SEC. 131    HIGHLAND LAKE COMMISSION
Be it ordained by the Board of Selectman of the Town of Winchester, Connecticut that
Sec. 131 of the By-Laws and Ordinances is hereby repealed effective April 7, 1997.
SEC. 132  ADOPTION OF CODE OF ETHICS
That a certain document, three (3) copies of which are on file in the office of the Town Clerk of the Town of Winchester, being marked and designated as Code of Ethics for the Town of Winchester, be and is hereby adopted as the Code of Ethics for the Town of Winchester, and all of the provisions thereof are hereby referred to, adopted, and made a part of thereof, as if fully set out in this ordinance. ORIGINALLY EFFECTIVE ON NOVEMBER 14, 1983, AMENDED ON FEBRUARY 7, 2005 AND EFFECTIVE MARCH 2, 2005; FURTHER AMENDED DECEMBER 4, 2017 AND EFFECTIVE DECEMBER 25, 2017.

CODE OF ETHICS OF THE TOWN OF WINCHESTER

Be it ordained by the Board of Selectmen of the Town of Winchester, Connecticut:

Section 1.  Declaration of Policy
The proper operation of Town government requires that public officers and employees be independent, impartial and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure; that public office and employment not be used for personal gain; and that the public have confidence in the integrity of its government. The purposes of this Code are to set forth standards of ethical conduct; to assist public officers and employees in establishing guidelines for their conduct; and to develop and maintain a tradition of responsible and effective public service.

As required by Section 7-148b(a) of the Connecticut General Statutes, as amended, the provisions of Section 1-82(a) through (c) of the Connecticut General Statutes, as amended shall apply to all investigations and hearings held under this chapter. If the Board determines that there is probable cause, it shall continue the investigation and hold such further hearings as may be necessary; and if the Board determines that the respondent has, in fact, violated the provisions of this Code, it shall file a memorandum of decision with a recommendation for appropriate action with the Board of Selectmen.

Section 2.  Definitions
As used in this Section, the following words, unless a different meaning is required by the content or is specifically prescribed, shall have the following meanings:

a. AGENCY shall include the Board of Selectmen and the Board of Education of the Town, and all commissions, committees, boards and agencies appointed by either such Board;

b. COMMISSION shall mean the Ethics Commission established under Section 11;

c. CODE shall mean this Code of Ethics;

d. FINANCIAL INTEREST shall mean any financial interest, direct or indirect, which is of more value than $100.00 to an officer, employee or member of an agency of the Town and which is not common to the interest of other citizens or nonresident taxpayers of the Town. FINANCIAL INTEREST shall include the private financial interest of a spouse or child who is a member of the household. FINANCIAL INTEREST shall also include the interest of any subcontractor of any prime contract
with the Town and the interest of any spouse or child who is a member of the household in any corporation, firm or partnership, which has a direct or indirect interest in any transaction with the Town. TRANSACTION shall include the offer, sale, or furnishing, of any real or personal property, material, supplies, or services, by any person, directly or indirectly, as vendor, prime contractor, subcontractor or otherwise, for the use and benefit of the Town for a valuable consideration;
e. OFFICER or EMPLOYEE shall include any Town official (other than a Justice of the Peace) elected by the public, and any employee of the Town or of any agency.

Section 3. Impartiality
No officer, employee or member of an agency shall grant any special consideration, treatment or advantage to any person beyond that which is available to every other person similarly situated.

Section 4. Confidential Information
No officer, employee or member of an agency shall, without proper authorization, disclose confidential information concerning Town affairs, nor shall he use such information to advance the financial interests of himself or others.

Section 5. Use of Public Property
No officer, employee or member of an agency shall use or permit the use of Town-owned or leased vehicles, equipment, material or property for personal convenience or profit except when the use thereof is available to the public generally or is provided in conformance with established Town policies for such person in the conduct of Town business.

Section 6. Gifts and Favors
No officer, employee or member of an agency shall accept from any person in any calendar year any gifts or favors having a total value in excess of $100.00, whether in the form of a service, a loan at less than a commercially reasonable interest rate, a material thing, or a promise from any person who to his knowledge has an interest, direct or indirect, in the business dealings of the Town; nor shall any such person accept, agree to accept or solicit any gift or favor that may tend to influence him in the discharge of his duties or to influence any improper service, favor or thing of value.

Section 7. Conflict of Interest
a. FINANCIAL INTEREST No officer, employee or member of an agency shall have any financial interest, or engage in any transaction or professional activity or incur any obligation of any nature, which is in conflict with the proper discharge of his duties in the public interest or which will impair his independence of judgement or action in the performance of his official duties; but the existence of such a financial interest shall not constitute a violation of this provision if the person complies in all respects with the provisions of Section 8.
b. EMPLOYMENT No officer, employee or member of an agency shall engage in or accept private employment or render services for private interests when the employment or service is incompatible with the proper discharge of his official duties.
or would tend to impair his independence of judgement or action in the performance of his official duties.

c. REPRESENTATION OF OTHERS BEFORE TOWN AGENCY OR AGAINST TOWN  No officer, employee or member of an agency shall knowingly render or agree to render for compensation or otherwise any service to any person or party other than the Town in connection with any cause, proceeding, application or other matter which is before any Town agency or is the subject of litigation to which the Town is a party; but nothing in this Section shall prohibit an officer, employee or member of an agency from appearing on his own behalf before any Town agency or in any litigation.

Section 8. Disclosure
a. If an officer, employee or member of an agency has a financial interest in the outcome of any matter coming before him in his official capacity, he shall file with the Town Clerk a written statement, regarding the existence of such interest; and he shall refrain from acting, or participating in the making of any decision, upon such matter, if the person is an employee of the Town he shall transmit a copy of the statement to the Town Manager; if the person is an employee of the Board of Education, he shall transmit a copy to the Board of Education; and if the person is a member of an agency he shall transmit a copy of the statement to the Chairman of the agency, who shall notify the other members of the agency of the receipt of the statement.

b. If an officer, employee or member of an agency has knowledge that a parent, child, sister, brother, partner or a corporation in which he owns more than ten (10) percent of the stock is doing business or proposes to do business with the Town, he shall file with the Town Clerk a written statement to that effect, he shall transmit a copy of the statement to the appropriate person or persons referred to in paragraph a. of this Section, and he shall refrain from acting or participating in the making of any decision regarding any such proposed business.

Section 9. Future Representation of Others
The provisions of paragraph (c) of Section 7 shall apply to any former officer, employee or member of an agency if the service concerns a matter which was pending before him prior to the time he ceased to be an officer, employee or member of an agency.

Section 10. Penalties
A violation of this Code of Ethics by any appointed officer, employee or member of an agency shall constitute grounds for disciplinary action, including but not limited to reprimand, suspension and dismissal.

Section 11. Ethics Commission
a. ESTABLISHMENT  There is hereby established an Ethics Commission to be composed of five residents of the Town appointed by the Board of Selectmen. No more than three (3) members of the Commission shall be members of the same political party. Members shall be appointed for terms of three (3) years, except that of the initially appointed members one (1) shall serve for a term of one (1) year, two
(2) shall serve for terms of two (2) years, and two (2) shall serve for terms of three (3) years. No person shall serve for more than two (2) 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:

i. Hold or campaign for any public office, or

ii. Hold office in any political party or political committee.

b. ORGANIZATION AND PROCEDURE The Commission shall elect a chairman and a clerk, and shall establish its own rules of procedure. Copies of the rules and all amendments thereof shall be filed in the office of the Town Clerk. The Commission shall keep records of its meetings and shall hold meetings at the call of the Chairman and at other such times as the Commission may determine.

c. ADVISORY OPINIONS At the written request of the Board of Selectmen or the Board of Education, the Ethics Commission shall render advisory opinions with respect to the applicability of the Code to a particular situation. The Commission shall also render advisory opinions at the written request of any actual or prospective officer, employee or member of an agency who is personally concerned. The identity of the individual requesting the opinion shall be treated as confidential, but the opinion of the Commission shall be a matter of public record and shall be filed in the office of the Town Clerk. Reliance in good faith upon an opinion of the Commission is an absolute defense to any action brought under this Code.

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.

1) All complaints alleging a violation of the Code of Ethics shall be in writing, conforming to the Board of Ethics Complaint Form, and must be signed and dated by all complainants. In accordance with Connecticut General Statutes Section 1-82a, as amended, all such complaints shall be confidential unless made public by the person against whom the complaint is made (herein referred to as the "respondent"). Failure by the complainant to observe the confidentiality required by the statute may result in summary dismissal of the complaint. Complaints shall address specific provisions of the Code of Ethics and/or contain sufficient detail to permit the Board to identify each section of the Code that is the subject of the complaint.

2) Complaints shall be written on the Board of Ethics Complaint Form and hand-delivered or mailed to the Chair of the Board of Ethics (herein referred to as the "Board"). Copies shall be sent promptly to members of the Board and to the respondent. The Board shall convene in an executive session and determine whether the complaint justifies an investigation. If the complaint fails to provide sufficient information upon which the Board can take appropriate action or fails to fall within the Board’s jurisdiction, the complaint shall be returned to complainant.

3) If, after preliminary review, the Board determines that the complaint fails to address a matter that is within the purview of the Code, the Board may dismiss the complaint without further proceedings.

4) If the Board determines that the complaint warrants an investigation, the Board may convene the entire Board to conduct a confidential investigation. As part of
the investigation, the respondent shall have the right to be present and heard. Upon completion of the investigation and after due discussion by the Board, the Board shall determine, by majority vote, whether or not probable cause exists that a violation of the ethics code has occurred.

5) Upon a finding of probable cause, the Board shall set a date for a public hearing on the complaint which is not less than 10 days nor more than 30 days after notice has been given to the respondent that the Board has found probable cause and is proceeding with a public hearing on the complaint. The date of the hearing may be set by the Board sooner than 10 days or later than 30 days for good cause shown. The reason for granting an earlier or later date shall be set forth in the minutes of the Board. Any hearing on a complaint may be adjourned by the Board for a reasonable time to allow all relevant evidence to be presented.

6) In accordance with Connecticut General Statutes Section 1-82a, as amended, not later than three days after the termination of the investigation, the Board shall inform the complainant and respondent of its finding and provide them a summary of its reasons for making that finding. If the Board finds no violation of the code, the complaint and the record of its investigation shall remain confidential, except upon request of the respondent. If the Board finds a violation of the code, such finding shall be forwarded, not later than five days after the termination of the investigation, to the Board of Selectmen with respect to respondents under its jurisdiction or to the Board of Education with respect to respondents under its jurisdiction. The finding shall also be made public, except as set forth in Section 1-82a, and except as may be otherwise ordered by a court of competent jurisdiction.

7) All hearings shall be conducted in accordance with Connecticut General Statutes Section 1-82a, as amended, with confidentiality rules strictly adhered to; provided, however, in the case of a nonpublic hearing, the respondent shall have the right to a public hearing. All parties shall have the right to legal counsel at their own expense. All parties are permitted to produce witnesses and to cross-examine witnesses. The Board reserves the right to call additional witnesses. Witnesses shall testify under oath. All parties shall have the right to be fully heard. Any party to the proceeding may introduce relevant documentary evidence. In nonpublic hearings, evidentiary documents shall be subject to the confidentiality rules.

8) Aside from the hearing process, the Board may conduct such other investigations as it deems necessary to reach a conclusion on a complaint, and the results of any such investigation shall be disclosed to the parties.

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 Code of Ethics § 13-2C(4) and other applicable law.

10) By Agreement of the Board and the parties in any proceeding conduction under the Code of Ethics and these rules, rules and procedures may be modified to
accommodate a particular circumstance, provided that any such modification shall be in accordance with applicable law.

e. EXPENSES AND COMPENSATION The members of the Commission shall serve without compensation for their services. In the performance of its duties and in the exercise of its powers, the Commission shall not incur any expense in excess of the funds appropriated by the legislative body for such purpose.

Section 12. Severability
If any section, clause, provision, or portion of this Code shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision, or portion of this Code.

Section 13. Effective Date
This Code shall become effective fifteen (15) days after publication in a newspaper having a substantial circulation in the Town of Winchester.

Section 14. Distribution of Code
The Town Clerk shall cause a copy of this Code of Ethics, Ordinance 132, as amended, to be distributed to every current town official, member of any board, commission or agency and employee of the Town of Winchester, elected or appointed, paid or unpaid, within sixty (60) days of the enactment of this Section 14. Each town official, member of any board, commission or agency and employee elected or appointed subsequent to enactment of this Section 14 shall be furnished a copy of this Code of Ethics before entering upon the duties of his or her office or employment. A signed receipt for all copies shall be returned to the Town Clerk and retained on file.

SEC. 133   BAZAARS & RAFFLES

The Town of Winchester hereby adopts the provisions of Public Act 409 of the 1955 session of the General Assembly, entitled, “An Act Concerning Bazaars and Raffles”, which act provides for the regulation and conduct of bazaars and raffles within the said Town of Winchester.

OPERATIVE JUNE 29, 1957.
SEC. 134       HEALTH STANDARDS FOR VOLUNTEER FIREFIGHTERS

Section 1. As used in this ordinance, "active duty" shall mean the performance of all normal duties of an interior and exterior firefighter or fire police officer, and the term "non-responder" shall mean the status of a firefighter who shall not respond or attend practices or drills, but who may attend meetings and exercise their right to vote.

Section 2. When any member of the Fire Department shall be hospitalized for any reason, said member shall automatically be placed on the non-responder list immediately upon their hospitalization. Said member shall only be returned to active duty upon their presentation to the Fire Chief or to a Deputy Fire Chief of a written certification by a physician that said member is physically fit to return to active duty.

Section 3. The Fire Chief and/or any Fire Officer in charge shall have authority at any emergency scene to order a firefighter to obtain immediate medical treatment and diagnosis and to submit to the Fire Chief within 24 hours thereof a report as to their medical condition. During said period the firefighter shall be on non-responder status, and shall remain on such until the Fire Chief is presented with written certification that said member is physically fit to return to active duty.

Section 4. The Fire Chief, or a Deputy Fire Chief, shall have the authority to request that a member of the Department be examined by the department medical authority to determine physical fitness of said member to be on active duty. Should a member so requested fail to obtain and present to the requesting Fire Officer within seven days of the date of said request, a written certification of a physician that said member is physically fit to be on active duty, the Fire Chief or Deputy Fire Chief shall have the authority to place said member on the non-responder list until such time as the member obtains such written certification. The total number of requests to any single member shall not exceed two per calendar year.

Section 5. (a) Any member may request to be placed on the non-responder list. Such status shall be effective immediately upon request.
(b) Any member who has been on the non-responder list for 180 consecutive days or 180 total days in a 365 day period may, with or without their consent, be removed from the Department by a majority vote of said member's company, or by action of the Fire Chief.
(c) Any member who has been on the non-responder list for 365 days, whether total or consecutive, may be removed from the Department by the Fire Chief.

Section 6. Each member of the Fire Department shall be required to have a Department approved physical examination every year, and those members of the Department who have reached their 40th birthday shall be required to have an annual examination which shall include an electrocardiogram. All of said examinations shall follow the requirements as set forth in the latest version of the National Fire Protection Agency (NFPA) Standard 1582 and shall be at the expense of the Department. Each member, when requested, shall present to the Fire Chief, or Deputy
Fire Chief, a written certificate that said member is fit for active duty as a condition to signing over.

Section 7. Any member aggrieved by the procedures contained in these sections shall have the right to appeal under the grievance procedures set forth in the Department's by-laws.

Section 8. Any member who is on the non-responder list and who performs any duty inconsistent with such status shall be subject to charges of insubordination and appropriate disciplinary action therefore.

Section 9. THIS ORDINANCE BECAME EFFECTIVE ON JANUARY 25, 1984.

SEC. 135 TOWN OF WINCHESTER MEMBERSHIP IN THE NORTHWEST HILLS COUNCIL OF GOVERNMENTS

Be it ordained by the Board of Selectmen of the Town of Winchester:

Section 1. Resolved, that the Board of Selectmen hereby ratifies the action of the Litchfield Hills Council of Elected Officials to join the Northwest Hills Council of Governments at their meeting of July 12, 2013 and, toward that end, the Litchfield Hills Council of Elected Officials formally adopted Sections 4-124i to 4-124p, inclusive, of the Connecticut General Statutes, in accordance with the procedures set forth in Section 4-124j of the Connecticut General Statutes.


Formerly called "Town of Winchester Membership in the Litchfield Hills Council of Elected Officials"
SEC. 136  POSSESSION OF OPENED CONTAINERS OF ALCOHOLIC
BEVERAGES PROHIBITED

Be it ordained by the Board of Selectmen of the Town of Winchester, Connecticut that
the following ordinance is hereby amended as follows:

Section 1.  Definitions:
a) "Alcoholic Liquor" shall be defined as set forth in Section 30-1 of the
   Connecticut General Statutes, as amended
b) "Parked Vehicle" shall be defined as any vehicle that is stationary
   whether the engine is running or not unless said vehicle is stopped in
   obedience to a traffic control sign or sign.
c) "Public Highway" means a highway, road, street, avenue, alley,
   boulevard or other way within and under control of the Town of
   Winchester, and open to public use, including the sidewalks of any
   such highway.
d) "Parking Area" means lots, areas or other accommodations for the use
   of parking of motor vehicles off the street or highway and open to
   public use with or without charge.
e) "Recreation Area" means any park, playground, beach, or recreation
   area owned or used by the Town including the Soldiers' Memorial
   Park.

Section 2.  Prohibited Acts:
The possession of any opened container holding an alcoholic beverage is
prohibited on any public highway, parking area or recreation area within
the Town of Winchester, except as permitted in Subsection 3 hereof.

Section 3.  Exceptions:
The possession of opened containers of alcoholic beverages is permitted
during any public function, festival or celebration being conducted
pursuant to a written permit issued by the Chief of Police or person
designated by the Chief to issue such permits.

Section 4.  Permit Applications:
An application for a permit shall be in writing directed to the Chief of
Police. The application shall state the name and address of responsible
officials of the organization sponsoring the function, festival or celebration
(event), shall specify the parts of the public highway, parking area or
recreation area to be used during the event, specify the beginning and
ending time of the event and if it continues for more than one (1) day, the
hours in each day it is to be conducted, the approximate number of people
to be in attendance and whether the event is open to the public.

The application shall be filed at least ten (10) days prior to the first day of
the event. The permit shall be issued or denied in writing at least four (4)
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 ten (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.

Section 5. Penalty:
Any person who violates any provision of this Ordinance shall be fined $90.00. EFFECTIVE JUNE 11, 1985; AS AMENDED AT BOARD OF SELECTMEN MEETING SEPTEMBER 18, 1995, PUBLISHED IN REGISTER CITIZEN OCTOBER 20, 1995 WITH AMENDMENTS EFFECTIVE NOVEMBER 4, 1995.
SEC. 137  SOLDIERS' MONUMENT COMMISSION CREATED AND POWERS GRANTED

Section 1. There is hereby created in the Town of Winchester a commission known as “Soldiers’ Monument Commission”. The Commission shall consist of nine (9) members, to be appointed by the Board of Selectmen. Members of said Commission shall serve for terms of five (5) years or until their successors are appointed except that the members of said Committee first appointed shall be appointed for such terms that the terms of three (3) members shall expire five (5) years from their appointment, three members’ terms shall expire three (3) years from their appointment, and three (3) members’ terms shall expire four (4) 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.

Section 2. The Commission shall have the power and is authorized to develop policy concerning the proper use and maintenance of the Soldiers’ Monument and shall make recommendations to the Board of Selectmen for actions necessary and appropriate to preserve and safeguard said structure and its surroundings.

Section 3. This Ordinance shall become effective on July 8, 1985.
SEC. 138  BICYCLE ORDINANCE

Section 1. No person shall ride a bicycle, including any forward movement of the bicycle, whether one foot or two feet are on the pedals on the sidewalk of Main Street from its intersection with Park Place West to its intersection with Monroe Place.

Section 2. Whenever any person is lawfully riding a bicycle upon any sidewalk, such person shall yield right-of-way to any pedestrian and shall give audible signal before taking overtaking and passing such pedestrian.

Section 3. Any person who violates this Ordinance shall be fined not more than twenty-five ($25) dollars for each offense.

Section 4. This Ordinance shall become effective on July 8, 1985.
SEC. 139  HIGHLAND LAKE, PROTECTION OF QUALITY OF WATER AT
REGULATION OF ACTIVITIES ON SAID WATERS

Section 1.  The protection of the quality of water at Highland Lake and the regulation
of activities on said waters are hereby declared necessary for the
protection of the health, property, safety and welfare of the public.

Section 2.  The following activities are prohibited at Highland Lake:

a.  The dumping or depositing of any garbage, litter, refuse, rubbish,
human or animal waste, or other foreign material into the waters of the
lake.

b.  The abandonment on the water or shorefront of any metal drums or
other material formerly used as docks, wharves, or other flotation
apparatus on the water.

c.  The abandonment on the water, shorefront, or lake bottom of any
sports equipment or related device.

d.  The use of metal drums for docks, wharves, or other flotation
apparatus, however, owners of existing docks or other flotation
devices now using metal drums shall be given until July 1, 1987 to
replace same with an acceptable alternative material.

Section 3.  The term “abandonment” is defined as a surrendering of all rights to an
article of property with the intention of not claiming any future rights to
same.

Section 4.  Any person who violates any provision of this Ordinance shall be fined
not more than one hundred ($100) dollars; or be imprisoned not exceeding
thirty (30) days, or be both fined and imprisoned.

THIS ORDINANCE SHALL BECOME EFFECTIVE ON JULY 22, 1985; AS
AMENDED EFFECTIVE NOVEMBER 12, 1985.
SEC. 140   ADDITIONAL TAX ASSESSMENT EXEMPTION FOR THE BLIND

Section 1.   The Town of Winchester hereby enacts the provisions of Public Act #85-165 authorizing an additional tax assessment exemption of up to $2,000 to qualifying blind individuals.

Section 2.   This Ordinance shall become effective on August 12, 1985.