

**Town of Winchester Schedule A – Ordinances**  
**List of Changes Made During Codification Project**

**Sections of Prior Ordinance Compilation Specifically Repealed:**

- **Section 1**                **Signs and awnings**
- **Section 11**            **Loitering**
- **Section 46**            **Planning Commission created**
- **Section 47**            **Designation of Planning Commission as the Planning and Zoning Commission**
- **Section 57**            **Alternative members of Planning and Zoning Commission provided for**
- **Section 68**            **Intention of Town to join with interested municipalities in the formation of a Regional Airport Commission**
- **Section 71**            **Installation of private fire alarm systems in apartment houses, convalescent homes and nursing homes**
- **Section 74**            **Annual budget meeting**
- **Section 149**           **Planning and Zoning Commission application fees**

**Amendments to Town Ordinances:**

**Part I: Administrative Legislation**

Chapter 16  
**Conservation Commission**

**§ 16-2 Membership and terms.**

The Commission shall consist of seven members. Four of the members first appointed shall hold office for four years and three of the members first appointed shall hold office for two years, and thereafter each new member shall be appointed for a term of four years. One alternate first appointed shall hold office for four years and the other shall hold office for two years, and thereafter each new alternate shall be appointed for a term of four years.

Chapter 30  
**Economic Development Commission**

**§ 30-1 Established.**

~~The provisions of Section 263d of the 1955 Supplement to the General Statutes of Connecticut, Revision of 1949, Municipal Development; powers and Industrial Commissions, are hereby accepted, and there is hereby established a Development and Industrial Commission for the promotion and development of the business and industrial resources of the Town of Winchester. Said Development and Industrial Commission shall consist of 11 members, who shall be appointed by the Board of Selectmen. The said members shall serve for terms of five years. duties.~~

**§ 30-2 Designation as Development Agency.**

~~The An Economic Development Commission ~~of~~ is established in the Town, with the composition, powers and duties set forth in the Town is hereby designated as the Town's Development Agency as authorized by Public Act No. 86 of the Public Act of Connecticut, January session 1971~~ Charter.

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Chapter 36  
**Ethics, Code of**

**§ 36-11 Ethics Commission.**

- A. Establishment. ~~There is hereby established an~~An Ethics Commission ~~to be composed of five residents of is established as set forth in~~ the Town ~~appointed by the Board of Selectmen.~~Charter. No more than three members of the Commission shall be members of the same political party. ~~Members shall be appointed for terms of three years, except that of the initially appointed members one shall serve for a term of one year, two shall serve for terms of two years, and two shall serve for terms of three years. No person shall serve for more than two consecutive terms. For individuals filling a vacancy, successive years of service will commence with the next appointed period. No individual while a member of the Commission shall:~~
- ~~— Hold or campaign for any public office, or Hold office in any political party or political committee.~~
- D. Investigation by Commission. The following rules and procedures shall apply for the filing of complaints and the conduct of hearings in connection with such complaints.
- (9) Upon conclusion of a hearing, the Board shall recommend to the Board of Selectmen or Board of Education, as the case may be, that the complaint be dismissed or, if not dismissed, that the respondent be reprimanded or disciplined. The Board's recommendation shall be advisory only and not binding on the Board of Selectmen or Board of Education, and they may take whatever action they deem appropriate in accordance with this Code of Ethics ~~§ 13-2C(4)~~ and other applicable law.

Chapter 43  
**Fire Department and Fire Districts**

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

Article I  
**Establishment and Operation**

~~**Driving vehicles over fire hose forbidden. [Amended 5-6-2013]**~~

~~No person will be allowed to drive over the hose with any vehicle, in any street or highway while it is in use for purpose of extinguishing fires or for any other purpose. And it shall be the duty of the Chief, his Deputies or any member of the Fire Department to rigidly enforce this section, and any violation thereof shall be punished or fined as allowed by Connecticut General Statutes.~~

Chapter 52  
**Housing Authority**

**§ 52-2 Authority established.**

The Housing Authority shall be appointed by the Board of Selectmen as provided in the Town Charter.

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Chapter 58  
**Inland Wetlands and Watercourses Agency**

Article I  
**Establishment**

**§ 58-1 Members; terms; powers and duties.**

An Inland Wetlands Commission is established with the members, terms, powers and duties set forth in the Town Charter.

~~A.—The Inland Wetlands and Water Courses of the Town of Winchester are a vital natural resource with which the citizens have been endowed. They are essential to maintain a purified and adequate water supply, to control flooding and erosion, and to preserve the existence of animal, aquatic, and plant life. preservation and protection of these wetlands and watercourses from unregulated deposition, filling, or removal of material, the diversion or obstruction of water flow, the erection of structures, and other uses which despoil, pollute, and eliminate wetlands and watercourses is in the public interest and is essential to the health, welfare, and safety of the citizens of the Town.~~

~~C.—It is, therefore, the purpose of this ordinance to protect the citizens of the Town of Winchester by making provisions for the preservation, maintenance and use of the Inland Wetlands and Water Courses of the Town.~~

~~**§ 58-2 Membership.**~~

~~A.—The Inland Wetland and Water Course Agency shall be composed of nine members who shall be drawn from the citizens at large, and who shall be appointed by the Board of Selectman to serve for terms of three years, except that the members first appointed shall be appointed for such terms that the terms of three members shall expire at the end of each year for the next three years.~~

~~B.—Five members shall be necessary to form a quorum.~~

~~C.—In addition, the First Selectman, the Superintendent of Public Works, and Health Officer and the Town Manager shall be ex-officio members of the Agency.~~

~~**§ 58-3 Powers and duties.**~~

~~The Agency shall have all the power and responsibilities authorized under Public Act #155, as amended.~~

Article II, Fees, is amended to change “Inland Wetlands and Watercourses Agency” to “Inland Wetlands and Watercourses Commission”, and to change “Agency” to “Commission” throughout.

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Chapter 69  
**Laurel City Commission**

**§ 69-1 Membership; terms; vacancies.**

There is hereby created in the Town of Winchester a commission known as "The Laurel City Commission." The Commission membership shall be increased ~~by~~to no less than 11; nor more than 25 members to be appointed by the Board of Selectmen. Members of said Commission shall serve for terms of five years or until their successors are appointed, except that the members of said Commission first appointed shall be appointed for such terms that the terms of two members' shall expire three years from their appointment, and two members' terms shall expire four years from their appointment. Any vacancy occurring otherwise than by expiration of term shall be filled by the Selectmen for the unexpired portion of the term.

**§ 69-2 Powers and purpose.**

The Commission shall have power to take action appropriate for the purpose of perpetuating Win~~chester~~dr as the "Laurel City" of Connecticut, promoting an annual Laurel Festival and encouraging the growth of laurel throughout the Town, particularly on Town~~own~~ed property.

Chapter 81  
**Meetings**

Article I  
**Attendance at Board and Commission Meetings**

**§ 81-1 Resignation upon multiple absences.**

Any member of any municipal commission, board or committee appointed by the Board of Selectmen ~~or Town~~Manager pursuant to the Town's Charter; shall be deemed to have resigned if the member is absent without excuse at three consecutive meetings or ~~four~~a majority of meetings in a calendar year.

Chapter 87  
**Notices**

Article I  
**Proposed Changes to Regulations**

**§ 87-2 Submission of proposed changes to Town Manager; publication.**

In furthering this goal, all Town boards and commissions, including but not limited to the Planning and Zoning Commission, the Zoning Board of Appeals, the Inland Wetlands ~~and Water~~courses Commission; and the Economic Development Commission, shall transmit the full text of proposed changes to their regulations to the Town Manager 12 days prior to a public hearing thereon, or, if no public hearing is held, 12 days prior to the adoption thereof. The Town Manager will arrange for publication of the full text or other publication as the Town Manager may deem appropriate in a manner likely to reach the general public.

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Chapter 91  
**Officers and Employees**

Article I  
**Retirement Plan**

**§ 91-1 Retirement Administration Board.**

- A. The Retirement Plan for the Town of Winchester (the "Plan") shall be administered by the Retirement Administration Board, hereinafter called the "Board," consisting of the ~~"Ex-Officio"~~ Town Manager, two citizens at large and two nonsupervisory employees of the Town appointed by the Board of Selectmen. Of the citizen and employee members so appointed initially one citizen member and one employee member shall be appointed to serve for two years and one citizen member and one employee member shall be appointed to serve for four years, and thereafter the citizen and employee members shall be appointed to serve for four years. The members of the Board shall serve without compensation.

**§ 91-13 General provisions.**

- F. As of June 30, 2015, membership to the plan is closed for any new employee, regardless of union or nonunion affiliation. Membership to the plan for new union employees hired before June 30, 2015, is governed by the provisions of that employee's union contract.

Article II  
**Removal of Officials**

**§ 91-14 Procedure.**

In the event the Board of Selectmen seeks the removal of any person under the provisions of Charter Section 1601, the following minimum procedure should apply in addition to those provided in Section 1601:

- B. The Board of Selectmen shall cause the evidence to be recorded by a sound recording device ~~and/or video recording device.~~
- C. Within 15 days of the termination of the hearing, the Board of Selectmen shall cause a record of the hearing to be filed with the Town Clerk. The record shall contain all documents submitted at the hearing as well as the audio ~~tapes and/or videotapes~~ of the hearing.

Chapter 103  
**Planning and Zoning Commission**

**§ 103-1. Established; members; powers and duties; fees.**

A Planning and Zoning Commission is established for the Town of Winchester, with members, terms, powers and duties as set forth in the Town Charter. Application fees of the Planning and Zoning Commission are on file in the Town offices.

Chapter 107  
**Police Department**  
**ARTICLE I**  
**Disposition of Property**

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**§ 107-1. Duties of finder.**

Any person who finds within the Town of Winchester and takes possession of any article of the value of \$1 or more shall report the finding of such article to the Winchester Police Department within 48 hours from the time of such finding. The finder of such article shall, at the time of reporting, furnish to the Police Department the date, time and place of finding, his name and address and a description of the article found, and within a period of one week from such finding shall deliver such article to the Police Department. Any person who violates or fails to comply with the provisions of this section shall be fined not more than \$100, ~~or imprisoned not more than 30 days, or both.~~

**§ 107-4 Procedure for unclaimed property.**

If no owner claims such article within six months from the receipt thereof by the Police Department, the Police Department shall, within two weeks thereafter, notify the finder of such fact by registered or certified mail at his last known address, and the article or the proceeds thereof shall be turned over to such finder, upon demand by him within 30 days from the expiration of the six-month period and upon payment or deduction of all proper charges; but if such finder fails to demand such article or the proceeds thereof or refuses to pay such charges within 30 days from the expiration of the six-month period, such article or proceeds shall belong to the Town of Winchester. ~~The rege or estimated value of the article is less than \$5.~~

Chapter 111  
**Procurement Policy**

**§ 111-5 Definitions.**

Unless the context clearly required otherwise, the words defined in this section shall have the meanings set forth below whenever they appear in this chapter:

**DESIGNEE**

A duly authorized representative ~~or of~~ a person holding a superior position.

**FINANCIAL INTEREST**

- A. Ownership of any interest ~~or of~~ involvement in any relationship from which, or as a result of which, a person within the past year has received, or is presently, or has a reasonable expectation of receiving, any financial benefit;
- B. Ownership of any interest in any business; or
- C. Holding a position in a business such as an officer, director, trustee, partner, employee, or similar position, or holding any position of management.

**§ 111-7 Authority of Purchasing Agent.**

- C. Duties. Except as otherwise specifically provided in this chapter, the Purchasing Agent shall have the ~~following~~ powers and duties set forth in ~~accordance with property approved by the Finance Director and~~ Town ~~Manager: Charter.~~

~~(1) To establish, with the approval of the Finance Director and after consultation with the heads of the departments concerned, and enforce, standard specifications for all supplies, materials and equipment~~

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~~required by the several departments, offices and agencies of the Town, except as to the purchases for the Board of Education exempted above;~~

- ~~(2) To prescribe the time of making requisitions from such supplies, materials and equipment and the future period which said requisitions are to cover;~~
- ~~(3) To inspect all deliveries of such supplies, materials and equipment, and to cause tests to be made when necessary in order to determine their quality, quantity and conformance with specifications; or to delegate said responsibility to the appropriate department/division head for confirmation.~~
- ~~(4) To supervise and monitor such storerooms as the Board of Selectmen may provide by ordinance to serve the several departments, offices and agencies;~~
- ~~(5) With the approval of the Manager and Finance Director, and as allowed by law, to transfer or sell to or between departments, offices and agencies supplies, materials and equipment, determined after consultation with the head of the department, office or agency concerned, to be surplus, obsolete or unused; and~~
- ~~(6) To maintain an inventory of all moveable equipment belonging to the Town.~~

#### § 111-8 **Creation of Procurement Policy.**

Except as otherwise provided in this chapter, the Board of Selectmen shall have the authority and responsibility to promulgate and approve the Procurement Policy of the Town of Winchester as an ordinance, and the Town Manager shall not exercise authority over the award or administration of any particular contract or any dispute, claim or litigation pertaining thereto. Adoption of this ordinance includes by reference the current Town of Winchester Purchasing Manual, ~~instituted October 1982 and revised July 1, 1986.~~

#### § 111-10 **Centralization of procurement authority.**

All rights, powers, duties, and authority relating to the procurement of supplies, services, and construction, and the management, control, warehousing, sale, and disposal of supplies, services, and construction, now vested in or exercised by any using department, and regardless of source of funding, are hereby transferred to the Finance Director and the Purchasing Agent.

#### C. Accounting control of all purchases.

- (1) All purchases made and contracts executed by the Purchasing Agent shall be pursuant to ~~a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any vendor unless and until the Director of Finance certifies that there is to the credit of such office, department, or agency a sufficient unencumbered appropriation for which the contract or order is to be issued.~~ the procedures set forth in Charter Section 909.

## Chapter 118

### Recreation Board

#### § 118-1 **Membership; terms; vacancies; compensation.**

There is hereby created in the Town of Winchester a Recreation Board. The Board shall consist of not fewer than nine members nor more than 11 members and two alternate members. A member of the Board of Selectmen, the

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Superintendent of Schools, the principal of the parochial school, and the principal of the Gilbert School shall be ex-officio, nonvoting members. The members shall serve for terms of six years or until their successors are appointed. The terms of 1/3 of the members shall expire every two years. Any vacancy occurring other than by expiration of term shall be filled by the Selectmen for the unexpired portion of the term. The members shall serve without pay. At each meeting, the Chair shall determine which alternate shall sit for regular members, as may be required.

Chapter 133  
**Senior Citizens Commission**

**§ 133-4 General duties of Commission.**

The Commission shall study ~~continuously~~ the conditions and needs of elderly persons in the community in relation to housing, economics, employment, health, recreation, transportation and other necessary matters. The Commission shall analyze the services provided to the aged by both public and private agencies, and shall recommend to and advise the Town Manager and the Director of the policies, programs and actions the Commission deems necessary for the effective administration, management and operation of the Senior Center and other major senior citizen activities.

**~~Budget.~~**

~~Prior to the preparation of the annual Town Budget by the Selectmen, the Director shall draft a proposed budget for the administration, management and operation of the Senior Center and for any other ongoing, proposed or anticipated senior citizen activities. The proposed budget shall be submitted to the Town Manager. Prior to the submission of the proposed budget to the Town Manager, the Commission shall review the proposed budget and shall make any recommendations it deems necessary. The Commission shall further prepare an annual report of its proceedings and expenditures during the preceding year and shall submit the same with the proposed budget to the Town Manager. Copies of the proposed budget together with the Commission's recommendations and its annual report of proceedings and expenditures shall be filed with the Board of Selectmen.~~



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Chapter 136  
**Sewer Commission**

**§ 136-1. Established; members; powers and duties.**

A Water and Sewer Commission is established with the members, terms, powers and duties set forth in the Town Charter.

**Establishment and authority.**

The Town of Winchester hereby creates a Sewer Commission and designates said Commission as the Sewer Authority of the Town of Winchester, with all of the powers, purposes and objectives set forth in Chapter 103 of the General Statutes of Connecticut, Revision of 1958, and amendments thereto.

**Membership; terms; vacancies.**

Said Commission shall consist of five electors of the Town of Winchester who shall be appointed by the Board of Selectmen and serve without compensation. The said five members shall serve for terms of five years, except that the members of the Commission first appointed shall be appointed for such terms that the term of one member shall expire at the end of each year for the next five years. Terms shall expire on June 30 in each year. Whenever a vacancy occurs, the Selectmen shall appoint a successor to hold office for the unexpired portion of the term. A Commissioner shall continue in office until his successor is appointed.

**Officers and staff; records and reports.**

The Commission shall elect a Chairman from among its own members at the first meeting and annually thereafter at the first meeting held after the first day of July in each year. The Commission shall appoint a Clerk who need not be a member of the Commission, an attorney and such other employees as it may deem necessary and shall prescribe and define their duties. The Clerk shall keep a complete record of the proceedings of the Commission and, when ordered by the Commission shall file the same with the Town Clerk. All such records shall be open for public inspection at reasonable hours. Meetings of the Commission may be called by the Chairman or any two members upon 24 hours' notice thereof.

**Finances.**

The Commission shall maintain proper accounting and financial records and shall make an annual report to the Selectmen. The Commission shall prepare annually a budget of estimated revenues and expenditures for the ensuing fiscal year.

**Removal of Commissioners.**

A Commissioner may be removed for inefficiency or neglect of duty or misconduct in office by the Board of Selectmen after a hearing conforming to recognized standards of due process of law; a Commissioner shall be removed only after opportunity to be heard in person or by counsel before the Board of Selectmen at least 10 days prior to which he shall have been given a copy of the charges against him. In the event of the removal of any Commissioner, a record of proceedings together with the charges and findings thereon, shall be filed in the office of the Clerk of the Town of Winchester.

Chapter 140  
**Soldiers' Monument Commission**

**§ 140-1 Membership; terms; vacancies.**

There is hereby created in the Town of Winchester a commission known as the "Soldiers' Monument Commission".. The Commission shall consist of nine members, to be appointed by the Board of Selectmen.

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Members of said Commission shall serve for terms of five years or until their successors are appointed, except that the members of said ~~Committee~~Commission first appointed shall be appointed for such terms that the terms of three members shall expire five years from their appointment, three members' terms shall expire three years from their appointment, and three members' terms shall expire four years from their appointment. Any vacancy occurring otherwise than by expiration of term shall be filled by the Selectmen for the unexpired portion of the term.

Chapter 144  
**Tourism District**

**§ 144-1 Authority; establishment; purpose.**

The Town of Winchester, acting herein by a Town meeting, its legislative body, and pursuant to Section 7-330 of the Connecticut General Statutes, hereby votes to form and join a district known as Litchfield Hills Travel Council, and any successor agency for the purpose of establishing a convention and visitors commission pursuant to Section 7-136(a) through (c) of the statutes, as amended.

Chapter 145  
**Town Property**

Article I  
**Sale of Town-Owned Property**

**§ 145-4 Referral to other Town agencies.**

In addition to the Planning and Zoning Commission, the Board of Selectmen may refer the proposed sale to any of the following agencies: Assessor, Inland Wetlands ~~and Watercourses Agency~~Commission, Department of Public Works, Winchester Land Trust, Chief of Police, Economic Development Commission, Winchester Housing Authority, Recreation Department, ~~Community~~ Planning and Community Development Office. Each agency shall report back to the Board of Selectmen within 35 days of the submission of the proposal. Failure of any agency to report back to the Board within 35 days shall be taken as approval of the proposal. A disapproval of the proposal by an agency shall contain the reasons therefor. The disapproval, however, shall not prevent the Board of Selectmen from continuing with the process to seek approval of the proposed sale.

**§ 145-7 Special Town Meeting.**

Upon the opening of the bid, if the Board of Selectmen decides to accept the bid, it will schedule a Special Town Meeting, to be held not less than 30 days; nor more than 45 days after the opening of the bid, to act on the proposal. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the real property that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than 15 days or less than 10 days and the last not less than two days before the date set for the hearing. The municipality shall also post a sign conspicuously on the real property land that is the subject of the public hearing.

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#### Chapter 148 Town Vehicles

##### § 148-3 Penalties for offenses.

Any person who violates the provisions of § 148-1 shall be liable to the Town of Winchester for the full cost of the use of the vehicle, including, but not limited to, mileage, gasoline, and reasonable wear and tear. Violation of the provisions of § 148-1 shall be grounds for disciplinary action up to and including termination.

#### Chapter 155 Zoning Board of Appeals

##### § 155-1 Members and terms.

The Zoning Board of Appeals of the Town of Winchester shall consist of ~~five~~ regular members and ~~three~~ alternate members, also referred to serving terms as "provided in the panel of alternates". ~~years~~ Town Charter.

##### ~~§ 155-2 Appointment; terms.~~

~~Such Board shall be appointed by the Board of Selectmen, one of the original regular members to serve for one year, one for two years, one for three years, one for four years and one for five years, and one of the original alternate members to serve for three years, one for four years and one for five years, and thereafter each new regular member and alternate member shall be appointed for a term of five.~~

## Part II: General Legislation

#### Chapter 162 Adult Entertainment

##### § 162-2 Definitions.

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

##### **ADULT BOOKSTORE**

An establishment having 10% or more of the value of its stock and trade in books, films, or other video cassettes reproductions or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein, and in conjunction therewith has facilities for the presentation of adult entertainment as defined herein and including adult-oriented films, movies, live entertainment for observation by patrons, clients or customers therein.

##### § 162-3 Operating requirements for adult-oriented establishments.

- E. Every act or adomission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or admission of the licensee and operator as well, including any act or admission as a result of the operator's negligent failure to supervise the employee's conduct. The licensee and operator shall be punishable for such act or admission in the same manner as if the licensee or operator committed the act or caused the omission.

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**§ 162-8 Application for license.**

- B. The operator of each adult-oriented establishment shall submit an application in triplicate to the Town Clerk, together with an application fee in an amount set from time to time by the Board of \$500Selectmen prior to commencement of business or within 60 days of the effective date of this chapter for any establishment already open for business. The Town Clerk shall date stamp all copies of the application and shall promptly deliver a copy of the application to the Chief of Police. The application shall be made upon a form prepared by the Chief of Police and disseminated by the Town Clerk. In instances where a corporation or a partner is the applicant, the application shall be signed and filed by a person having direct control or management of the proposed adult-oriented establishment or by an officer, director, majority shareholder or majority partner of the corporation or general partner of the partnership or manager or managing member of any other entity.

**§ 162-10 Expiration and renewal of license.**

- A. Each license issued to a qualified applicant shall expire one year from the date it is issued unless it is renewed upon application of the licensee accompanied by payment of a ~~\$250~~ renewal fee in an amount set from time to time by the Board of Selectmen. Such application and application fee shall be submitted by the licensee to the Town Clerk at least 60 days before the expiration date, but not more than 90 days. Provided the application is filed within 60 days of its expiration date and the application fee paid, the license shall be renewed for the same licensee at the same location by the Chief of Police unless the licensee's file contains uncorrected violations of this chapter or uncorrected violations of health, fire, or safety codes and regulations of which the licensee has received written notice. The renewed license shall be mailed to the licensee by certified mail prior to the expiration date of the previous license. No establishment shall continue operations without a license except in accordance with the provision of § **162-7B**.

**§ 162-13 Penalties for offenses.**

- A. Every person, partnership or corporation, whether acting as an individual owner, operator, licensee or employee of an adult-oriented establishment, who operates, maintains or conducts an adult-oriented establishment without first obtaining a license and paying the applicable fee to the Town, or who violates any of the provisions of this chapter, shall be fined a definite sum not exceeding ~~\$100~~250 for each such violation and be subject to criminal prosecution under the laws of the State of Connecticut.

Chapter 165  
**Advertising Matter and Newspapers**

**§ 165-5 Penalties for offenses.**

Each violation of this chapter shall be considered a separate municipal offense, and each separate offense shall be subject to a fine of ~~\$75~~100 payable to the Town of Winchester.

Chapter 169  
**Alarms**

Article II  
**Alarm Systems**

**§ 169-6 Definitions.**

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

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**ALARM**

Any mechanism, equipment or device designed to transmit an audible siren, horn or bell to the exterior of a dwelling or other building.

**BURGLAR ALARM**

Any mechanism, equipment or device designed to transmit an audible alarm to the exterior of a dwelling or other building. An alarm signaling an entry or attempted entry into the area protected by the system.

**§ 169-8 Application for permit.**

Applications for permits to install, maintain or operate a telephonic alarm system, burglar alarm or private alarm system which is intended to automatically or through a third party transmit a signal, message or warning to the Town Police Department or Fire Department telephone line or other emergency line shall be filed with the Chief of Police on forms supplied by the Town of Winchester, together with an application fee of \$10; in an amount set from time to time by the Board of Selectmen. Said application shall set forth the name, address and telephone number of both the installer of the system and the person on whose premises the system will be installed, as well as a description of the system and the location where it is proposed to be installed.

**§ 169-12 Noise control.**

Alarms installed after said the effective date of this article must contain an automatic timing device to shut down after 30 minutes. Existing systems must provide a key holder or an outside shut off.

**§ 169-14 Permit fee.**

Each permit holder shall pay to the Town of Winchester, on or before June 30 of each year, a use fee in the amount of \$10 set from time to time by the Board of Selectmen.

**§ 169-15 False alarm fines.**

Any person, firm, or corporation having a burglar alarm, telephonic system, private alarm system or any other type of intrusion alarm shall be charged a fine of \$1050 after the third false alarm responded to by the Police Department within a calendar year and \$25100 for each false alarm so responded to thereafter within a calendar year. If the possessor of the alarms shows to the satisfaction of the Chief of Police that the false alarm was not the result of negligence or improper maintenance, such fine may be waived.

**§ 169-16 Penalties for offenses.**

Any person, firm or corporation violating any provision of this article shall be fined \$25100 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Chapter 172  
**Alcoholic Beverages**

Article I

**Sale Near Recreation Grounds**

**§ 172-2. Penalties for offenses.**

Any person who shall violate any of the provisions of this article shall for each offense be fined not more than \$100 or be imprisoned for not more than 30 days, or both; and each day such violation continues shall constitute a separate offense.

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Article II  
**Possession of Opened Containers**

**§ 172-6 Permit applications.**

B. The application shall be filed at least 10 days prior to the first day of the event. The permit shall be issued or denied in writing at least four calendar days before the first day of the event. The permit shall be issued if all of the required information is provided, the application is made at least 10 days before the event, and the Chief of Police or his designee determines that the event will be open to the public and all necessary permits, licenses, and approvals have been obtained from all necessary government authorities, including, but not limited to, the State ~~Department of Liquor Control~~ Liquor Control Commission.

**§ 172-7 Penalties for offenses.**

Any person who violates any provision of this article shall be guilty of a municipal infraction and shall be fined ~~\$90~~100.

Article III  
**Business Establishments Allowing Consumption of Alcohol**

**§ 172-8 Presence of minors restricted.**

No business establishment operating within the Town of Winchester, which establishment shall include but not be limited to cabarets, cafes, concert halls, dance halls, "juice" bars, or any similar business, which permits or allows the consumption of alcoholic liquor within the confines of or on the grounds of said business establishment, shall permit any person whose age is under the legal drinking age ~~of 21~~, as established by C.G.S. § ~~30-1(20)~~, as amended ~~by Public Act 85-264~~, to enter into or remain within said business establishment, unless that minor person is accompanied by a parent or legal guardian whose age is above the ~~aforementioned~~ legal drinking age.

**§ 172-9 Definitions.**

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

**ALCOHOLIC LIQUOR**

Shall be defined in the same manner as set forth in C.G.S. § ~~30-1(3)~~, as amended, ~~which in pertinent part states that:~~

~~'Alcoholic liquor' includes the four varieties of liquor defined in subdivisions (2), (6), (29) and (31) of this section (alcohol, beer, spirits and wine) and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being for beverage purposes. . . .~~

**§ 172-11 Applicability.**

The provisions of this article shall not be applicable to any business establishment which has obtained a permit from the Department of ~~Liquor Control~~ Consumer Protection pursuant to C.G.S. §§ 30-14 et seq., as amended.

Article IV  
**Possession and Consumption by Minors**

**§ 172-16 Penalties for offenses.**

Any person who violates any provision of this article shall be subject to arrest and prosecution by the proper authorities and shall be subject to a fine not to exceed ~~\$90~~100 for each offense. Each violation of this article shall constitute a separate offense.

**Town of Winchester Schedule A – Ordinances**  
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Chapter 175  
**Amusement Devices**

**§ 175-2 License required.**

No person shall, in any place open to the general public or occupied by any club or association, place or locate any mechanical amusement device until he shall have obtained a license therefor from the ~~Superintendent~~Chief of Police.

**§ 175-3 Application for license.**

The owner of the business or establishment where the mechanical amusement device is to be kept for use by the public shall make application for said license to the ~~superintendent~~Chief of ~~p~~Police upon a form furnished by him and which shall contain the following information: . . .

**§ 175-4 Review of application.**

The ~~Superintendent~~Chief of Police shall investigate the character and record of the applicant for a license and the location wherein it is proposed to operate the machine described in the application. He shall not approve the application unless he finds that the applicant is ~~over~~21 years of age or over and is a person of good moral character and that the business or activity carried on in such a location is a bona fide and lawful one.

**§ 175-5 Denial of application or license renewal.**

In case of the denial of an application or refusal to issue or renew a license, the ~~Superintendent~~Chief of Police shall notify the applicant of such action and set a day and place for a hearing thereon, giving the applicant reasonable notice in advance thereof and an opportunity to be represented by counsel at such hearing. Said hearing shall be held before the Board of Selectmen.

**§ 175-6 Fees.**

The annual license fee for each mechanical amusement device shall be ~~\$25~~100. One mechanical amusement device may be substituted by a licensee e for another similar machine or device under his license, but in the event of a sale or transfer of his business by a licensee a new license shall be obtained by the transferee, and the transferor shall notify the ~~Superintendent~~Chief of Police of such sale or transfer.

**§ 175-9 Penalties for offenses.**

Any person violating any of the provisions of this chapter shall be fined not less than \$25; nor more than ~~\$150~~0.

**§ 175-10 Revocation of license.**

The ~~Superintendent~~Chief of Police shall have the power to revoke any license issued hereunder for cause upon due notice in writing to the licensee and an opportunity to be heard before the Board of Selectmen and to be represented by counsel at such hearing. Cause shall be deemed to include, but not to be limited to, conviction of a crime subsequent to the granting of the license, false information in the application for a license or any violation of this chapter.

Chapter 178  
**Animals**

Article I  
**Dogs**

**§ 178-6 Penalties for offenses.**

Any person who violates § ~~178-1~~ or ~~178-2~~ of this article shall be subject to a fine of ~~\$90~~100. Any person who violates § ~~178-3~~ or ~~178-4~~ shall be subject to a fine of \$25.

**Town of Winchester Schedule A – Ordinances**  
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Chapter 186  
**Bicycles and Play Vehicles**

Article I  
**Bicycles and Scooters**

§ 186-1 **Definitions.**

As used in this article, "bicycle," "electric bicycle" and "electric foot scooter" shall have the meanings set forth in C.G.S. § 14-1.

§ 186-2 **Operation on Main Street restricted.**

No person shall ride a bicycle, electric bicycle or electric foot scooter, including any forward movement of the bicycle, electric bicycle or electric foot scooter, whether one foot or two feet are on the pedals or platform, on the sidewalk of Main Street from its intersection with Park Place West to its intersection with Monroe-Munro Place.

§ 186-3 **Operation near pedestrians.**

Whenever any person is lawfully riding a bicycle, electric bicycle or electric foot scooter upon any sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal within a reasonable distance before taking overtaking and passing such pedestrian.

§ 186-4 **Penalties for offenses.**

Any person who violates this article shall be guilty of a municipal infraction and shall be fined not more than \$25-  
for each offense\$90.

Article II  
**Skateboards, In-Line Skates and Scooters**

§ 186-6 **Prohibited activities.**

- G. No person shall erect or maintain any skateboard device on any state or Town highway, sidewalk adjacent thereto or any Town property within the corporate limits of the Town of Winchester except where expressly permitted by the Parks and Recreation CommissionBoard or its designated agent.

Chapter 190  
**Blasting**

§ 190-5 **Job site requirements.**

"Two way radio" warning signs, flag men and all other requirements of the rules and regulations of the State of Connecticut Department of Emergency Services and Public SafetyProtection as well as any and all requirements of the Connecticut General Statutes must be adhered to. No temporary magazines will be allowed in the Town of Winchester. No explosives, powder or caps shall be stored on the job site for more than a twelve-hour period of time.



**Town of Winchester Schedule A – Ordinances**  
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Chapter 195  
**Building Construction**

Article I  
**Building Permit Fees**

[Fees for building permits and work done in connection with building permits are set from time to time by the Board of Selectmen. Current fees are on file in the Town offices.]

~~**Construction permit fee calculation.**~~

Construction permit ~~fees~~ for new construction shall be computed based ~~on~~ the following costs:

~~A.—Residential: \$75/square feet (Mechanicals Included).~~

~~B.—Accessory buildings, barns, sheds: \$25/square feet (includes electrical).~~

~~C.—Assembly: \$75/square feet + Mechanicals Business: \$75/square feet + Mechanicals.~~

~~E.—Factory/Industrial: \$45/square feet + Mechanicals.~~

~~F.—High Hazard: \$50/square feet + Mechanicals.~~

~~G.—Institutional: \$70/square feet + Mechanicals.~~

~~H.—Mercantile: \$45/square feet + Mechanicals.~~

~~I.—Decks: \$20/square feet Covered porches: \$25/square feet Reroofing: \$200 per square Fireplaces:~~

~~(1)—One story: \$4,000.~~

~~(2)—Two stories: \$5,000.~~

~~M.—Garages (attached or detached): \$30/square feet includes electrical.~~

~~N.—Mechanical trades:~~

~~(1)—Electric: \$3/square feet.~~

~~(2)—Heating: \$3/square feet; \$1/square feet Electric Heat.~~

~~(3)—Air Conditioning: \$4/square feet; \$2/square feet for add-on.~~

~~(4)—Plumbing: \$850 per fixture (a three fixture bath and kitchen fixtures are included in the square feet costs above.).~~

**Town of Winchester Schedule A – Ordinances**  
**List of Changes Made During Codification Project**

**~~Additional fees.~~**

~~Before receiving a permit, the owner or his agent shall pay the fees specified below.~~

~~A.—Permit fee: \$15 per \$1,000 of value or any portion thereof.~~

~~B.—Minimum permit fee: \$30.~~

~~C.—CO Fee: \$30 Tank removal fee: 2,000 gals or less \$35; over 2,000 gals: \$75.~~

~~E.—Tents: \$30.~~

~~F.—Stoves: \$50.~~

~~G.—Demolition: based on value. Minimum \$200.~~

~~H.—Weekend and off-hour inspections: \$300 for up to three hrs.~~

**~~Additional fee for work done without permit.~~**

~~Should any owner or agent begin work without a permit, the fee for the first \$1,000 shall be \$200.~~

**~~Consultant fees.~~**

~~If the Town of Winchester should require expert consultation to review building plans or construction, the costs of such services will be paid to the Town of Winchester by the permit holder.~~

Chapter 199

**Buildings, Numbering of**

**§ 199-1 Publication of notice; time frame for compliance.**

Whenever the Planning and Zoning Commission orders the owners of any building ~~or on~~ any street to number or renumber such buildings, notice of such order shall be published twice in a newspaper having a circulation in the Town, and a copy of such order shall likewise be mailed to all nonresident owners of such buildings. The owners of such buildings shall number or renumber such buildings in accordance with the order of the Planning and Zoning Commission within 30 days after publication and/or mailing of such order.

**§ 199-2 Number location and specifications.**

~~Numbers provided for by § 199-1 herein shall be permanently affixed to such building in a conspicuous place at or near the front entrance to such building. The figures used in numbering shall be not less than three inches in height and of a conspicuous color.~~

Numbers provided for by § 199-1 herein shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than four inches (102 mm) in height with a stroke width of not less than 0.5 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

**Town of Winchester Schedule A – Ordinances**  
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§ 199-5 **Penalties for offenses.**

Any person who shall violate any provision of this chapter shall be subject to a fine of not more than \$2550 for the first offense and \$100 for subsequent offenses.

Chapter 203  
**Burning, Open**

§ 203-1 **Definitions.**

As used in this chapter, the following words or phrases shall have the meanings indicated:

**COMMISSIONER**

The Commissioner of the State of Connecticut Department of Energy and Environmental Protection, or his or her designee.

**DEP DEEP**

The State ~~Of~~ Connecticut Department of Energy and Environmental Protection.

**OPEN BURNING CERTIFICATE APPLICATION**

An application for an Open Burning made on the form furnished by the Open Burning Official, which form shall, at a minimum, name the person responsible for the Open Burning, list applicant's address, list the applicant's telephone number, explain the purpose of the Open Burning, explain the type and quantity of material to be burned and list the address of the property at which the Open Burning shall take place.

**OPEN BURNS or OPEN BURNING**

The ignition of, causing to be ignited, permitting to be ignited, or maintenance of a fire outside the confines of a building.

§ 203-3 **Certificate required.**

A. An application for an open burning shall be made on the form furnished by the Open Burning Official, which form shall, at a minimum, name the person responsible for the open burning, list the applicant's address, list the applicant's telephone number, explain the purpose of the open burning, explain the type and quantity of material to be burned and list the address of the property at which the open burning shall take place. -

§ 203-6 **Exceptions to certificate or registration requirements.**

The following types of open burning shall be allowed without the need for an open burning certificate or open burning registration:

- B. Campfires, bonfires or other types of fires made out of nonprocessed wood for recreational or ceremonial purposes, provided that the size of such fires does not exceed fourthree feet in any direction.
- E. Any fire specifically exempted from such requirements in Section 22a-174 of the Regulations.

**Town of Winchester Schedule A – Ordinances**  
**List of Changes Made During Codification Project**

**§ 203-9 Penalties for offenses.**

Any person who violates any provision of this chapter shall be subject to the following penalties and fines:

- B. The Open Burning Official may seek enforcement of the provisions of this chapter by injunction and, in such event, the violator may be liable for the Town's reasonable attorney's fees.
- C. The provisions of Ordinance Enforcement, Chapter 215, Citations, Article I, of the Town Code shall otherwise apply to this Ordinance:chapter.

**§ 203-10 Inspections; fees.**

Inspection of the premises shall be made to ensure compliance with this chapter and the Connecticut General Statutes as may be amended from time to time. Said inspection shall be carried out simultaneously with all other required inspections. All separate fee schedules shall be adhered to. A fee of \$10 as set from time to time by the Board of Selectmen shall be paid to the Town of Winchester prior to the Open Burning Official's inspection.

Chapter 207  
**Carnivals and Exhibitions**

Article I  
**Public Exhibitions**

**§ 207-1 License required.**

No theatrical company, association, circus, menagerie, public show, or exhibition or performance for reward shall exhibit, perform or show within the limits of said city the Town of Winchester before obtaining from the first selectman Town Manager a license therefore, and paying to him for the use of said city Town a license fee not exceeding \$100 per day, the amount as set from time to time to be determined by said first selectman in each case the Board of Selectmen.

**§ 207-2 Responsibility of participants; penalties for offenses.**

Every person participating as agent, servant, actor, actress or assistant in any theater, circus, menagerie, public show, or exhibition or performance for reward, within the limits of said city the Town, not licensed pursuant to the preceding § 207-1, and who has had notice that the same is not so licensed, shall be guilty of violating said section and liable to be fined and punished as provided in the preceding section this article and shall be subject to a fine of \$100 for each day of violation.

**§ 207-3 Compliance with other requirements.**

Any public exhibition anticipated to include more than 500 attendees must also comply with the licensing requirements of Chapter 334, Special Events, of the Town Code.

Article II  
**Carnivals and Amusement Rides**

**§ 207-5 Application for permission; insurance; fees.**

- C. The applicant shall pay to the Town a service fee deposit in the amount of \$50 for the first day of exhibition or carnival and \$20 per day thereafter for the total number of days for which a permit is issued. Fees shall be set from time to time by the Board of Selectmen. In the event all services for which a fee is deposited are not used, the balance will be returned. Such deposit for the first day will be applied as follows: to health and safety inspections, clean-up costs and police services.

**Town of Winchester Schedule A – Ordinances**  
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~~(1)—Health and Safety Inspection (not refundable): \$10.—~~

~~(2)—Clean-up Bond: \$20.—~~

~~(3)—Police Officers will be paid per hour, time and 1/2 of that officer(s) hourly rate.—~~

**§ 207-8. Penalties for offenses.**

Any person who shall violate this article or any part thereof shall pay a fine of not less than \$25 nor more than \$100, ~~or be imprisoned in the state jail for not more than 30 days, or both.~~

Chapter 211  
**Cemeteries**

**§ 211-2 General rules.**

I. All rubbish collected from the plots must be removed and deposited in receptacles which are provided for that purpose.

**§ 211-3 Plots.**

- A. All plots are numbered and the boundary is designated by tile markers set flush with the ground at each corner. No other boundary marking will be permitted by tree, shrub or corner post, except that corner posts of granite or marble may be used if set flush with the ground.
- B. No fence, hedge or railing will be allowed to enclose any plot or portion of ~~lots~~ a plot.
- C. Plots shall not be used for any other purpose than as a burial place for human remains.
- D. The deed of a plot shall grant to the purchaser only the right of ~~inter~~ment upon his or her plot for himself and family, his heirs and devisees. Friends may be buried therein without any profit, gain or emolument whatsoever to the purchaser or proprietor, and such interment will be subject to all the bylaws, rules and regulations.
- F. The raising of plots or mounds over graves is prohibited.
- J. Inasmuch as the deed to a plot only conveys the right of burial therein, it shall be the duty of the sexton to enter upon any plot and prohibit, modify or remove any object of adornment or work done contrary to the rules which may be considered objectionable or injurious to the plot or to an adjoining plot.
- K. When a plot is sold to two or more persons they take title as tenants-in-common.

**§ 211-4 Interments.**

- G. The sexton has full control over scheduling burials during the winter months (December 1 to April 15). Every effort will be made to accomplish the burial when requested. However, weather conditions, location and terrain of the plot, ability to locate plot corners, safety of Town employees, safety of the family and guests attending the service, and ~~highway department~~Department of Public Works snow removal obligations will all be considered in the decision as to if and when the service could be provided.

**Town of Winchester Schedule A – Ordinances**  
**List of Changes Made During Codification Project**

**§ 211-5 Plantings.**

- A. On plots that contain a memorial, one flower pot may be placed on each side of or in front of the headstone.
- B. On plots that have a central memorial, one flower bed, if desired, may be installed adjacent to either side of the memorial.
- C. The planting of new trees or shrubbery will not be allowed on any plot.
- G. Turf shall not be removed or damaged in any way to facilitate the placing of decorations on the plot.

**§ 211-6 Memorials.**

- I. No memorial shall be erected upon any plot until the lot has been paid for in full.
- M. If any monument or marker in the Town's cemeteries becomes unsafe, unsightly, or in need of repair or resetting, the cemetery attendant will attempt to notify the owner of the plot of such condition and shall request that repairs be made under the attendant's supervision. The Town is not obligated to place, replace or repair any monument or marker, though case-by-case repair may be considered.

Chapter 215  
**Citations**

Article I  
**Citation Hearing Procedure**

**§ 215-3 Notice of violation.**

- A. At any time within 12 months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to C.G.S. § 7-148, as amended by Section 1 of P.A. 88-221, for an alleged violation thereof, the Town-designated municipal officer or employee shall send notice to the property owner or person to be alleged in violation cited. Such notice shall inform the owner and any other person cited:
  - (1) Of the allegations against him and the amount of the fines, penalties, costs or fees due;
  - (2) That he may contest his liability before a citation hearing officer by delivering, in person or by mail, written notice within 10 days of the date thereof;
  - (3) That if he does not demand such a hearing, an assessment and judgment shall be entered against him; and
  - (4) That such judgment may issue without further notice.
- B. For purposes of this section, notice shall be presumed to have been properly sent if such notice was mailed to such person's last-known address on file with the Tax Collector.

**Town of Winchester Schedule A – Ordinances**  
**List of Changes Made During Codification Project**

**§ 215-6 Notice of assessment due.**

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

Article II

**Violations of Zoning Regulations**

**§ 215-8 Authority to issue citations; service.**

The Zoning Enforcement Officer is authorized to issue citations for violations of the Zoning Regulations of the Town of Winchester to the extent and in the manner provided by this article. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to the person named in such citations. If the person named in the citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail. The Zoning Enforcement Officer shall file and ~~retain~~ return an original or certified copy of the citation.

**§ 215-9 Citations issued for zoning violations.**

~~The citation may be issued for any violation of the Zoning Regulations of the Town of Winchester.~~

A violation of this article shall include, but not be limited to:

A. Any building or structure which has been erected, constructed, altered, converted or maintained in violation of any zoning regulation; or

B. Any building, structure or land which has been used in violation of any zoning regulation; or

C. Any violation of any zoning regulation concerning signage or excavation; or

D. A violation of any other zoning regulation.

**§ 215-10 Fine.**

The fine for each citation shall be \$1~~500~~, payable to the Treasurer of the Town of Winchester. Each violation of said regulation shall be a separate and distinct offense, and in the case of a continuing violation each day's continuance thereof shall be deemed to be a separate and distinct offense. Fines are due and payable upon receipt of each citation, with fines becoming delinquent after 30 days.

**Town of Winchester Schedule A – Ordinances**  
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Chapter 222  
**Driveways**

§ 222-6 **Sight lines.**

Adequate ~~sight~~ght lines, as determined by the Public Works Director, shall be established and maintained.

§ 222-11 **Permit fee.**

Applicants for driveway permits shall pay a permit fee ~~of \$25~~ to the Town of Winchester in an amount set from time to time by the Board of Selectmen.

§ 222-13 **Variances.**

The effect of this chapter may be determined and varied as follows:

- E. The application fee shall be ~~\$25~~set from time to time by the Board of Selectmen.

Chapter 228  
**Firearms**

§ 228-3 **Penalties for offenses.**

Any person violating § 228-3 shall be fined ~~\$50~~200.

Chapter 231  
**Flood Damage Prevention**

Article III  
**General Provisions**

§ 231-8 **Basis for establishing areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Winchester" dated January, 1978, with accompanying Flood Insurance Rate Maps is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the office of the Zoning ~~Administrator~~Enforcement Officer, 338 Main Street, Winsted, Connecticut.

Article IV  
**Administration**

§ 231-14 **Designation of enforcement officer.**

The Zoning ~~Administrator~~Enforcement Officer is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

§ 231-15 **Duties and responsibilities of enforcement officer.**

Duties of the ~~Enforcement Officer~~enforcement officer shall include, but not be limited to:

- D. Alteration of watercourses. ~~Notify~~The enforcement officer shall notify adjacent communities and the Department of Energy and Environmental Protection prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.



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Chapter 240  
**Highland Lake**

Article III  
**Use of Snowmobiles or All-Terrain Vehicles on Frozen Lake**

**§ 240-15 Noise restrictions.**

No person shall operate a snowmobile or all-terrain vehicle upon the frozen surface of Highland Lake in such a manner that the exhaust of the snowmobile or all-terrain vehicle makes an excessive or unusual noise; nor shall any person operate a snowmobile or all-terrain vehicle upon the frozen surface of Highland Lake without a functioning muffler or with a muffler lacking interior baffle plates or other effective muffler devices, gutted muffler; or with a muffler cut out of a straight exhaust.

Article IV  
**Protection of Water Quality**

**§ 240-20. Penalties for offenses.**

Any person who violates any provision of this article shall be fined not more than \$100, ~~or be imprisoned not exceeding 30 days, or be both fined and imprisoned.~~

Article V  
**Open Burning**

**§ 240-23 Penalties for offenses.**

Any person who violates any provision of this article shall be guilty of a municipal infraction and shall be fined ~~\$90~~100.

Article VI  
**Winter Events**

**§ 240-24 Permit required; fee and bond.**

No organized event shall be conducted on the frozen water of Highland Lake without first obtaining a permit to do so from the Chief of Police. The Chief of Police shall have the authority to issue such a license upon application therefore, provided that a license fee as set from time to time by the Board of ~~\$50~~Selectmen is paid in advance by the licensee and a cash bond ~~of \$500~~in an amount required by the Board of Selectmen is posted with the Chief, which shall be used to reimburse the Town for the cost of clean-up or the cost of police, fire or ~~an~~ ambulance personnel that the Town incurs as the result of the event. The ~~\$500~~ cash bond shall be returned to the licensee when the Chief of Police is satisfied the Town of Winchester has incurred no cost arising from the licensee's event.

**§ 240-26 Penalties for offenses.**

Any person who violates any provision of this article shall be fined not more than ~~\$5~~100.

**Town of Winchester Schedule A – Ordinances**  
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Chapter 249  
**Junk Dealers**

**§ 249-1 Definitions.**

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

**JUNK DEALER**

Any person who shall engage in business as a dealer and trader in junk, old metals, scrap, rags, wastepaper or other secondhand articles that are no longer serviceable for their original manufactured purpose.

**§ 249-2 License required; fee; term.**

No person shall engage in the business of junk dealers without first having obtained a license so to do from the Superintendent~~Chief~~ of Police. The fee for such a license shall be \$10 per year for each team or vehicle used in connection with such business. The Superintendent~~Chief~~ of Police shall have authority to issue such license upon application therefor and upon payment of the license fee. Each license shall be for the term of one year from the date of issue.

**§ 249-3 Penalties for offenses.**

Any person who shall engage in the business of junk dealer without being duly licensed as herein provided shall be fined not more than ~~\$50~~100 ~~or imprisoned in the Litchfield County Jail for not more than 30 days, or both,~~ and the Judge of the Town Court of Winchester may, in his discretion, revoke the license of any person convicted of a violation of any provision of the statutes of the State of Connecticut relating to junk dealers.

Chapter 258  
**Littering**

**§ 258-1 Definitions.**

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

**REFUSE**

All putrescible and ~~non-putrescible and non-putrescible~~nonputrescible solid wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles; and solid market and industrial wastes.

**§ 258-8 Penalties for offenses.**

Any person who violates any of the provisions of this chapter shall be punishable by a fine of ~~not less than \$50-~~nor more than \$100. In addition thereto, in the discretion of the court, such person may be directed to pick up and remove from any public place or any private property, with prior permission of the legal owner, upon which it is established that such person has deposited litter, any or all litter deposited thereon by anyone prior to the execution of sentence.

**Town of Winchester Schedule A – Ordinances**  
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Chapter 270  
**Noise**

**§ 270-9 Variances.**

- A. Any person living or doing business in Winchester may apply to the Chief of Police for a variance from one or more of the provisions of this chapter which are more stringent than the Connecticut Department of Energy and Environmental Protection regulations for the control of noise, provided the applicant supplies all of the following information to the Chief of Police at least 20 days before the start of such activity:

Chapter 274  
**Nuisances**

**§ 274-1 Nuisance buildings, encumbrances and trees; penalties for offenses.**

If any person or corporation shall maintain or continue within the limits of the CityTown of Winchest~~er~~ any old or dilapidated structure or edifice, or part thereof, in such manner or place as to subject other property to danger from fire, or in any manner to endanger the public health or safety, or whoever shall place or suffer any encumbrance to exist upon any sidewalk or highway, or whoever shall encroach upon any sidewalk or highway by the erection of any structure or device upon or over the same, or whoever shall permit any tree, branches or roots thereof to incommode or endanger the public travel, or whoever shall cause any excavation to be dug in, or so near to any sidewalk or highway as to endanger the public thereby, or whoever shall commit or maintain any public nuisance of any kind or character within the limits of said cityTown shall be fined not to exceed \$~~50~~100, and in the case of any continuing nuisance upon second conviction shall be fined not to exceed \$100 ~~or imprisoned in the Litchfield County Jail not to exceed 30 days, or both~~, and each day's continuance thereof shall constitute a separate and distinct offense.

**§ 274-2 Street or sidewalk encumbrances or encroachments.**

Any encumbrance upon or encroachment so near to any sidewalk or street as to inconvenience the public travel, or any structure above any sidewalk or street, shall be deemed a public nuisance and may be summarily abated by any Selectman or by the ~~Superintendent~~Director of ~~Streets and Highways~~Public Works.

**§ 274-3 Order to abate nuisance.**

The Board of Selectmen may at any time order the abatement of any public nuisance existing upon private property, and upon the neglect of the person or corporation to abate the same within the time limited~~s~~ in said order may cause the summary abatement thereof by the ~~Superintendent~~Director of ~~Streets and Highways~~Public Works or by any indifferent person at the expense of the person or corporation so maintaining said nuisance and neglecting or refusing to abate the same, and the amount thereof may be collected by civil action in the name of the CityTown of Winchest~~er~~.

**Town of Winchester Schedule A – Ordinances**  
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Chapter 285  
**Peace and Good Order**

Article I  
**Coasting on Streets**

**§ 285-1 Restrictions.**

The sliding or coasting on a sled or sleds upon any highway or street within the limits of the ~~City~~Town of ~~Winchester~~is prohibited, except upon such streets or highways as may hereafter be designated by an appropriate sign, issued by the ~~Superintendent~~Chief of Police of said ~~Winchester Town~~, that such coasting and sliding may be had thereon.

**§ 285-2 Penalties for offenses.**

Any person who shall violate this article, or any part thereof, shall pay a fine of ~~not less than \$1 nor more than \$100~~\$75., ~~or be imprisoned in the Litchfield County Jail not more than five days, or both.~~

Article II  
**Ball Playing in Streets**

**§ 285-3 Prohibited conduct.**

No person shall play at ball, either by catching, throwing, rolling, kicking or striking the same, or shall play quoits; in or upon any of the streets, highways or sidewalks in ~~said City~~the Town of Winchester.

**§ 285-4 Penalties for offenses.**

Every person who shall violate any of the provisions of this article shall, upon conviction, pay a fine of ~~not more than \$100~~\$75 ~~or be imprisoned in the Litchfield County Jail not exceeding 30 days, or both.~~

Article III  
**Meddling with Waterworks**

**§ 285-5 Prohibited conduct.**

No person shall open or shut any public fountain, hydrant, stop-cock, water-gate or blow-off attached to any water pipe belonging to the Town, or take, use or in any way meddle with the hose, hose carriages, pipes, wrenches; or any tools or implements of the Fire Department, except upon the instruction or permission of the Board of Selectmen or ~~Superintendent~~Director of Public Works; provided, however, that this article shall not affect the members of the Fire Department when in the exercise of their duties as firefighters.

**§ 285-6. Penalties for offenses.**

Every person who shall violate any of the provisions of this article shall, upon conviction, pay a fine of not more than \$100. ~~or be imprisoned in the Litchfield County Jail not exceeding 30 days, or both.~~

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Chapter 288  
**Peddlers, Solicitors, Vendors and Auctioneers**

Article I  
**Display of Merchandise**

**§ 288-1 Placement on public ways prohibited.**

The placing, exhibiting or maintaining of any fruit, vegetables, meats, merchandise or other wares, or ~~any fruit, vegetable, meat, merchandise, or~~ other stands or tables, on any sidewalk, street or highway within the territorial limits of the ~~City~~Town of Win~~chede~~r is hereby prohibited.

**§ 288-2 Penalties for offenses.**

Every person who shall violate any of the provisions of this article shall, upon conviction, pay a fine of not more than \$~~1500, or be imprisoned in the Litchfield County Jail not exceeding 30 days, or both.~~

Article II  
**Peddling**

**§ 288-5 License required; fee; term.**

No person shall engage in peddling in or upon the streets, sidewalks, or highways of the Town of Winchester without first having obtained a license so to do from the Chief of Police. This section shall not apply to persons exempted under the General Statutes of this state nor to children's lemonade stands. The Chief of Police shall have the authority to issue such license upon application therefor; provided, however, that a license fee ~~of \$25~~as set from time to time by the Board of Selectmen is paid in advance by the licensee, and such license shall be issued for the period of one year from the date of issue.

**§ 288-8 Penalties for offenses.**

Any person who shall engage in peddling without being duly licensed as herein provided and any person who shall violate any other provision of this article shall be fined \$~~50~~200 and the Purchasing Agent and/or Chief of Police shall revoke the license of any person convicted of violation of any of the provisions of this article; and each sale made in violation of the provisions and regulations herein contained shall constitute a separate offense.

Article III  
**Soliciting Orders**

**§ 288-11 Posted premises.**

A. The occupant or occupants of each residence in the Town may determine whether solicitors shall or shall not be invited to their respective residences.

B. Form of notice.

(1) Notice of an occupant's giving invitation to solicitors, or refusal to give such invitation, to any residence, shall be given by notice posted at the main entry door to the premises in the following manner:

"No Solicitors Invited, Winchester Code, Ch. 288, Art. II, § 288-11"

(2) The letters shall be easily visible to anyone seeking entry to the residence. Posting of this card shall constitute sufficient notice to any solicitor, hawker, peddler or canvasser of the determination by the occupant of the residence of the information contained on it.

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- C. Each solicitor shall have the duty, upon going onto any premises in the Town on which a residence is located, to examine and look for the notice provided herein, if any is posted, and to be governed by the statements contained on the notice. If the notice states "No Solicitors Invited," then any solicitor, whether licensed or exempt from licensing, shall immediately and peacefully depart from the premises.
- D. Any solicitor, whether invited or not, who has gained entrance to any residence shall immediately and peacefully depart from the premises when requested to do so by an occupant therein.
- E. It shall be unlawful and shall constitute a nuisance for any person to go upon any premises and ring a doorbell upon or near any door or create any sound in any other manner calculated to attract the attention of an occupant within a residence, for the purpose of gaining an audience with that occupant and engaging in soliciting, hawking, peddling or canvassing, in defiance of the notice exhibited at the residence entry in accordance with this article.
- F. For the purpose of this section, the term "solicitor" shall include hawkers, peddlers, vendors, canvassers, and solicitors and any sign so posted shall be notice to all such persons.

**§ 288-12 Penalties for offenses.**

Any person who shall engage in soliciting orders without being duly licensed as herein provided and any person who shall violate any other provision of this article shall be fined \$50200 and the Chief of Police shall revoke the license of any person convicted of violation of any of the provisions of this article; and each sale made in violation of the provisions and regulations herein contained shall constitute a separate offense.

Article IV  
**Itinerant Vendors and Auctioneers**

**§ 288-13 Definitions.**

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

**ITINERANT VENDOR**

Any person who engages in a temporary or transient business in the Town of Winchester selling goods, wares and merchandise and who, for the purpose of carrying on business, hires, leases or occupies a building or structure, or space, for the exhibition and sale of such goods, wares and merchandise. ~~This section shall not apply to any person exempt under Sections 21-27 and 21-30 of the Connecticut General Statutes.~~

**§ 288-14 License required.**

No person shall engage in the business of "itinerant vendor" or "auctioneer" unless such person has a license to do so from the Chief of Police. ~~Prior to the issuance of such a license each Itinerant Vendor applicant shall provide to the Chief of Police a valid State of Connecticut Itinerant Vendors License issued pursuant to Connecticut General Statute § 21-28 and 21-29~~ has received any other required local or state permits or licenses.

**§ 288-16 Endorsement of license.**

In the case of a license for an itinerant vendor, upon payment of such fee, the Town Clerk ~~shall record any applicant's state license in full,~~ shall endorse thereon the words "local license fees paid" and shall affix thereto his official signature and the date of such endorsement.

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**§ 288-18 Penalties for offenses.**

Any person who shall violate any other provision of this article shall be fined \$150 and the Chief of Police shall revoke the license of any person convicted of violation of any of the provisions of this article; and each sale made in violation of the provisions and regulations herein contained shall constitute a separate offense.

Article V

**Peddling Food Near School Property**

**§ 288-20 Penalties for offenses.**

Any person, firm or corporation violating any provision of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$150 for each violation.

Chapter 294

**Polystyrene Food Containers and Packaging**

~~**Task force.**~~

~~On or before December 15, 1990 the Board of Selectmen shall appoint a five-member task force.~~

~~A.—The task force will be responsible for public education and promotion of the objectives of this ordinance, including alternative products research.~~

~~B.—The task force shall consult with the official designated pursuant to § **294-2A** herein regarding the demonstration by restaurants, retail food vendors, nonprofit food providers or food packagers of their comprehensive recycling effort of polystyrene used in the Town of Winchester. Said consultation shall include a report to the Board of Selectmen of the effectiveness of polystyrene recycling efforts in meeting the objectives of this ordinance as stated in the preamble.~~

~~C.—The task force will prepare two annual reports, which includes the report referred to in Subsection **B**, with recommendations to the Selectmen, with the first report due within one year from the effective date of this ordinance as stated in the preamble.~~

Chapter 297

**Property Maintenance**

Article I

**Open Storage of Junk Vehicles**

**§ 297-4 Penalties for offenses.**

Any person, firm or corporation who violates this article shall, on conviction thereof, be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$~~250~~100.

Article II

**Property Maintenance Code**

**§ 297-9 Penalties for offenses.**

Any person, firm or corporation who violates this article shall, on conviction thereof, be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$100.

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Chapter 305  
**Rental Property**

**§ 305-2 Certificate of occupancy required.**

An apartment or dwelling unit in any structure containing three or more housing units cannot be occupied for human habitation; until a certificate of occupancy has been issued by the ~~Housing Inspector~~Building Official or his authorized representative, certifying that such apartment or dwelling unit conforms to the requirements of the Housing Code of the Town of Winchester; and the Connecticut General Statutes. Such certificates shall be issued biennially. No provision of this section shall apply to any structure occupied by an owner thereof and containing two or less housing units. No provision of this section shall be construed to prohibit human occupancy of such apartment or dwelling unit during the pendency of an application for such a certificate.

**§ 305-5 Fees.**

- A. The ~~Housing Inspector~~Building Official shall charge a fee ~~of \$25~~as set from time to time by the Board of Selectmen for each unit, which is to be paid prior to the issuance of the certificate of occupancy.
- B. The ~~Housing Inspector~~Building Official may charge an additional ~~\$25~~-fee as set from time to time by the Board of Selectmen if a reinspection is necessary in order for the dwelling to comply with § 305-1.

Chapter 310  
**Rooming Houses**

**§ 310-8 License fee.**

The fee for a rooming house license shall be ~~\$15~~set from time to time by the Board of Selectmen.

Chapter 319  
**Scenic Roads**

**§ 319-1 Objective.**

The objective of this chapter is to preserve certain roads or portions of roads within the Town of Winchester that are scenic and/or have historic significance. This preservation effort shall balance the need to provide safe and convenient public transportation routes with the need to preserve scenic and historic areas within the Town of Winchester.

**§ 319-4 Application for scenic designation.**

- A. The Planning and Zoning Commission shall consider a road or portion thereof for designation as scenic upon receipt of an application provided by the Planning and Community Development Department of the Town of Winchester. The Planning and Zoning Commission may itself submit such an application in the prescribed format upon approval of a majority of its voting members.

**§ 319-5 Application to rescind designation.**

- A. The Planning and Zoning Commission ~~shall~~may rescind the designation of a road or portion thereof as scenic, provided that the owners of a majority of the lot frontage abutting the scenic road request such action.



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Chapter 323  
**Sewers**

**§ 323-2 Definitions.**

Unless specifically indicated otherwise in the content, terms used in this chapter shall have the following meanings:

**SEWER COMMISSION**

The ~~Board of Water and~~ Sewer Commissioners of the Town of Winchester as defined in Section ~~71 as amended~~ 605 of the Town Charter, as amended.

**§ 323-5 Building sewers and connections.**

- B. There shall be two classes of building sewer permits: 1) for residential and commercial service, and 2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee ~~of \$5~~ for a residential or commercial building sewer permit ~~and \$15~~ or for an industrial building sewer permit, in amounts set from time to time by the Water and Sewer Commission, shall be paid to the Town Treasurer at the time the application is filed.

**§ 323-7 Protection from damage.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct, and subject to the maximum fine permitted by state law ~~of not more than \$100~~ for each violation.

**§ 323-9 Penalties for offenses.**

- B. Any person who shall continue any violation beyond the time set forth in any notice served upon him in accordance with the provisions of Subsection A of this section shall forfeit to the Town and pay to the Treasurer thereof, the sum of \$50 maximum fine permitted by state law for each such violation, and may be prosecuted criminally for such violation and fined ~~not more than \$7~~ the maximum fine allowed by state law for each offense; provided, however, that each day in which any such violation shall continue shall be deemed a separate offense; and provided further that no person shall be sued in a civil action and prosecuted criminally by the Town for the same offense.

**§ 323-10 Liens.**

- B. The provisions of Subsection A of this section shall be in addition to, and not in derogation of, the provisions of ~~Article XVI~~ Section 1406 of the Charter of the Town of Winchester, as amended.

Chapter 334  
**Special Events**

**§ 334-4 Application contents; fee.**

The application for such a license shall be made in the name of the person or persons, corporation, club or association responsible for the presentation. A fee as set from time to time by the Board of ~~\$25~~ Selectmen shall be paid at the time of the application, except that no fee shall be required of a charitable or nonprofit organization. The application shall contain the following information under oath: . . .

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**§ 334-8. Penalties for offenses.**

Any person, corporation, partnership, club or association violating any of the provisions of this chapter shall be fined not more than \$100 ~~or be imprisoned not exceeding 30 days, or both,~~ for each offense. Each day on which any provision of this chapter is violated shall constitute a separate offense.

Chapter 340  
**Streets and Sidewalks**

Article I  
**Excavations**

**§ 340-1 Permit required; fee; term.**

No person, firm or corporation shall make any opening or excavation in any street, highway, public right-of-way or sidewalk, except a state highway, for any purpose whatever except under the control and direction of the Board of Selectmen and only after receipt of a permit and except in conformity with this article. The fee for this permit shall be ~~\$50~~ set from time to time by the Board of Selectmen, and all permits shall expire 30 days after issuance unless sooner revoked.

**§ 340-2 Application for permit; indemnification of Town.**

Applications for such permit shall be made to the ~~Superintendent~~ Director of Public Works ~~or his designee,~~ and the applicant shall furnish to the ~~Superintendent~~ Director of Public Works ~~or his designee~~ evidence of insurance or shall furnish a bond with sufficient surety that the Town and its officers, agents and employees shall be saved harmless from all claims, suits, liability and actions for, or on account of, any injuries or damage received or sustained by any person or corporation in consequence of, or resulting from, any act done or work performed by said applicant, his servants or agents, including any injuries or damages received or sustained from the time of the commencement of the work to and including a period of one year after the opening shall have been repaved.

**§ 340-4 Penalties for offenses.**

Any person, or any member of a firm, or any officer of a corporation or firm violating any provision of this ~~ordinance~~ article shall be fined not more than ~~\$250~~ 100 per day, ~~or imprisoned not more than 30 days~~ for each ~~offense.~~ Each additional day of violation shall constitute an additional offense.

Article II  
**Doors and Gates over Sidewalks**

**§ 340-7 Penalties for offenses.**

Every person who shall violate any of the provisions of this article shall, upon conviction, pay a fine of not more than \$100 ~~per day, or be imprisoned in the Litchfield County Jail not exceeding 30 days, or both.~~ Each additional day of violation shall constitute an additional offense. In addition, the offender must pay to abate the nuisance.

Article III  
**Hatchway Entrance Through Sidewalks**

**§ 340-8 Permit required; application.**

No person, firm, or corporation, or officers or employees of any corporation, shall dig any hatchway entrance through or into a sidewalk or footpath in any highway in the ~~City~~ Town of Win~~chester~~ chester until he shall have applied for and secured from the Board of Selectmen a permit therefor, nor shall any person make any opening in, or tear up any sidewalk or portion thereof, except for the purpose of repairing such walk or footpath, without permission

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from the Board of Selectmen or the ~~Superintendent of Streets and Highways~~Director of Public Works or his designee. All application for permits to erect any hatchway must be in writing and must state the location of said hatchway, dimensions of the same, material of which the same is to be constructed and covered, and must be signed by the owner or person having control of the property into which said hatchway leads.

**§ 340-10 Inspection by Director of Public Works.**

It shall be the duty of the ~~Superintendent of Streets and Highways~~Director of Public Works or his designee to observe the condition of all hatchways which extend into the sidewalks or footpaths of ~~said City~~the Town, or which extend so close to any sidewalk or footpath as to endanger the public thereby, and for that purpose he is hereby authorized to enter the basements or cellars of buildings where such hatchways or entrances exist and shall recommend to the Board of Selectmen, from time to time, such changes in or repairs of any hatchway as in his opinion public safety and convenience requires.

**§ 340-11 Penalties for offenses.**

Any person who shall violate any provisions of this article, or who shall fail to comply with any order of the Board of Selectmen concerning the maintenance and repair of any hatchway, shall be fined not more than \$~~50~~100 ~~per day or imprisoned not more than 30 days, or both. Each additional day of violation shall constitute an additional offense. In addition, the offender must pay to abate the nuisance.~~

Article IV  
**Supervision of Sidewalks**

**§ 340-12 Duty of Director of Public Works.**

It shall be the duty of the ~~Superintendent of Streets and Highways~~Director of Public Works or his designee to keep ~~a~~ strict supervision over all sidewalks and crosswalks of whatever material the same may be composed, which have been laid out or may hereafter be laid out in ~~said city~~the Town, and see that said sidewalks and crosswalks are always kept in good repair, clean and free from dirt, snow, ice, rubbish or other material and obstructions; and it shall also be the duty of said ~~Superintendent~~Director to execute all orders of the Board of Selectmen in reference to the building, maintaining and repairing of sidewalks and crosswalks, and railings, and to see that all ordinances of the Board of Selectmen in reference to the removal of dirt, snow, ice, rubbish or other material or obstructions from the sidewalks and crosswalks in ~~said City~~the Town are complied with, and the due observance of all bylaws relating to sidewalks and crosswalks in ~~said City~~the Town are complied with and the enforcement thereof.

Article V  
**Removal of Snow, Ice and Debris on Sidewalks**

**§ 340-13 Snow, plantings and debris removal.**

- A. It shall be the duty of the owners or occupants of the property adjoining sidewalks to clear the same from ice and snow within 24 hours after the depositing or accumulation thereof upon such sidewalks; and it shall also be the duty of any such owner or occupant, immediately after the ceasing of any snow or ice storm, to immediately remove all ice and snow from such sidewalk.
- B. It shall be the duty of the owners or occupants of the property adjoining sidewalks to clear and maintain ~~free of~~ the same free from plantings and debris, including grass, shrubs, leaves, branches and twigs, including ~~overhanging~~ branches and twigs overhanging the sidewalk at a distance of less than eight feet above the sidewalk.

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~~C.—If any such owner or occupant shall fail, neglect or refuse to clear the adjoining sidewalks, he shall be fined not exceeding \$100 and also pay the costs and penalty provided by the Charter for the removal of such snow and ice within 24 hours thereafter, or of plantings and debris.~~

**§ 340-15. Penalties for offenses.**

Except as otherwise provided in this article, every person who shall violate any of the provisions of this article shall, upon conviction, pay a fine of not more than \$100, ~~or be imprisoned in the Litchfield County Jail not exceeding 30 days, or both.~~

Chapter 345  
**Swimming Pools**

**§ 345-4 Enforcement; penalties for offenses; appeals.**

The Building Official shall be responsible for enforcement of the provisions of this chapter. Any owner of a swimming pool found to be in violation of the provisions of this chapter who, after written warning by certified mail, fails to correct the violation within 30 days; shall be fined ~~\$50~~100 for each day thereafter that the violation is allowed to continue. Any person cited hereunder may appeal the enforcement officer's decision to the Town Manager within 10 days after receipt of written warning by the Building Official. The Town Manager is authorized to enforce the provisions of this chapter against any noncomplying owner of a swimming pool by obtaining a court-ordered injunction. Any expenses or costs incurred in obtaining a judicial order will be assessed against the owner.

Chapter 350  
**Taxation**

Article I  
**Payment of Taxes**

**§ 350-1 Installment payments.**

~~That taxes~~Taxes for fiscal years commencing on and after July 1, 2009, shall be payable in two installments, one-half on July 1 and the second half on the following January 1; unless the total tax payable on any list shall be ~~less~~not more than \$100, in which case the full amount shall be due and payable on July 1 in each year, commencing July 1, 2009.

Article II  
**Exemption for Solar Energy Systems**

**§ 350-2 Exemption granted; term.**

Any building or addition to a building, the construction of which is commenced on or after October 1, 1976, and before October 1, 1991, which is equipped with ~~an~~ an active solar energy heating or cooling system, to the extent of the amount by which the assessed valuation of such real property equipped with such active solar heating or cooling system exceeds the assessed valuation of such real property equipped with the conventional portion of the heating or cooling system, exclusive of any portion of such system related to solar energy, is exempt from assessment. This exemption shall only apply to the first 15 assessment years following construction of such building or addition.

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**§ 350-3 Definitions.**

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

**ACTIVE SOLAR HEATING OR COOLING SYSTEM**

Equipment, including windmills and waterwheels, which provides for the collection, transfer, storage and use of incident solar energy for water heating, space heating or cooling, which, absent such solar energy system, would require a conventional energy resource, such as petroleum products, natural gas or electricity, which employs mechanical means such as fans or pumps to transfer energy and which meets standards established by regulation by the ~~Commissioner~~Secretary of planning~~the Office of Policy and energy-~~policy~~Management~~.

Article III  
**Waiver of Minimum Taxes**

**§ 350-5 Waiver amount.**

In accordance with C.G.S. § 12-144c, as amended, the payment of any property tax due and owing the Town of Winchester in an amount less than \$35 shall be waived.

Article VI  
**Exemption for Veteran's Property With Specially Adapted Housing**

**§ 350-8 Exemption granted.**

Pursuant to Title 38 of the United States Code ~~that~~, the dwelling house and the lot whereupon the same is erected, belonging to or held in trust for any citizen and resident of this state, occupied as his domicile shall be fully exempt ~~from~~ local property taxation if he/she is a veteran who served in the Army, Navy, Marine Corps, Coast Guard, or Air Force of the United States and has received financial assistance for specially adapted housing under the ~~provision of Section 801 of Title 38 of the United States Code~~provisions of 38 U.S.C. § 2101 and has applied such assistance toward the acquisition of such dwelling house. The same exemption may also be allowed on such housing units owned by the unremarried surviving spouse of such veteran, or by such veteran and spouse while occupying such premises as a residence.

Article X  
**Senior Citizen Tax Freeze**

**§ 350-16 Authority.**

Pursuant to the authority granted under ~~Public Act 06-176~~C.G.S. § 12-170v, the tax relief for elderly homeowners provided under said statute is hereby adopted as follows.

**§ 350-21 False statement penalties.**

Anyone who knowingly makes a false application to claim the tax relief herein will be subject to a fine of \$2500. Any person who fails to disclose all relevant matters or makes a false statement with the intention to defraud the Town must also refund any and all benefits obtained through this article to the Town.

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Chapter 356  
**Trees**

**§ 356-9 Penalties for offenses.**

Any person who violates the provisions of this chapter shall be assessed a fine not to exceed ~~\$90100, in addition to any other fines or community service which may result.~~ Each tree in violation of this chapter shall constitute a separate offense.

Chapter 367  
**Vehicles and Traffic**

Article II  
**Traffic Near Fires**

**§ 367-5 Following fire apparatus prohibited.**

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or ~~drive or park~~ such vehicle within ~~800 feet of the block~~ where fire apparatus has stopped in answer to a fire alarm.

**§ 367-6 Driving over fire hose prohibited.**

~~No vehicle shall be driven over an unprotected hose of a Fire Department when laid down on any street or private driveway to be used at any fire, or alarm of fire, without the consent of a Fire Department official in command.~~

No person will be allowed to drive over fire hose with any vehicle, in any street or highway, while it is in use for the purpose of extinguishing fires or for any other purpose. It shall be the duty of the Chief, his Deputies or any member of the Fire Department to rigidly enforce this section, and any violation thereof shall be punished or fined as allowed by Connecticut General Statutes.

**§ 367-7 Penalties for offenses.**

Any person who shall violate any provision of this article ~~shall be guilty of a misdemeanor and~~ shall be subject to a fine of not more than ~~\$5090~~ for each violation.

Article VI  
**Impoundment of Vehicles**

**§ 367-20 Notice of removal.**

Whenever an officer causes the removal of a vehicle and the officer ~~knows or is able to ascertain~~ determines from ~~the available~~ registration ~~records in the vehicle information~~ the name and address of the owner thereof, such ~~owner/officer~~ shall promptly give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

Article VIII  
**Penalties for Parking Violations**

**§ 367-27 Penalties for offenses.**

Penalties for violations of this parking regulation are as follows:

- A. A fine of ~~\$1530~~ for a Class 1 violation.

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- B. A fine of ~~\$50~~75 for a Class 2 violation.
- C. A fine of \$100 for a Class 3 violation.
- D. All fines shall double if the penalty is not paid within seven days.

Article X  
**Motorized Recreation Vehicles**

**§ 367-35 Regulated use.**

The Town Manager or his duly authorized agent, upon approval of the Board of Selectmen, is hereby authorized to determine which parks or other lands owned or leased by the Town may be used for snowmobiling or other motorized recreation vehicles and shall promulgate rules and regulations for the use of snowmobiles and other motorized recreational vehicles. Said rules and regulations shall provide the time and manner of the operation of snowmobiles and other motorized recreation vehicles for the purpose of protecting the public land and persons using same. A copy of said rules and regulations shall be available in the Town Hall and shall be given to all permittees upon issuance of the permit required in § ~~367-34~~.

Chapter 373  
**Waste Management**

Article I  
**Garbage Collection and Transportation**

**§ 373-1 Covering during hauling required.**

No person, firm or corporation engaged in the business of collecting garbage, refuse or rubbish, ~~or~~and no person acting as employee, servant, or agent of such person, firm or corporation, shall haul garbage, refuse or rubbish over the streets of the Town unless the garbage, refuse or rubbish is properly covered at all times except while actually loading and unloading.

**§ 373-3 Penalties for offenses.**

Any person, firm or corporation violating any provision of this article ~~shall be deemed guilty of a misdemeanor, and upon conviction thereof~~ shall be punished by a fine of not more than ~~\$50~~100 for each violation.

Article III  
**Dumpsters**

**§ 373-9. Penalties for offenses.**

Any person, corporation, partnership or association violating any of the provisions of this article shall be fined not more than \$100, ~~or be imprisoned not exceeding 30 days, or both,~~ for each offense. Each day on which any provision of this article is violated shall constitute a separate offense.

Chapter 377  
**Water**

**§ 377-2 Water rent charged unless notice of disuse is provided.**

In all occupied premises, every private fountain, hydrant, bath, water closet, sink, or other fixture, whether used or not, will be deemed and held as used, and will be charged for so long as such fountain, hydrant, bath, water closet,



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sink, or other fixture shall remain connected with the pipes of the water works, unless the owner or occupier of the premises shall have given written notice to the ~~said Superintendent~~ Director of Public Works or designee of its disuse, when a disconnection will be made at the expense of the owner and the use of the water charged for to the time of the Superintendent receiving such notice. The charge to the owner for shutting off said water shall ~~not be less than \$1~~ be set from time to time by the Water and Sewer Commission.

**§ 377-4 Plumber to make connection.**

When an application has been granted, the applicant shall choose a good and responsible plumber and receive from said Superintendent a written order for said plumber to make connection to the service pipe or make other additions, but no service pipe will be permitted or allowed to remain on any premises where the ~~annual water~~ rent is less than ~~\$4~~ the appropriate annual base rate.

**§ 377-5 Facilities furnished by Water Works; excavations in street.**

The Water Works will furnish for each service one corporation cock and connection, service pipe to the sidewalk, one stop cock, box and cover, and will tap and connect with the main pipe and the stop cock at the sidewalk. The Water Works only shall do the excavating from the street main to the sidewalk or curbline at the expense of the owner of the premises, payable in advance, at ~~the following rates per linear foot: \$0.75 in dirt road; \$1 in improved or macadam road; \$2 in cement pavement~~ rates set from time to time by the Water and Sewer Commission.

**§ 377-7 Inspection by Superintendent, penalties for offenses.**

The Superintendent shall be permitted during all proper hours to visit all places where water is introduced and shall have the right at all times without previous notice to shut off the water for violation of these rules. The water will not again be supplied until all arrears of rent, expenses of shutting off and letting on are paid by the owner of the premises, and the charge for shutting off said water ~~shall not be less than \$1, and like sum~~ for letting on the same shall be set from time to time by the Water and Sewer Commission.

~~**Monthly report of connections by plumbers.**~~

~~It shall be the duty of each and every plumber to return in writing to the said Superintendent during the first week of each month all connections or extensions of service pipe made by him not before returned, giving the location of the premises, the name of the owner, the character of the work, the number of hydrants, baths, water closets, fountains, hose fixtures or other fixtures connected with such works, and upon his failure so to do he shall be liable to a criminal prosecution and the punishment and penalty as hereinafter provided.~~

**§ 377-8 Opening and shutting off hydrants and other facilities prohibited.**

No person shall open or shut any public fountain, hydrant, stop cock, water gate or blow-off attached to any water pipe belonging to the ~~Water Works~~ Fire Department, except ~~by upon the instruction or~~ permission ~~and direction of~~ said Superintendent. This rule will the Water and Sewer Commission or Director of Pubic Works or designee; provided, however, that this section shall not ~~apply to~~ affect members of the Fire Department when in the exercise of their duty as firemen.

**§ 377-13 Penalties for offenses.**

Every person who shall violate any of the provisions of §§ 377-1 through 377-12 shall, upon conviction, pay a fine ~~of not more than \$500~~ equal to the maximum permitted by state law.

**§ 377-9. Shut-off for repairs.**

The Water Works and said Superintendent, and other officers and employees who are duly authorized, reserve the right at all times without previous notice to shut off the water for necessary repairs, extending or other necessary



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purposes of the Works, and neither the Town nor the ~~Winsted Water Works~~Water and Sewer Commission nor said Superintendent nor any of said employees shall be responsible or liable to water-takers for damages done thereby, or in any other manner.

**§ 377-14 Meters.**

- F. If the owner of the premises has reason to believe that a meter is not registering accurately, the Water Works will test the meter if requested by the owner of the premises so to do. If the meter so tested is found to be registering without error exceeding the limits of error specified by the Public Utilities Commission of Connecticut, the owner of the premises will be charged for the expense of testing the meter. If, however, the meter is found to be registering in excess of the limits specified above, there will be no charge for testing, and the owner of the premises will be given a rebate on the basis of the excess error in registration in accordance with the rules of the Public Utilities Commission for the period subsequent to the meter reading for the last ~~semi-annual bill~~quarterly bill.
- G. Any owner who refuses to allow access to their premises to the Water Works for purposes of the installation of a meter shall be subject to a discontinuance of the water service. The discontinuance shall continue until the meter is installed and the owner has paid for the cost of the meter, its installation and a ~~\$60 service-charge~~service charge in an amount set from time to time by the Water and Sewer Commission.

**§ 377-15 Extensions of service.**

Any person desiring to have water service extended to his premises shall make written application therefor to the Superintendent of the Water Works, which application shall be accompanied by a fee ~~of \$25~~as set from time to time by the Water and Sewer Commission, and shall state the nature and extent of the service and usage and shall describe the location of the premises with respect to the existing terminus of the service nearest the premises. In the event the Board of Selectmen shall decide not to extend the service, the fee shall be returned to the applicant; otherwise, it shall be applied to the cost of the extension, its maintenance and repair.

Chapter 380  
**Water Bodies, Public**

**§ 380-2 Governing authority.**

The Town of Winchester Inland Wetlands ~~and Watercourses Agency~~Commission, or any other body created or designated by the Board of Selectmen, shall be the body responsible for administering this chapter (hereinafter the "Commission").

**§ 380-7 New structures or objects.**

- A. Only authorized docks, walkways, swim floats, boat lifts, personal watercraft lift/floats, mooring buoys and markers may be installed in, on or over a watercourse. Any other structure or object shall not be allowed in, on or over the watercourse. Pursuant to Section 15-121-A5 of the Regulations of Connecticut State Agencies, before any markers may be placed, authorization from the Commissioner of Energy and Environmental Protection is required.

**§ 380-12 Markers.**

- A. Pursuant to the Regulations of Connecticut State Agencies, no marker of any kind may be placed in a watercourse without a permit from the DEEP ~~Navigation/Safety~~ Boating Division.

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