby designates the ~~Mid-Connecticut System~~USA Hauling and Recycling, Inc. ("the disposal company") as the disposer of acceptable solid waste and recyclables pursuant to the municipal service agreement for ~~as the area where solid waste meeting contractual standards generated within the boundaries of the town by residential, business, commercial or other establishments in the Town of Litchfield, shall be disposed. On and after April 8, 1988, e~~Each person collecting any solid waste meeting contractual standards under the municipal services agreement generated within the boundaries of the town shall deliver all such waste to the delivery point(s) and recycling center(s) designated by the municipal services agreement, the Torrington Transfer Station unless otherwise directed by the ~~d~~Director of ~~p~~Public ~~w~~Works.

#### **Sec. 12-11. Source separation and recycling.**

(a) Each person, business or institution that generates solid waste shall separate from other solid waste designated recyclable materials as defined by the ~~D~~irector of ~~p~~ublic ~~W~~orks.

(1) All persons, businesses or institutions who generate municipal solid waste within the town are required to separate recyclable materials from solid waste. Solid waste placed for collection which contains recyclable materials shall neither be collected by refuse collectors, nor accepted for disposal at any refuse processing facility.

(2) For all premises receiving private refuse collection, recyclable materials shall be separated from refuse and placed for collection in a separate container on the designated day.



(3) Apartment and condominium complexes as well as commercial, industrial, and institutional establishments shall provide, or require their refuse collector to provide for the separation of municipal solid waste and each recyclable material accumulated on the premises.

(b) Each resident is required to deliver designated recyclable materials, as defined by the ~~d~~Director of ~~p~~Public ~~w~~Works, to the municipal drop-off center or is required to contract a municipally registered hauler to collect said materials for delivery to the municipal drop-off center, drop-off points designated by the municipal service agreement, or other municipally designated and approved recycling facility for recycling in the following manner:

(1) Clean, unsoiled newspaper shall be packed in paper grocery or shopping bags, or securely tied in flat bundles.

(2) \_\_\_\_\_ Glass and metal food containers shall be rinsed out and placed in the recycling container.

(2)(3) Recyclable plastic items shall be separated from non-recyclable plastics and other non-recyclable materials, and shall be placed in the recycling container.

(4) \_\_\_\_\_ All other designated recyclable materials shall be separated from nonrecyclables and delivered to the municipal drop-off center or other designated area, so as to not constitute a nuisance or otherwise be objectionable.

(c) Each business is required to contract a municipally registered hauler to collect said designated materials for recycling or is required to deliver designated materials, as defined by the director of public works, to the municipal drop-off center.

(1) Private collection and disposal responsibility. It shall be the responsibility of the owners or operators of all commercial, industrial and institutional establishments and apartment and condominium complexes to provide, at their own expense, for the storage, collection and transportation of recyclables. Such operations shall be carried out in such a manner as to avoid the creation of a public nuisance.

(2) Properties not collected by contractors are responsible for compliance with the recycling provisions of ~~general statutes~~ Connecticut General Statutes, see -tion 22A-241b. Compliance shall be monitored by all refuse collectors and refuse facility operators. Suspected violators shall be reported to the director of public works for appropriate action.

(3) The quantities and destination of these designated recyclables (nonresidential) not delivered to a municipal designated facility or recycling center~~drop-off center~~ shall be reported to the town on a monthly basis by the contractor or responsible parties.

(d) It shall be a violation of this article for any person other than a municipally registered hauler or municipal staff person to collect, pickup or cause to be collected or picked up, such materials from the curb or other designated point of collection or municipal drop off center. Each unauthorized collection in violation hereof shall constitute

a separate and distinct offense.

#### **Sec. 12-12. Refuse collectors responsibilities and obligations.**

(a) *Recyclable materials.* Each refuse collector must collect recyclable materials from each of its customers in the manner presented in this article. Each refuse collector shall deliver all residential refuse collected within the territorial limits of the town to such place or places, as the director of public works may, from time to time, designate. Refuse collectors shall report to the town on a monthly basis the amounts and destination of nonresidential recyclables.

(b) *Enforcement.* The refuse collector shall notify the municipality of generators who have discarded recyclables with solid waste and shall assist the municipality in identifying persons responsible, including issuing warning notices to violators, if requested by the municipality.

(c) *Construction and maintenance of vehicles.* All vehicles registered to collect and transport refuse shall be maintained free of obnoxious odors and accumulated refuse. Any such vehicle shall be of closed or approved construction. All such vehicles shall be maintained and operated in a safe manner and in compliance with the Connecticut General Statutes and all road safety regulations, including but not limited to posted speed limits.

(d) *List of rates.* Refuse collectors shall furnish to ~~their~~<sup>his</sup> customers, upon request, a list of rates for the various services provided.

Refuse collectors may choose to collect and tip recyclables by the single stream method. If this collection method is chosen, refuse collectors shall inform their customers of this choice. A refuse collector choosing to tip recyclables single stream must also collect recyclables single stream in a closed container provided by the refuse collector to each customer.

#### **Sec. 12-13. Refuse Collector / Hauler licensing of private individuals.**

The disposal of refuse or recyclable materials at municipal facilities by private individuals acting as a refuse collector / hauler shall require a valid permit issued by the Town of Litchfield Department of Public Works. The Director of Public Works shall determine the eligibility of each applicant to receive such a hauler permit. Such permit shall be displayed in the manner prescribed by the Litchfield Public Works Department. Such permit may be revoked or suspended as set forth in this article and appeals therefrom may be taken in the manner set forth in this ~~a~~Article.

#### **Sec. 12-14. Penalties for offenses, remedies, sovereignty.**

(a) *Penalty.* Whoever violates the provisions of this article shall, upon conviction, be

fined not more than two-hundred and fifty dollars (\$250.00) for each offense. Each and every day such violation shall continue shall be deemed a separate offense. Hearings pursuant to such fines shall be held in a manner consistent with Connecticut General Statutes Section 7-152c.

(b) *Removal of accumulated waste.* In addition to the foregoing penalty, the town may require the owner or occupant of a premise to remove an accumulation of solid waste at said premises. Should said person fail to remove such solid waste after ten (10) days following written notice, the town may cause the solid waste to be collected and disposed of with the costs of such actions to be charged to the owner or occupant of the property in a manner provided by law.

(c) *Severability.* In the event that any provisions, section, sentence, clause or part of this article shall be held invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining part of this article, it being the intent of the town that such remainder shall remain in full force and effect.

**Sec. 12-15. Solid waste tip/disposal fees paid by commercial, industrial, and institutional users.**

(a) Each commercial establishment, industrial establishment, and institutional establishment in the Town of Litchfield shall pay its solid waste hauler for the tip fee associated with the acceptable solid waste generated by such establishment. The tip fee paid by such establishment shall equal the weight of the solid waste generated for disposal by such establishment, as ascertained by the hauler at the time of pick up, multiplied by the fee rate established by the municipal service agreement. Such fee shall be paid by each establishment to the hauler of such solid waste, and the hauler, shall then pay for the disposal of the solid waste. Such tip fees shall be effective July 1, 2023.

(b) It shall be unlawful for any hauler to collect a tip fee from the disposing establishment and fail to pay the tip/disposal fee for such waste to the disposal company. Any hauler in violation of this provision shall be guilty of an offense and liable, upon conviction, of a fine of two-hundred and fifty dollars (\$250.00) for each offense, without warning and may be held liable for civil restitution. The town may require the hauler provide regular reports itemizing the names, addresses, and amounts of the customers paying tip fees to the hauler and those residential customers for which the town is being charged he tip fee. Hearings pursuant to such fine(s) shall be held in a manner consistent with Connecticut General Statutes section 7-152c.

(a)(c) All licensed trash haulers in the Town of Litchfield shall utilize the apparatus necessary to accurately calculate the weight of solid waste generated by each such establishment and picked up by the hauler. Each licensed hauler shall provide for the accurate differentiation of residential waste (the disposal of which is paid out of the municipal budget) from commercial, industrial, or institutional waste (the disposal of which is paid for directly by the generating establishment). In the event that the Director of Public Works has a reasonable doubt about the accuracy of any hauler's weighing apparatus, the Director shall have the authority to test the accuracy of that apparatus.

## **Sec. 12-16. Unlawful Dumping; Storage of Refuse; Penalties for Violation**

(a) *Municipally Owned or Controlled Property*: No person shall throw or deposit litter, solid waste, garbage, recyclables, or other refuse on any municipally owned or municipally controlled property, or any park, or at any beach within the town except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for the presence and properly disposed of elsewhere.

(b) *Private Property*: No person, business entity, or institution shall throw or deposit litter, garbage, solid waste, recyclables, or other refuse onto another's private property in the Town of Litchfield.

(c) *Storage*. All persons, business entities, and institutions in the Town of Litchfield shall store and dispose of their own litter, garbage, solid waste, recyclables or other refuse in such that it will not spill, blow, or otherwise be found on municipally owned or controlled property, any park, any beach, or the private property of any other owner in the Town of Litchfield.

(d) *Enforcement; Penalty*. The penalties and means of enforcement provided for in Section 12-14 of this Code shall apply equally to violations of this Section 12-16.

## **Sec. 12-17. Board of Selectmen Solid Waste Policy to Effectuate this Chapter**

The Board of Selectmen is hereby authorized to adopt a policy to reduce solid waste, increase recycling, increase composting, and to effectuate the provisions of this Chapter. Such policy shall be consistent with this Chapter and shall seek to effectuate the terms of this Chapter. In the event of a conflict between this Chapter and the policy, this Chapter shall control. The Board of Selectmen shall hold a public hearing in which Town of Litchfield residents and taxpayers shall be permitted to comment before the Board can vote on the adoption of such policy.

## **Secs. 12-18-12-20. Reserved.**

## **ARTICLE II. LANDFILL\***

### **DIVISION 1. GENERALLY**

## **Sec. 12-21. Reserved.**

## **Sec. 12-22. Hours of operation.**

~~The landfill shall be open on the days and during the hours as may be established by the board of selectmen from time to time.~~ [Reserved]

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\* Cross reference – Planning, Ch. 11.

**Secs. 12-23-12-45. Reserved.**

**DIVISION 2. RECYCLING CENTER**

**Sec. 12-46. Authority to adopt rules and regulations.**

The ~~B~~oard of ~~s~~Selectmen is hereby empowered to adopt from time to time rules and regulations governing the Litchfield Recycling Center including but not limited to the preparation of categories and quantities of certain solid waste materials delivered to the center. Such rules and regulations may relate to the residents, businesses, commercial or other establishments disposing therein and to the items, packaging, and bundling of categories of certain materials or to size including the reduction of the materials to prescribed sizes.

**Sec. 12-47. Permit for use of the recycling center.**

A permit shall be required for the delivery of materials to the recycling center. Said permit will be for a specific period of time, will include the paying of a charge set from time to time by the Board of Selectmen through the Recycling Center Rules and Regulations, and will be administered by the Director of Public Works. Such permit will be administrated as prescribed by the Litchfield Public Works Department using Recycling Center Rules and Regulations adopted by the Board of Selectman pursuant to Section 12-46 of the Town of Litchfield Code of Ordinances. Such permit may be revoked or suspended as prescribed in the Public Works Department Recycling Center Rules and Regulations.

**Sec. 12-48. Charges.**

The ~~b~~Board of ~~s~~Selectmen is hereby empowered to fix, from time to time, charges which shall be imposed for the disposal of certain solid waste materials at the recycling center, such charges to relate to the cost of the subsequent disposal of the material by the town.

**Sec. 12-49. Penalties for offenses, remedies, severability.**

(a) Penalty. Whoever violates the provisions of this article, or any provision of the Recycling Center Rules and Regulations, shall, upon conviction, be fined not more than two-hundred and fifty dollars (\$250.00) for each offense, without warning and may be held liable for civil restitution. Hearings for such fines shall be held as provided in Connecticut General Statutes Section 7-152c.

(b) Removal of material and other remedies. In addition to the foregoing penalty, the town may require any user of the ~~r~~Recycling ~~e~~Center to remove material such user has deposited at the recycling center in violation of the Town of Litchfield Code of Ordinances or the Recycling Center Rules and Regulations. The town reserves all equitable and legal remedies in cases where material is deposited at the recycling center in violation of such Code of Ordinances and Rules and Regulations.

(c) Severability. If any provisions, section, sentence, clause, or part of this article shall be held invalid, illegal, or unconstitutional, such invalidity, illegality, or unconstitutionality shall not affect

or impair any remaining part of this article, it being the intent of the town that such remained shall remain in full force and effect."

### **Section 3.**

Except as provided for above in Section 2, "Amendment to the Code of Ordinances", above, Chapter 12, "Solid Waste Management", of the Code of Ordinances of the Town of Litchfield otherwise remains as previously codified by the legislative body of the Town of Litchfield.

### **Section 4.**

This ordinance shall take effect fifteen (15) days after publication of a summary of its provisions pursuant to Connecticut General Statutes, §7-157(b).

Adopted by town meeting on Jan 31, 2023.

Published in Republican-American, on February 3, 2023.

Effective date: July 1, 2023.

Recorded in the Litchfield Town Records: Vol. \_\_\_\_\_, Pg. \_\_\_\_\_.

**TOWN OF LITCHFIELD  
ANNUAL TOWN MEETING  
January 31, 2023**

Exhibit G

**ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF  
LITCHFIELD, CHAPTER 8 "LICENSES AND MISCELLANEOUS BUSINESS  
REGULATIONS", ARTICLE II "PEDDLERS, HAWKERS AND SOLICITORS"**

**Section 1. Authority.**

This Ordinance is adopted pursuant to Connecticut General Statutes §§ 7-148(c)(7)(H)(ii), 7-148(c)(7)(H)(iv) and 7-148(c)(7)(H)(xi), and Chapter 408.

**Section 2. Amendments to Code of Ordinances.**

The Code of Ordinances of the Town of Litchfield, Chapter 8, "Licenses and Miscellaneous Business Regulations", Article II, "Peddlers, Hawkers and Solicitors", is amended as follows:

**Sec. 8-31**

Section 8-31, heretofore "Reserved", is amended to read as follows:

**"Sec. 8-31. Food Vendor Trucks/Vehicles.**

(a) Definitions — For purposes of this Section, the following definitions shall apply:

(1) **FOOD/BEVERAGE TRUCK VENDOR:** Any party present in the Town of Litchfield, selling, bartering, vending or peddling, or carrying for sale or barter any food or drink from any vehicle.

(2) **FOOD TRUCK:** Any Department of Motor Vehicles (DMV) registered van/truck, DMV registered towed trailer or DMV registered "mobile unit" used for the preparation, serving, and sale of any type of food or drink to individual patrons.

(3) **LITCHFIELD-AFFILIATED NON-PROFIT:** Any public or private school operating in Litchfield, any fire department or ambulance service located in Litchfield, or any veterans' organization in Litchfield.

(4) **PUBLIC AND/OR PRIVATE STREET(S):** all areas within the Town's street rights-of-way or street lines, whether public or private, or within the street line or right-of-way of any state highway.

(b) All food/beverage truck vendors and any party operating a food truck within the geographic limits of the Town of Litchfield shall obtain a license from the First Selectman prior to operating. It shall be unlawful for any party to so act without such license. The licensing fee shall be \$120, and the license shall be valid for one year from the date of issuance. The First Selectman, in his or her sole discretion, may set a shorter duration based on the circumstances presented in the

license application, but the application fee shall remain \$120. An Applicant who is denied a license by the First Selectman may appeal such denial to the Board of Selectmen. The decision of such Board shall be final.

(c) The Application for a license shall require a copy of the vendor's Connecticut Sales and Use Tax Permit, as well as a copy of all applicable state health department licenses and sign-offs. The Applicant shall also obtain the required inspection and sign-off from the Litchfield Fire Marshal. No license shall be granted until the applicant has fulfilled and proven, through appropriate attachments and sign-offs, the requirements of all state statutes, fire code compliance, and health regulations. The application shall also require adequate provisions for trash and recycling disposal satisfactory to the First Selectman. The Applicant shall provide the First Selectman and the Litchfield Fire Marshal with a schedule of events the food truck will be attending during the term of the license. The other content and form of the Application shall otherwise be set by the Board of Selectmen. The requirements of this ordinance establish minimum requisites for the Application and license, and the First Selectman and Litchfield Fire Marshal may require additional information on any particular from any applicant in order to protect the safety of the public.

(d) Food/beverage truck vendors operating in the Borough of Litchfield or Borough of Bantam shall obtain both a Town of Litchfield license and comply with any applicable laws of the applicable Borough.

(e) The food/beverage truck vendor shall not disturb the peace, create a nuisance, or violate state law or any ordinance of the Town of Litchfield. Food truck hours of operation shall be no earlier than 8:00 A.M. and no later than 10:00 P.M.

(f) No food/beverage truck shall be operated or parked in violation of traffic laws or so as to impede traffic. No food/beverage truck shall have exclusive right to any location abutting any public or private street, be stationary on a public or private street for more than four (4) hours per day.

(g) Any resident of the State of Connecticut who has resided within the state for two (2) years preceding the date of application for a license and who is a veteran with an honorable discharge who served in time of war as defined in the Connecticut General Statutes shall be exempt from the license application fee required under Chapter 8, Article II of the Code of the Town of Litchfield. However, a license shall still be required before operating in such cases.

(h) No food truck shall have use of any property owned or controlled by the Town of Litchfield without first obtaining written consent of the First Selectman. No food truck shall have use of any property owned or controlled by the Litchfield Public School System, Regional School District No. 6, or Regional School District No. 20 without first obtaining written consent of the applicable school system.

(i) Food trucks on residential property: A fully licensed and inspected food truck may operate on residential property for a specific event of not more than three days in duration. No residential property shall have more than three such food truck events in one year. No more than three food trucks shall be present on a residential property for such event. No food truck shall operate on residential property for general business, meaning that it is operating apart from such limited-duration specific event.



(j) Food trucks on commercial property: A fully licensed and inspected food truck may operate on commercial property for a specific event of not more than three days in duration. No commercial property shall have more than three such food truck events in one year. No more than three food trucks shall be present on a commercial property for such event. No food truck shall operate on commercial property for general business, meaning that it is operating apart from such limited-duration specific event.

(k) A list of active licenses for permitted and properly inspected food trucks in the Town of Litchfield shall be available for review by the public in the Town Clerk's Office. The First Selectman shall provide the Litchfield Fire Marshal with a copy of such list as it becomes updated.

(l) A violation of this Ordinance shall result in a fine of \$150 per offense, with each day of violation being a separate offense. The Town of Litchfield may also pursue any remedy at law or in equity to ensure compliance with this Ordinance, including but not limited to injunction, against anyone violating this Ordinance.

(m) The provisions of this Ordinance are severable and if any portion of this Ordinance shall be held to be invalid or unconstitutional for any reason, such determination shall not affect the remainder of this Ordinance.

#### **Secs. 8-32 – 8-50**

Sections 8-32 through 8-50 remain, "Reserved".

#### **Section 3. Effective Date.**

This Ordinance shall take effect fifteen (15) days after publication of a summary of its provisions in accordance with Connecticut General Statutes §7-157(b).

Adopted by town meeting on January, 31, 2023.  
Published in the Republican-American on February, 3, 2023.  
Effective date: February, 18, 2023.  
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