TOWN OF POMFRET

CUMULATIVE SUPPLEMENT

TO

ORDINANCES

AND

SPECIAL ACTS

REVISION: ANNUAL TOWN MEETING – JUNE 7, 2017
REVISION: ANNUAL TOWN MEETING – MAY 17, 2018
REVISION: SPECIAL TOWN MEETING – MARCH 28, 2019
REVISION: SPECIAL TOWN MEETING – SEPT. 16, 2019
REVISION: SPECIAL TOWN MEEING – MARCH 1, 2021
REVISION: ANNUAL TOWN MEETING- MAY 19, 2022
LATEST REVISION: ANNUAL TOWN MEETING- MAY 10, 2023

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TOWN OF POMFRET

CUMULATIVE SUPPLEMENT TO ORDINANCES AND SPECIAL ACTS

REVISION: ANNUAL TOWN MEETING – JUNE 7, 2017
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TRAILER and TRAILER PARK ORDINANCE

The Trailer and Trailer Park Ordinance which was adopted by the Town of Pomfret at a Special Town Meeting held April 30, 1984, effective date May 25, 1984, and last amended at Special Town Meeting of August 4, 1987; was repealed at Special Town Meeting of April 5, 2005, effective date April 30, 2005.

ORDINANCE PERTAINING TO SPECIFICATIONS OF ROADS

Definition - The word **Roads** in this ordinance shall mean roads, streets or highways.

SECTION l. The construction of all roads to be offered for Town acceptance shall be subject to inspection at all times by the Board of Selectmen and shall meet the following requirements.

SECTION 2. The width of the right-of-way shall be a minimum of fifty (50) feet between property lines with corners rounded by curves of at least twenty-five (25) feet radius. The travel path shall be approximately centered in the right of way. There shall be a two (2) foot shoulder on either side of the traveled path.

SECTION 3. The traveled portion of the road consists of the following:
(Amendment to Section 3-Adopted at Special Town Meeting 2/8/l988)

a) The sub-base shall consist of not less than 12" depth of rolled gravel in accordance with State Highway Department Specifications.

(b) The base course shall consist of 6" depth of processed aggregate in accordance with State Highway Department Specifications.

(c.) Surface Courses. All streets shall be paved to full roadway width with bituminous concrete and in accordance with the following:

(l) Prior to the placement of bituminous concrete, the under-lying base course shall be brought to the planned proper grade and cross section and compacted with a minimum eight (8) ton wheel roller.

(2) The binder course consisting of grade l bituminous concrete shall be applied in accordance with State Highway Department Specifications for material and workmanship and shall have the depth of two (2) inches after compaction.

(3) The wearing course, consisting of Class 2 bituminous concrete shall be applied in accordance with State Highway Department Specifications for material and workmanship and shall have a depth of one (l) inch after compaction. **(Effective Date: March 3, l988)** *Products which are applied*

to extend the life of the wearing course of roads and municipal parking lots, such as sealers or rejuvenators, shall not contain coal tar. (Approved: Special Town Meeting, April 17, 2017. ***Effective Date June 1, 2017)***

Definitions:
Coal Tar: A thick dark liquid produced by the destructive distillation of bituminous coal. It contains benzene, naphthalene, phenols, aniline, and many other organic chemicals including polycyclic aromatic hydrocarbons (PAHs). Coal tar is an ingredient in ***some*** *asphalt sealcoats and rejuvenators and these products are considered a threat to the environment and humans.*

Polycyclic Aromatic Hydrocarbons: PAHs are present throughout the environment and are produced by incomplete burning of organic matter such as combustion engines, incinerators, food processing and wood and coal burning. Of the more than 100 forms of PAHs, 15 are listed as "reasonably anticipated to be human carcinogens" in the Fourteenth Report on Carcinogens published by the National Toxicology Program. (Approved: Special Town Meeting, April 17, 2017. Effective Date: June 1, 2017)

SECTION 4. All such roads shall be so graded that the crown of the road is approximately three (3) inches higher than the outer edges of the road, and grades shall be maintained at less than ten (10) percent.

SECTION 5. All tree stumps shall be removed at least four (4) feet back from the shoulder of the road.

SECTION 6. Cross culverts shall be of reinforced concrete or asphalt coated corrugated metal pipe. Under drains to be installed when necessary.

SECTION 7. Culverts shall be not less than fifteen (15) inches in diameter and the location thereof be approved by the Board of Selectmen. Minimum Cover over culvert pipes shall be at least eighteen (18) inches. All drainage and safety structures are to comply with the State of Connecticut Highway Specifications.

SECTION 8. Necessary drainage easements to the Town of Pomfret from each culvert or water runoff, with a minimum width of ten (10) feet, shall be obtained from the adjoining landowners.

SECTION 9. Water from adjoining driveways or intersecting roads shall be so diverted as not to enter upon the traveled portion of the road. Where the contour of the adjoining land is such that in the opinion of the Board of Selectmen it may create a drainage problem, the Board of Selectmen may order the installation of necessary catch

basins, culverts and retaining walls. All intersecting road layouts shall have corner cutoffs with a minimum radius of twenty-five (25) feet.

SECTION 10. Culverts shall not be installed in gutters above grade.

SECTION 11. There shall be a cul-de-sac at the end of any dead-end road, with a radius of not less than forty (40) feet.

SECTION 12. Before any road shall be submitted for consideration by the Board of Selectmen, a copy of a map showing said road shall be submitted to said Board of Selectmen. Said map shall have been prepared by a competent engineer or surveyor licensed in the State of Connecticut and shall be certified by him as to its accuracy and conformity with existing regulations. Upon approval by the Board of Selectmen and acceptance of said road by the Town of Pomfret, the original of said map shall be endorsed by the First Selectman as follows: "The Highway herein described has been approved by the Board of Selectmen and acceptance as a Town highway at a Town meeting held _____Date_____ and
Signed _____" and shall be filed at the office of the Town Clerk,
First Selectman
at the applicant's expense, for inclusion in the highway system of said Town.

SECTION 13. Upon written approval of the Board of Selectman, the question of the final acceptance of said road shall be presented to a Town Meeting, duly warned, and upon acceptance by said Town Meeting, the right of way shall be conveyed to the Town of Pomfret by warranty deed containing the usual covenants, which deed, together with the necessary drainage easements, shall be filed in the land records of the Town of Pomfret with the map as hereinbefore provided, at the applicant's expense.

SECTION 14. In the event of unusual conditions, these specifications may be varied by the unanimous vote of the Board of Selectmen.

SECTION 15. Compliance with the above listed requirements shall constitute satisfaction of the standards required for the consideration of the Town for acceptance of any such road and shall not be deemed to create in any complying party a vested right of approval for any such complying road.

SECTION 16. This ordinance adopted at a Special Town Meeting held April 25, 1967 shall become effective fifteen days after its publication in some newspaper having a circulation in said Town of Pomfret.

Approved: Special Town Meeting, April 25, 1967. Effective Date: May 18, 1967. Amended: Special Town Meeting, April 17, 2017. Published: May 4, 2017. Effective Date: June 1, 2017.

ORDINANCE CONCERNING REMOVAL OF ABANDONED OR UNREGISTERED MOTOR VEHICLES

Approve: Annual Town Meeting, June 22, 1972.
Repealed at Special Town Meeting of December 12, 2006 and replaced by "An Ordinance Concerning Abandoned Motor Vehicles, Discarded Motor Vehicle Parts, Blight and Public Nuisance". Effective Date: January 5, 2007

AN ORDINANCE CONCERNING ABANDONED MOTOR VEHICLES, DISCARDED MOTOR VEHICLE PARTS, BLIGHT AND PUBLIC NUISANCE

I. DECLARATION OF PURPOSE

A. This Ordinance is enacted pursuant to authority granted to the Town of Pomfret under General Statues (C.G.S.) Section 7-148 (c) (7) and Section 14-150a. This Ordinance is to be enforced as a blight ordinance pursuant to C.G.S. Section 148 (c) (7) (H) (xv), and as a nuisance ordinance pursuant to C.G.S. Section 7-148 (c) (7) (E).

B. It is hereby declared that abandoned motor vehicles, discarded motor vehicle parts and blighted properties have a deteriorating effect upon the value and enjoyment of properties nearby; constitute a continuing public nuisance and a health, environmental and safety hazard, particularly to children.

II. DEFINITIONS

A. **Abandoned Motor Vehicle**. A motor vehicle located on public and/or private property for a period of thirty (30) consecutive days, which vehicle is abandoned, inoperative and/or unregistered and not in condition for legal use on the public highways and is in such condition, in the opinion of the Enforcement Officer, based on standards set forth in this ordinance, as to create a blighted or deteriorating effect on the public landscape, or nearby private property or is otherwise a public nuisance or a safety hazard; unless lawfully stored within a garage, building or structure.

B. **Blighted Property**. Any parcel of land on which at least one of the following conditions exists:

1. An abandoned motor vehicle, or discarded motor vehicle parts, if located thereon for a period of thirty (30) consecutive days.

2. Unusable and/or discarded household appliances, furniture, equipment, building materials, junk, refuse and/or other materials which are unsanitary or causing a nuisance or pollution hazard posing a serious or immediate danger to the safety, health or general welfare of the community if allowed to exist for a period of thirty (30) consecutive days as determined by the Enforcement Officer.

Exceptions. This ordinance shall not apply to:

a. Resident owners having not more than one (1) abandoned motor vehicle uncovered or visible from the public highway.

b. Garages, service stations, new and used car lots lawfully licensed by the Town of Pomfret and the Connecticut Department of Motor Vehicles, which uses shall continue to be regulated under the provisions of the Pomfret Zoning Regulations and/or the Connecticut General Statues.

c. Resident building contractor premises whereon is stored building materials, supplies and/or equipment in conformance with the Pomfret Zoning Regulations and/or Connecticut General Statutes.

d. Farm equipment used by a person or entity engaged in the cultivation, operation, management of a farm for gains or profit, either as an owner or tenant, the term farm equipment does not include any type of motor vehicle licensed by the State of Connecticut for travel on public highways by the State of Connecticut for travel on public highways except vehicles bearing farm license plates. The term farm includes stock, dairy, poultry, fruit and truck farms.

e. Any other motor vehicles, parts or materials specifically permitted to be maintained on a parcel of land pursuant to the Pomfret Zoning Regulations by the Pomfret Zoning Commission.

C. **Discarded Motor Vehicle Parts.** Used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded secondhand material which has been a part of, or is intended to be a part of, any motor vehicle, located on private property for a period of thirty (30) consecutive days, provided that any such parts or materials are not lawfully stored within a garage, building or structure.

D. **Enforcement Officer.** The Town of Pomfret Zoning Enforcement Officer or such other individual designated by the Town of Pomfret Board of Selectmen.

E. **Citation Enforcement Officer(s).** The First Selectman shall appoint one or more Citation Hearing Officer(s), as defined in and pursuant to C.G.S. Section 7-152c to serve on the Citation Hearing Board. Such officers shall be other than any official who issues citations and the Town of Pomfret shall institute a citation hearing procedure in accordance with the provisions of C.G.S. Section 7-152c. The Board of Selectmen may be so designated to serve as the Citation Enforcement Officer.

F. **Motor Vehicles.** Any vehicle propelled by power other than human power that is or was capable for the conveyance, drawing or other transportation of person or property, to include, but not be limited to automobiles, trucks, buses, tractors, trailers, motorcycles and like vehicles. Excluded are vehicles described in Sections 2d and e, herein above.

III. PROHIBITION OF BLIGHTED PROPERTY

No owner, tenant, agent or person in control of real property located in the Town of Pomfret shall allow, maintain or cause to be maintained a blighted property as defined herein above.

IV. DETERMINATION OF VIOLATION

A. Upon observation of a blighted property by the Enforcement Officer and/or upon receiving a written complaint of a possible violation on a proper form to be provided by the Board of Selectmen, signed by the complainant, the Enforcement Officer shall make an investigation.

B. If after investigation, the Enforcement Officer determines that a violation exists, said Officer shall serve a written notice to the owner(s), tenant, agent or person in control of the real property where the violation exists. The notice may be hand-delivered or mailed by certified mail, return receipt requested, to the last known address of (i) the owner(s) of such property upon which such violation is determined to exist and, if applicable (ii) the tenant, agent or person in control of such property, if other than the legal owner(s).

C. Such notice shall state the violations and conditions evidencing such violations and require the person(s) to whom it is delivered to remedy such violations within thirty (30) days of the date of such notice. Such notice shall inform the person(s) cited: (1) of the allegations against him and the amount of any fines, penalties, costs or fees due or that may be due pursuant to Section VI hereof; (2) that he may contest his liability before the citation hearing officers by delivering, in person or by mail, written notice within ten (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.

D. If after thirty (30) days of the date of issuance of such notice of violation (i) no hearing has been requested and (ii) the violation has not been remedied, then the Enforcement Officer shall issue a citation in the manner prescribed for the initial violation notice. The date of the citation shall commence the daily fine established in Section VI.

E. If the owner, tenant, agent or person in control of a property fails to correct the violations within the time limits prescribed herein above, the Town of Pomfret may also take any action necessary pursuant to C.G.S. Section 7-148 (c) (7) (E) to abate the nuisance and violation.

F. Right to a Hearing. The owner, tenant, agent or person in control of a property for which a notice and/or citation is issued may request a hearing within ten (10) days of the date of the initial notice of violation and/or within ten (10) days of the date of a citation, as the case may be. Such request must be made in writing and must be delivered to the Enforcement Officer. Such hearing shall be conducted in accordance with the provisions of C.G.S. Section 7-152c and shall be heard by the citation hearing officers.

V. REMOVAL OF ABANDONED MOTOR VEHICLES

A. For all properties declared to be a blighted property hereunder as a result of the presence of an abandoned motor vehicle or discarded motor vehicle parts which has remained on such premises for thirty (30) days after: (1) notice by personal service or by certified mail, return receipt registered, to the last known address of the owner of the property on which such motor vehicle remains, or the owner of the abandoned motor vehicle, if different from the owner of the property requesting the removal of such motor vehicle; and (2) notice in a newspaper having a general circulation in the Town of Pomfret:

1. The Board of Selectmen may also provide for the removal and storage of said abandoned motor vehicle or discarded motor vehicle parts. The costs for any such removal and storage of said motor vehicle and/or discarded motor vehicle parts shall be borne by the owner of the property from which the same are removed or, if the owner of the property is not the owner of the abandoned motor vehicle and/or discarded motor vehicle parts, by the owner of such abandoned motor vehicle and/or discarded motor vehicle parts.

2. Any abandoned motor vehicle that is removed pursuant to this Ordinance may not be returned to the same property unless it has been made operable and has been registered.

3. If the costs of such removal and storage remain unpaid for a period of thirty (30) days after written notice of the same, the Board of Selectmen may order the abandoned motor vehicle or discarded motor vehicle parts be sold at public auction. No such public auction shall be held prior to written notice of the same being sent, by certified mail, return receipt requested, to the owner of the property or, if the property is different from the owner of such abandoned motor vehicle or discarded motor vehicle parts, to the owner of the same, that the said abandoned motor vehicle or discarded motor vehicle parts will be sold at public auction, and the proceeds applied to the costs of removal and storage. Notice of such auction sale shall be published in a newspaper having a circulation in the Town of Pomfret at least ten (10) days prior to such auction sale date. The proceeds of such sale shall be first applied by the Town of Pomfret to defray the costs of removal and storage of such abandoned motor vehicle or discarded motor vehicle parts, and to the costs of notices required hereunder. Any surplus proceeds of such auctions shall be thereafter paid to the owner of the subject property or, if such owner is different from the owner of the abandoned motor vehicle or discarded motor vehicle parts, then to the owner of the same, if known and, if unknown, then to the General Fund of the Town of Pomfret.

4. Right to a Hearing. Any person aggrieved by a notice requesting the removal of an abandoned motor vehicle or discarded motor vehicle parts may, within ten (10) days of receipt of such notice, appeal the issuance of the same to the Citation Hearing Officers.

Any such appeal shall be taken and conducted in the same manner and procedure as set forth in C.G.S. Sec. 7-152c

VI. PENALTIES FOR OFFENSES.

A. Public Nuisance. A violation of this Ordinance is a public nuisance.

B. Fines. Violations of this Ordinance shall be punishable by a fine of $75.00 per day for each day a violation continues to exist. The date a citation for a violation is issued shall be deemed the commencement date for said $75.00 per day fine.

C. Municipal Abatement. In any action to enforce this Ordinance, or to abate any violation hereof, including the failure to pay any fine or penalty imposed, the Town of Pomfret shall be entitled to recover its costs, any and all fines hereunder provided, equitable and legal relief, together with any reasonable attorney's fees and legal costs and such other relief as permitted by law.

D. Recording of Lien. Pursuant to C.G.S. Sec. 7-148aa, any unpaid fines and costs imposed by the Town of Pomfret pursuant to this Ordinance shall constitute a lien upon the real estate against which such fines were imposed from the date of imposition of such fines and costs. Such lien may be foreclosed in the same manner as real property tax liens. The Town of Pomfret Tax Collector is hereby empowered to place a lien for the same in the Pomfret Land Records in the manner provided by Connecticut Statutes, provided a copy is mailed by first class mail to the owner of record as set forth in the most recent Pomfret tax assessment grand list.

VII. SEVERABILITY.

Each section of this Ordinance is declared to be severable. In the event any Court of competent jurisdiction determines any section hereof to be invalid for any reason, such decision shall not affect any other section, clause, or provision hereof.

VIII. EFFECTIVE DATE.

This Ordinance shall become effective fifteen (15) days after its publication in a newspaper having a general circulation in the Town of Pomfret.

Approved at Special Town Meeting of December 12, 2006
Publication Date: December 21, 2006
Effective Date: January 5, 2007

ORDINANCE CONCERNING PERMIT TO LOCATE PRIVATE DRIVEWAY INTO TOWN ROADS

This ordinance originally became effective on March 26, 1970; and amended at Special Town Meeting of September 23, 1986-Effective Date October 16, 1986. The Ordinance was repealed at Special Town Meeting held November 17, 1997-Effective Date December 6, 1997.

TOWN OF POMFRET
DRIVEWAY APRON ORDINANCE

This Driveway Apron Ordinance was adopted at a Special Town Meeting held November 17, 1997, Effective Date: December 6, 1997; and Revised at a Special Town Meeting held October 7, 2014. (Repealing the Ordinance to Locate Private Driveway Into Town Roads-Effective March 26, 1970, and Amended September 23, 1986).

Section 1. Definitions:

Applicant: The term "Applicant" refers to the person proposing a driveway apron.

Board: The Board of Selectmen for the Town of Pomfret, Connecticut or their authorized representative.

Business/Commercial: The retail and wholesale delivery of goods and services.

Driveway Apron: The access onto or an egress from a Town Road or Street.

Industrial: The storage, manufacturing and processing of goods, wholesaling and related storage, research laboratories, general office space, printing and publishing establishments and bulk storage or cement and petroleum products.

New Driveway Apron: An access onto or an egress from a street that was not in existence on or before the adoption date of this ordinance, or an existing access or an existing egress from a street, where the use of that driveway apron has changed.

Person: Includes Corporations, Partnerships, Firms, Associations and or any other entity.

Residential Dwelling Unit: A building or portion, thereof, containing complete house keeping facilities.

Road Standards: Shall mean the standards and specifications set forth in the Public Improvements Specifications prepared by the Northeastern Connecticut Council of Governments, 1988 as amended.

Street/Road: Any Town maintained way constructed for and dedicated to movement of vehicles and pedestrians. The word shall not include private driveways and rights-of-ways (R.O.W.).

Town: The Town of Pomfret, Connecticut.

Section 2. Purpose:

It is the declared purpose of this ordinance to regulate driveways for the purpose of providing safe and structurally adequate access onto streets.

Section 3. Procedure:

1. No person shall construct a new driveway apron or relocate an existing driveway leading into a Town Road without first obtaining a written permit from the Board of Selectmen of the Town of Pomfret.

2. No Building Permit(s) will be issued until the applicant has applied for and received a Driveway Apron Construction Permit.

3. No Driveway Apron Construction Permit will be issued until a Thirty-five hundred dollar $3500.00 [$2,000.00] Driveway Surety Bond or cash deposit for each driveway has been received by the Board of Selectmen naming the Town of Pomfret as the insured.

4. Construction of the driveway apron may start only after issuance of the Driveway Apron Construction Permit. Road areas must be kept clean of mud, dirt, stones etc. by installing a tracking pad of no less than no less than twenty-five (25) feet in length and twelve (12) feet in width.

5. Final approval of the driveway apron will be issued by the Board or its designee when all work is completed in accordance with the standards as verified by a post construction inspection. The Building Official will be notified when this approval is given.

6. No Certificate of Occupancy will be issued until the final approval of the driveway apron has been issued.

7. Applications shall be made to the Board on a form provided by the Board. A sketch plan showing proposed dimensions and location of driveway and lot boundaries and fee of Thirty Dollars ($30.00) must accompany the application. Any highway guardrails which need to be removed shall be noted on the sketch plan and be removed by the Pomfret Public Works Department before driveway apron construction is started. The applicant will be issued a Driveway Construction Permit only if all required standards are met. Construction must be completed within six (6) months of the date of permit issuance.

8. All driveway aprons must and will abut exiting surface of the Town Road. No over-layment will be allowed onto the Town Road surface.

Section 4. Standards: The following standards shall apply to all new residential, business/ commercial, and industrial driveway apron construction:

1. One (1) residential unit (figure 1 & 2).
2. Two (2) residential units (figure 1 & 2).
3. Three (3) or more residential units (figure 1 &2).
4. Business Commercial (figure 3).
5. Industrial (figure 3).

The following standards shall also apply to all new driveway apron construction:

6. Driveway aprons shall intersect roadways at an angle of approximately ninety (90) degrees and shall be located and designed with a minimum sight distance of three-hundred (300') feet.

7. Driveways shall be designed to prevent storm water flows from entering a Town street; and, wherever possible, the Town right-of-way. Privately owned and maintained drainage diversion swales, detention areas, and/or dry wells shall be utilized to the greatest extent possible. Culverts, with a minimum diameter of fifteen (15) inches, shall be used when crossing Town drainage ways. Whenever private swale or private detention area is utilized in diverting driveway water from the Town right-of-way, the owner of the subject lot(s) shall be responsible for maintaining the swale or detention area and any culverts in accordance with the approved design.

8. Driveway aprons shall be located as far as possible from roadway intersections and no closer than two-hundred fifty (250) feet from any roadway intersection, unless some less distance is required to meet the sight line requirements of these Regulations or to comply with the provisions of any permit issued pursuant to the Pomfret Inland Wetlands and Watercourses Regulations.

9. The Board of Selectmen may waiver specific "Standards" (section 4), within this ordinance, if the standards waived, do not decrease the safety of, and/or the structural adequacy of, any "New Driveway Apron".

Section 5. Violation:

Failure of any person constructing or locating such new driveway to first obtain such a permit shall constitute a violation of the ordinance and any such person shall be subject to the penalties provided in section 7-148 of the Connecticut General Statutes, Revisions of 1958, as amended. Each day such driveway is permitted or suffered to remain shall constitute a separate violation.

Section 6. Safety:

In the implementation of this ordinance, the Board of Selectmen may establish no parking zones on Town roads to prevent the creation of safety hazards due to the parking of private vehicles within the public right-of-way.

Section 7. Effective Date: This ordinance shall become effective fifteen (15) days after publication.

Adopted at Town Meeting held November 17, 1997.
Effective Date: December 6, 1997. Revised at Special Town Meeting held October 7, 2014; <u>Added Underlined</u> and [Removed in Brackets].

CREATION OF MUNICIPAL PLANNING COMMISSION

The Creation of Municipal Planning Commission ordinance, which was adopted at Special Town Meeting held February 21, 1968, effective date March 14, 1968; was repealed at Special Town Meeting held April 5, 2005, effective date April 30, 2005.

ORDINANCE ADDING ALTERNATES TO PLANNING COMMISSION

The Ordinance Adding Alternates to the Planning Commission adopted at Town Meeting held on April 30, 1975, effective date May 28, 1975; was repealed at Special Town Meeting held April 5, 2005, effective date April 30, 2005.

AN ORDINANCE CREATING A COMBINED PLANNING AND ZONING COMMISSION FOR THE TOWN OF POMFRET, HAVING THE POWERS SET FORTH IN CHAPTERS 124 AND 126 OF THE CONNECTICUT GENERAL STATUTES

Be it ordained by the electors and those qualified to vote at town meetings in the Town of Pomfret, that there is hereby created a combined planning and zoning commission on the following terms and conditions:

1. The name of the commission shall be "The Planning and Zoning Commission of the Town of Pomfret."

2. Members of the Commission shall be seven in number, with three alternates. Upon the adoption of this ordinance, the Board of Selectmen shall make the initial appointment of the seven members and three alternates, who shall serve the following terms:

    a. Three members and one alternate shall serve until the municipal election of November 4, 2003.
    b. Two members and one alternate shall serve until the municipal election of November 8, 2005.
    c. Two members and one alternate shall serve until the municipal election of November 6, 2007.

    Following the expiration of each of the terms set forth in subparagraphs a, b, and c, the members and alternates shall be elected by the voters of the Town of Pomfret for terms of six years.

3. Any vacancy on the Commission following the initial appointments, or following any subsequent election, shall be filled by appointment of the Board of Selectmen until the next succeeding municipal election.

4. The chief executive officer of the town and the town engineer shall be members of the Commission, without voting privileges.

5. No voting member of the Commission shall be a member of the Zoning Board of Appeals, nor hold any salaried municipal office in the Town of Pomfret.

6. The duties of the Commission shall be to adopt and enforce zoning regulations as authorized by Section 8-2 of the Connecticut General Statutes, to prepare, adopt, and amend the plan of conservation and development for the Town of Pomfret, pursuant to Section 8-23 of the Connecticut General Statutes, to review and report upon municipal improvements pursuant to Section 8-24 of the Connecticut General Statutes, and to adopt and enforce regulations for the subdivision and resubdivision of land pursuant to Sections 8-25 and 8-26 of the Connecticut General Statutes. All activities of the Commission shall be conducted in conformity with Connecticut law.

7. The Commission shall also have those additional duties now or hereafter conferred upon Planning and Zoning Commissions by the statutes of the state of Connecticut.

8. No member of the Commission shall appear for or represent any person, firm, or corporation or other entity in any matter pending before the Planning and Zoning Commission or Zoning Board of Appeals, whether he is a member of the Commission hearing such matter. No member of the Planning and Zoning Commission shall participate in the hearing or decision of the Commission of which he is a member upon any matter in which he is directly or indirectly interested in a personal or financial sense.

9. The Commission may engage such employees as are necessary for its work and may contract with professional consultants. The Commission may accept gifts on behalf of the Town, but all of its expenditures, exclusive of such gifts, shall be within the amounts appropriated for its purposes through the municipal budget process.

10. Action of the Commission shall be taken only upon the vote of the majority of its members, or upon such higher number of its members as may be required by statute.

11. The books and records of the Pomfret Planning Commission shall be turned over to the Commission established under this ordinance, and all regulations promulgated by such Planning Commission prior to the time of the adoption of this ordinance shall continue in full force and effect until modified, repealed, or superseded by proper legal action.

Adopted: November 5, 2002
Date of Publication: December 6, 2002. Effective Date: January 6, 2003.

AN ORDINANCE CREATING A ZONING BOARD OF APPEALS FOR THE TOWN OF POMFRET

Be it ordained by the electors and those qualified to vote at town meetings in the Town of Pomfret, that there is hereby created a zoning board of appeals on the following terms and conditions:

1. The board shall be called the "Zoning Board of Appeals of Pomfret".

2. The Zoning Board of Appeals shall consist of five regular members and three alternate members, none of whom may be members of the planning and zoning commission of the town. Upon the effective date of this ordinance, the Board of Selectmen shall make the initial appointment of the members and alternates, who shall serve the following terms:

   a. Two members and one alternate shall serve until the municipal election of November 4, 2003.
   b. Two members and one alternate shall serve until the municipal election of November 8, 2005.
   c. One member and one alternate shall serve until the municipal election of November 6, 2007.

   Following the expiration of each of the terms set forth in subparagraphs a, b, and c, the members and alternates shall be elected by the voters of the Town of Pomfret for terms of six years.

3. Any vacancies on the board following the initial appointments or subsequent elections shall be filled by appointment by the Board of Selectmen for the unexpired portion of such term.

4. The Zoning Board of Appeals shall have those powers and duties conferred upon zoning boards of appeal by Section 8-6 of the Connecticut General Statutes as the same may from time to time be amended. The Board shall conduct its business in accordance with applicable Connecticut statutes.

Adopted: Special Town Meeting-Feb. 4, 2003. **Date of Publication: Feb. 6, 2003.**
Effective Date: Feb. 21, 2003.

PARTICIPATION IN REGIONAL PLANNING

SECTION I: Adoption of Ordinance

Pursuant to the provisions of Chapter 127 of the general Statutes, State of Connecticut, Revision of 1958 as amended, the Town of Pomfret hereby adopts the provisions of said Chapter and elects to participate in the regional planning agency now or henceforth existing under authority of said Chapter in the North East Regional Planning Commission as defined by the Connecticut Development Commission pursuant to the provisions of said Chapter.

SECTION II: Representation

The Town of Pomfret having a population under 25,000 according to the federal census of 1960, shall have two (2) representatives to the agency.

The Board of Selectmen shall appoint to the agency one (1) elector of the Town of Pomfret. Said appointee shall serve an initial term of one (1) year. The Planning Commission of the Town of Pomfret, duly constituted, shall appoint one (1) elector to the agency for the term of two (2) years. Thereafter, all appointees shall serve two (2) years.

Appointees shall serve for the term of their office and until their successors shall have been appointed. Appointees may be reappointed. Terms of office shall commence when the appointment is made or from the first organization meeting of the agency, whichever is later. Provided, however, that in the event that the provisions of the said Chapter 127 of the General Statutes of the State of Connecticut shall hereafter be amended or the Town of Pomfret shall by virtue of population growth hereafter become entitled to a larger number of representatives on said North East Regional Planning Commission or the Planning Commission of the Town of Pomfret shall be dissolved or cease to exist, the Board of Selectmen (or their successors as the Municipal Executive or Executives of said Town of Pomfret with the maximum legal representation on said North East Regional Planning Commission.

SECTION III: Vacancies

Reappointment and vacancies created by resignation or inability to serve shall be filled by the authority which initially appointed the member to the said Regional Planning Commission. Said agency shall appoint an elector for the remainder of the unexpired term. Any representative who is absent from three (3) consecutive regular meetings of the Regional Planning Agency and any intervening duly called special meetings thereof shall be considered to have resigned from said body except that the requirements of this section may be waived by the authority appointing the elector.

SECTION IV: Effective Date

This ordinance shall become effective as prescribed under the Connecticut General Statutes.

Adopted at Special Town Meeting of February 21, 1968.
Effective Date: March 14, 1968.

TOWN OF POMFRET

RESOLUTION FOR TOWN TO ENTER INTO REGIONAL REVALUATION PROGRAM AND RELATED AGREEMENTS

WHEREAS, Section 2 of Public Act 09-60, codified as Section 12-62q of the Connecticut General Statutes ("Section 12-62q") provides that "any two or more towns may enter into an agreement, as provided in section 7-148cc, to establish a regional revaluation program. Towns participating in such an agreement shall provide for the revaluation of all parcels of real property encompassed within such towns at the same time and not less than once every five years, or shall annually revalue approximately one-fifth of all such parcels over a five-year period"; and

WHEREAS, the Town of Pomfret (the "Town") wants to establish and enter into a regional revaluation program with the Town of Ashford, Town of Brooklyn, Town of Canterbury, Town of Eastford, Town of Killingly, Town of Plainfield, Town of Putnam, Town of Sterling, Town of Thompson, and Town of Woodstock (along with the Town, each is a "Participating Town" and together all are the "Participating Towns"); and

WHEREAS, pursuant to Section 12-62q, any agreement to establish a regional revaluation program shall establish or designate an entity as the coordinating agency for implementation of the regional revaluation program; and

WHEREAS, the Town wants to designate the Northeastern Connecticut Council of Governments, a regional council of governments ("NECCOG") as the coordinating agency; and

WHEREAS, NECCOG has sent out and received responses to a request for proposals for reappraisal and revaluation services related to a regional revaluation program, and the responses show that there are projected savings resulting from a regional revaluation program for the Town; and

WHEREAS, as required by Section 12-62q, NECCOG, acting on behalf of the Participating Towns, shall submit to the Secretary of the Office of Policy and Management proposed adjustments to the revaluation schedules for the Participating Towns for the Secretary's review and approval; and

WHEREAS, the Town must approve the Town entering into a Regional Revaluation Contract with a revaluation company, NECCOG and the other Participating Towns and an

Agreement Regarding Services Related to Regional Revaluation Contract with NECCOG and the other Participating Towns, as required by Section 7-148cc of the Connecticut General Statutes.

NOW THEREFORE, BE IT RESOLVED, THAT:

1. The Town is authorized to enter into the regional revaluation program with the other Participating Towns.

2. The Town hereby designates NECCOG as the coordinating agency for the implementation of the regional revaluation program.

3. The Board of Selectmen as "Authorized Officials" of the Town are authorized to enter into a Regional Revaluation Contract, in substantially the form presented to the Town, and an Agreement Regarding Services Related to Regional Revaluation Contract, in substantially the form presented to the Town. The Authorized Officials may negotiate or make changes to the Regional Revaluation Contract and the Agreement Regarding Services Related to Regional Revaluation Contract that they determine in their discretion are in the best interests of the Town. The Authorized Officials are authorized to enter into amendments to the Regional Revaluation Contract and the Agreement Regarding Services Related to Regional Revaluation Contract.

4. The full faith and credit of the Town are pledged to the payment obligations of the Town under the Regional Revaluation Contract and the Agreement Regarding Services Related to Regional Revaluation Contract.

5. The Authorized Officials are also authorized to take or cause to be taken any and all such actions and to deliver any and all such documents, instruments or certificates as may be required in connection with the regional revaluation program, the Regional Revaluation Contract and the Agreement Regarding Services Related to Regional Revaluation Contract.

6. The Authorized Officers shall take or cause to be taken any and all such additional actions deemed necessary by such Authorized Officers to be in the best interest of the Town to carry out the intent of the preceding resolutions.

7. All prior acts of the Authorized Officers in connection with the regional revaluation program, are hereby approved, ratified and confirmed in all respects.

Approved at Special Town Meeting: October 28, 2010

Effective Date: November 13, 2010

ORDINANCE AMENDING FEES PAYABLE UNDER STATE BUILDING CODE

Be it resolved by the Town of Pomfret that the schedule of fees payable under the State Basic Building Code, adopted by the Town of Pomfret at Town Meeting, on September 17, 1970, and last amended at a Special Town Meeting of April 5, 2005, be repealed and the following substituted therefore:

1. The fee for building permits for new construction, alteration, or reconstruction of buildings in the Town of Pomfret shall be $25.00 for the first $1,000 (or a part thereof) and $12.00 for each additional $1,000 (or part thereof).

The applicant shall be required to furnish the Building Inspector with estimates of cost of any proposed construction, alteration or reconstruction. The Building Inspector may in his discretion require documentation of costs (including material, labor or both) of construction after completion of permitted work and shall be entitled to access additional fees based on construction costs so documented. Said documentation may be required as a condition precedent to the issuance of a certificate of occupancy.

2. The fee for demolition of any building shall be $25.00 irrespective of the size of the building to be demolished.

Dated at Pomfret, Connecticut this 20th day of May, 1971. Effective Date: June 10, 1971
Amended at Special Town Meeting: July 20, 1988. Effective Date: August 11, 1988.
Amended at Special Town Meeting: September 17, 2003. Effective Date: October 11, 2003.
Amended at Special Town Meeting: April 5, 2005. Effective Date: April 30, 2005.
Amended at Annual Town Meeting: May 10, 2023. Effective Date: July 1, 2023

ORDINANCE CONCERNING THE ISSUANCE OF BUILDING PERMITS

Section 1. In addition to such other regulations as may be imposed under the State-Wide Building Code or otherwise, the Building Inspector of the Town of Pomfret shall not issue building permits for new construction without having in his possession (a) a statement from the Planning Commission of the Town of Pomfret that subdivision regulations concerning the lot upon which this construction is to undertaken is in compliance with the subdivision regulations of the Town of Pomfret or is not a subdivision within the meaning of the General Statutes of the State of Connecticut; (b) a statement from the Wetlands Commission of the Town of Pomfret that the proposed location for the said premises is not within the jurisdiction of the Wetlands Commission of the Town of Pomfret or that if said property is within the jurisdiction of the Wetlands Commission that the Wetlands Commission has been satisfied with the plans and proposals of the proposed builder concerning wetland, and that the Wetlands Commission has

issued a permit for such construction; (c.) an approved percolation test for said lot and, if applicable, a copy of approved engineer's system for sewage disposal upon said lot.

Section 2. In addition to such other regulations as may be imposed by law, the Building Official of the Town of Pomfret shall not issue a Certificate of Occupancy for any new construction unless he has in his possession a statement from the Board of Selectmen of the Town of Pomfret indicating that the terms and conditions of the Driveway Ordinance* of the Town of Pomfret have been complied with, or that the driveway does not exit upon a Town of Pomfret Town Road. * (See Driveway Apron Ordinance adopted at Special Town Meeting 11/17/97)

Section 3. It shall be the obligation of the person applying for the building permit and/or Certificate of Occupancy to obtain at his own cost and expense all of this documentation.

Adopted at Annual Town Meeting of June 15, 1977.
Dated at Pomfret, Connecticut this 16th day of June 1977. Effective Date: July 7, 1977.

ORDINANCE ESTABLISHING FEES PAYABLE UNDER BUILDING, FIRE AND DEMOLITION CODE, FIRE MARSHALS AND FIRE HAZARDS, SAFETY OF PUBLIC AND FIRE MARSHAL INSPECTIONS

Purpose and Authority

1. The Fire Marshal for the Town of Pomfret is required by state law to conduct a variety of inspections within the Town of Pomfret as specified by General Statutes of Connecticut Revised January 1, 2017; Title 29 **Public Safety and State Police;** Chapter 541; **Building, Fire and Demolition Codes. Fire Marshals and Fire Hazards, Safety of Public and Other Structures,** and Section 29-305. **Inspections by local fire marshals. Reports. Schedule of inspections.**
2. The Fire Marshal is further required to review plans and structures associated with non-residential construction activities within the Town.
3. The purpose of this Ordinance is to set fees for permits and inspections conducted by the Fire Marshal's office.

Establishment of Fees

1. Each applicant for any permit issued or required to be issued and inspections required pursuant to the General Statutes by the Office of the Fire Marshal shall pay a fee (the "fee") as set forth by the Board of Selectmen with a Schedule of Fees, that may be amended from time to time by said Board.
2. All fees shall be paid in full prior to the issuance of any permit and/or at the time of each inspection.

Permits

1. No building or structure subject to the Connecticut State Fire Safety Code and/or State Fire Prevention Code shall be constructed, used, occupied, enlarged, altered or repaired unless a permit has been granted for said activity by the Fire Marshal.

2. Any such permit shall be valid for 12 months from date of issue. No continuation, expansion, diminution or modification of said operations shall be undertaken without obtaining a permit from the Fire Marshal's office.
3. No person shall install, enlarge, alter, remove, repair or replace any fire protection system in any building or structure subject to the Connecticut State Fire Safety Code and/or State Fire Prevention Code, until such person shall have obtained a permit from the Fire Marshal's office.
4. The permit(s) required pursuant to this is section shall be required in addition to any other permits or licenses required by federal, state or local law.
5. As specified by General Statutes of Connecticut 29-263, permits shall be issued or refused, in whole or in part, within 30 days after the date of an application. No permit shall be issued except upon written application of the owner of the premises affected or the owner's authorized agent. The local Fire Marshal shall review any such plans to determine their compliance with the Fire Safety Code.
6. The fee for plan reviews, approval and acceptance of new construction, renovations, additions or modernization of multifamily residential (not including R-2 occupancies) and commercial buildings or structures, and field inspections associated with the issuance of a certificate of occupancy, shall be charged for a Fire Marshal plan review.

Penalties for Offenses

1. Any person who commences any work or who conducts any operation which is subject to the requirements of the above sections without first obtaining a permit shall be required to pay a penalty equal to the amount of the permit fee otherwise applicable.
2. No such penalty shall be imposed upon a person who commences emergency repair work without a permit, provided that a permit is sought promptly thereafter.

Agencies Exempt from Fees

1. All Governmental Agencies shall be exempt from the payment of fees set forth in the attached Schedule of Fees but shall be required to obtain all permits and/or inspections pursuant to the General Statutes and pay the required State education fees.

The attached fee schedule may be amended from time to time upon vote of the Board of Selectmen and shall be based upon recommendations by the Fire Marshal. Notice of proposal to amend existing fees will be posted prior to the date of the meeting at which the Selectmen will consider the proposal. An amended fee schedule shall become effective 30 days following the date of adoption by the Board of Selectmen. Said schedule is included as an attachment to this Ordinance.

Approved at Special Town Meeting: March 1, 2021

Published: Putnam Town Crier, March 11, 2021

Effective Date: March 26, 2021

ORDINANCE CONCERNING WITHHOLDING OF BUILDING PERMITS WITH RESPECT TO REAL PROPERTY FOR WHICH REAL PROPERTY TAXES ARE DELINQUENT

Pursuant to Section 7-148 of the Connecticut General Statutes, as such statute may be amended from time to time, the issuance of building permits of the Town of Pomfret shall be withheld for any property upon which taxes are delinquent.

1.1 No building permit shall be issued with respect to construction, renovation, alteration or any other activity with respect to real property for which real property taxes are delinquent.

1.2 In order to implement the provisions of Section 1.1, the Building Official shall require, as a condition precedent to the issuance of a building permit, that the applicant furnish satisfactory evidence from the Office of the Tax Collector of the Town of Pomfret that all real property taxes have been paid for the real property that is the subject of the building permit application.

1.3 Notwithstanding the foregoing, the Building Official may issue a building permit with respect to real property for which real property taxes are delinquent for activities that are deemed by the Building Official to be emergency repairs necessary to protect the health and safety of the public or the occupants of the real property in question.

1.4 Notwithstanding the foregoing, the Building Official may issue a building permit with respect to real property for which real property taxes are delinquent should applicant furnish satisfactory evidence from the Office of the Tax Collector that applicant has entered into a satisfactory payment agreement to pay said delinquent taxes to the Town of Pomfret.

1.5 The Tax Collector and Building Official, subject to the approval of the Board of Selectmen, shall develop the necessary forms to implement this ordinance.

This ordinance shall become effective 15 days after publication.

Adopted at Annual Town Meeting, May 20, 1997. Publication Date: May 23, 1997. Effective Date: June 7, 1997.

REPEALING OF PRIOR ORDINANCE AND ESTABLISHING A CONSERVATION COMMISSION

Ordinance of the Town of Pomfret adopted at Town Meeting held May 17, 1972 regarding the Creation of Conservation Commission and repealed and replaced at Special Town Meeting held January 13, 1999 is hereby amended as follows:

Article 1. Establishment of Commission: Pursuant to sections 7-131a, of the Connecticut General Statues, (a) the Board of Selectmen shall establish the Conservation Commission with a total of six (6) members, and two (2) alternates appointed by the First Selectman, with three (3)

members appointed to four (4) year terms and three (3) members appointed for three (3) year terms. A quorum of at least four (4) members must be present to hold a meeting.

Article 2. In the event that an appointed member misses four (4) consecutive meetings, the Board of Selectmen may remove the member for cause and said vacancy filled by the First Selectman.

Article 3. Duties and responsibilities consisting of: The members of the Commission shall conduct research into the utilization and possible utilization of land areas of the town and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare and distribute books, maps, charts, plans and pamphlets as necessary for its purpose. It may propose a greenways plan for inclusion in the plan of conservation and development of the town prepared pursuant to section 8-23(C.G.S.). It may inventory natural resources and formulate watershed management and brought management plans. Such plans shall be consistent with water supply management plans prepared pursuant to section 25-32d(C.G.S.). It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information on the proper use of such areas, and may from time to time recommend to the planning Commission plans and programs for the development and use of such areas. It may make recommendations to the planning commissions, inland wetlands agencies and other town agencies on proposed land use change. It may, with the approval of the Board of Finance acquire land and easements in the name of the town and promulgate rules and regulations, including but not limited to the establishment of reasonable charges for the use of land and easements, for any of its purposes as set out in this section. It may supervise and manage town owned open space or park property upon delegation of such authority by the entity which has supervisory or activities and shall make annual report to the town in the manner required of other agencies of the town. The Commission may receive gifts in the name of the town for any of its purposed and shall administer the same for such purposes subject to the terms of the gift. The Commission may exchange information with the Commissioner of Environmental Protection, and said commissioner may, on request, assign technical personnel to the Commission for assistance in planning its overall program and for coordinating state and local conservation activities. The town may appropriate funds to such Commission.

Article 4. The Conservation Commission may make recommendations to the town to (a) acquire open space land and easements, revaluation of property subject to easement, (b) grant-in-aid for open land acquisition or development under sections 7-131b,c,d,e,f of the Connecticut General Statutes as amended or changed.

Article 5. This ordinance shall become effective fifteen (15) days after the publication thereof in a newspaper having a circulation in the Town of Pomfret and within thirty (30) days after the publication of this ordinance the First Selectman shall appoint the Commission members.

Adopted at Special Town Meeting 1/13/1999. Effective Date 1/30/1999.
Amended at Special Town Meeting 3/28/2019. Effective Date 4/18/2019.

CREATION OF INLAND WETLANDS AND WATER COURSES COMMISSION

Notice is hereby given pursuant to statute that on March 6, 1974, the Town of Pomfret at Town Meeting adopted an ordinance creating an Inland Wetlands and Water Courses Commission to regulate the administration of the Inland Wetlands Act, so-called, (Public Act 155 of the 1972 General Assemble and Public Act 571 of the 1973 Connecticut General Assembly), said ordinance providing as follows:

1. Said Commission shall be composed of seven (7) members appointed by the Board of Selectmen of the Town of Pomfret, who set the terms of the service on the Water Courses Commission.

2. The commission shall be composed of seven (7) members appointed by the Board of Selectmen, not more that five (5) commissioners shall be members of the same political party as provided in Section 9-167(a) of the 1958 Connecticut General Statutes as amended.

3. The agency shall be composed of representatives from the following: two (2) regular members of the Conservation Commission, one (1) regular member of the Planning Commission, one (1) Selectman, one (1) representative of the Northeastern Connecticut Regional Planning Agency, one (1) health representative, and one (1) citizen-at-large.

4. The terms of office for these representatives shall run concurrently with the term of office held on the Board of Commission. The health representative may be drawn from citizen-at-large or from any boards or commission in the Town and is to serve for a period of three (3) years. The citizen-at-large is to serve for a period of three (3) years.

5. Any vacancy in the membership of the commission which may occur through death, resignation or otherwise may be filled for the unexpired term by the Board of Selectmen.

6. In the event that a commission member misses four (4) consecutive meetings, the Board of Selectmen may remove the member for cause and fill the vacancy created thereby.

7. In addition to the regular members of the Commission, the Board of Selectmen shall appoint three (3) alternate members to serve for a term of three (3) years, or until their successors are appointed and qualified, said alternate members shall be designated to sit in matters where a member shall be disqualified because of conflict of interest or because of his absence or unavailability and in such situations shall have the same powers, duties and responsibilities as the regular commission members.

Adopted at Town Meeting March 6, 1974. Effective Date: April 6, 1974.
Amended at Special Town Meeting, January 28, 1975.

ORDINANCE AMENDING INLAND-WETLAND AND WATER COURSES COMMISSION - TERMS

Ordinance of the Town of Pomfret adopted at Town Meeting held April 30, 1974, amending the March 6, 1974 ordinance of the Inland-Wetland and Water Courses Commission as follows:

Paragraphs three (3) and four (4) of said ordinance of March 6, 1974, are repealed and the following substituted therefore:

"3. The Commission shall be composed of registered voters of the Town of Pomfret chosen at large.

"4. Term of appointment of members of said Board shall be as follows:
   a. Two members shall be appointed for an initial term of one year.
   b. Two members shall be appointed for an initial term of two years.
   c. Two members shall be appointed for an initial term of three years.
   d. One member shall be appointed for an initial term of four years.

Thereafter, all members shall be appointed for a term of four years or until their successors shall have been appointed and qualified.

Dated at Pomfret, Connecticut this 8th day of May, 1975. Effective Date: May 28, 1975.

DISTRICT DEPARTMENT OF HEALTH

At a Special Town Meeting of the Town of Pomfret, it was voted to join the District Department of Health on May 10, 1973.

BOARD OF ASSESSMENT APPEALS - FOUR YEAR TERM (* FORMERLY BOARD OF TAX REVIEW)

The *Board of Assessment Appeals (formerly the Board of Tax Review) shall consist of three members. At the biennial election to be conducted November, 1981, there shall be elected two members for a term of four years and one member for a term of two years. At each biennial election thereafter there shall be elected for terms of four years, members to succeed those whose terms expire. At each election an elector may vote for the full number of members to be elected as authorized by Section 9-199 of the Connecticut General Statutes. Pursuant to Section 9-414, no political party may nominate more candidates than the number for which each elector may vote. Minority representation shall be in accordance with the provisions of Section 9-167a of the Connecticut General Statutes.

* PA 95-283 Renames Municipal Boards of Tax Review to Boards of Assessment Appeals. Establishes time frames and procedures for bringing and resolving appeals and modifies meeting requirements for the Boards.

Dated at Pomfret, Connecticut this 28th day of January, 1981.
Date of Publication: February 5, 1981. Effective Date: February 19, 1981.

REDUCTION IN NUMBER OF TAX ASSESSORS

Be it ordained by the Town of Pomfret on June 20, 1963 at the annual Town Meeting duly warned and held for that purpose.

Section 1. One Tax Assessor for the Town of Pomfret shall be appointed by the Board of Selectmen.

Section 2. Any candidate for Tax Assessor shall be certified or in the process of being certified by the State of Connecticut and need not be an elector of the Town of Pomfret to perform such duties and functions as are provided by the General Statutes for Assessors.

Effective date of the amendment to this ordinance by Special Town Meeting of September 17, 2003, shall be November 5, 2003.

Approved: Annual Town Meeting, June 20, 1963. Effective Date: October 7, 1963.
Amended: Special Town Meeting, September 17, 2003. Effective Date: November 5, 2003.

AN ORDINANCE REGARDING TAX DELIQUENCY REPORTS TO DEPARTMENT OF MOTOR VEHICLES

The ordinance was originally adopted at Special Town Meeting of September 17, 2003. It was then repealed at Special Town Meeting of May 1, 2007.

ELIMINATING FILING OF MOTOR VEHICLE ANNUAL TAX LISTS

At a Town Meeting held April 25, 1967, it was voted to adopt the provisions of 12-41(b) of the Connecticut General Statutes eliminating the necessity for taxpayers to file lists of motor vehicles registered in the office of the motor vehicle commissioner with the Assessors.

AN ORDINANCE REGARDING REFUND OF EXCESSIVE TAX PAYMENTS

The citizens of the Town of Pomfret adopted an ordinance that the Tax Collector of the Town of Pomfret may retain payments in excess of the amount due, provided the amount of the excess payment is less than five dollars, as state in C.G.S. 12-129. Where the amount of excess payment is $5.00 or more the procedure for refunds outlined in the same State Statute shall continue to be followed.

Adopted at Special Town Meeting of May 1, 2007. Published: Norwich Bulletin, May 11, 2007.

AN ORDINANCE REGARDING WAIVING TAX BILLS THAT ARE UNDER $2.00

Be it ordained by the town of Pomfret that pursuant to the provisions of C.G.S 12-144c, any property tax bill due in an amount less than $2.00 is hereby waived. This ordinance shall apply to such taxes due commencing with the October 1, 2008 Grand List and in each succeeding year.

Approved at Annual Town Meeting of April 30, 2009.

PRESERVATION OF OPEN SPACE, FARM, FOREST LAND-"490"

The owner or owners of any undeveloped land (a) in excess of two (2) acres per tract and designated as open space for preservation by the Town's Plan of Conservation and Development, or (b) used for farming purposes, e.g. hay or corn fields, farm pasture or crops, or (c) that is forest land in excess of twenty-five (25) acres, may make application pursuant to the authority conferred by Connecticut General Statutes 12-107c that such land be classified as open space, farm or forest land for tax purposes.

Approved: Special Town Meeting, February 11, 1980. Amended: Special Town Meeting, September 17, 2003. Published: September 26, 2003. Effective Date: October 11, 2003.

ELIMINATING OF FILING ANNUAL REAL ESTATE PROPERTY TAX LISTS

At a Special Town Meeting held May 7, 1980, it was voted to adopt the following resolution:

RESOLVED that the Town of Pomfret adopt the provisions of Section 12-41(d) of the General Statutes concerning the annual listing of real estate by persons liable to give in a list and pay taxes to the Town, and to approve the request of the Board of Assessors to the *Secretary of the Office of Policy and Management if and when made to compile the abstract of real estate from data contained on the owner's *property or field cards, all subject to the approval by the *Secretary of the Office of Policy and Management.

RESOLVED that the Board of Assessors are and they hereby are authorized and directed, subject to the approval of the *Office of Policy and Management, to compile the abstract of real estate from data compiled on the owner's *property or field cards.

* See PA 77-614 and PA 79-610 and PA 83-407.

Dated at Pomfret, Connecticut this 13th day of May, 1980.
Date of Publication: May 15, 1980. Effective Date: May 31, 1980

ORDINANCE CONCERNING SOLAR ENERGY

The following Ordinance was adopted at Town Meeting held on May 18, 1977 authorizing property tax exemption for solar energy systems:

a.) The Town of Pomfret hereby adopts the provisions of Section 12-81(56) of the Connecticut General Statutes, Revision of 1958, as amended, and provides that from and after October 1, 1978, any building, or addition, commenced before October 1, 1991, which shall be equipped with solar energy heating or cooling systems, shall be exempted from additional property taxation to the extent (if any) that the assessed valuation of such real property equipped with such 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 provided that such exemption shall apply to the first 15 assessment years following the construction of such building or addition.

b.) Such exclusion shall include approved equipment, windmills and waterwheels, which provide for the collection, transfer, storage and use of solar energy for water heating, space heating or cooling, which absent such solar energy system would require a conventional energy source.

c.) Any person desiring to claim this exemption shall file with the Assessor within thirty (30) days following October 1 of the appropriate year, written application claiming such exemption on a form prescribed by the State Tax Commissioner. Failure to file annually shall waive the right to claim exemption for that assessment year.

Dated at Pomfret, Connecticut this 19th day of May 1977.
Date of Publication: May 25, 1977. Effective Date: June 15, 1977

EXEMPTION OF ACTIVE SOLAR ENERGY HEATING OR COOLING SYSTEMS

At Special Town Meeting of October 28, 2010, the following was approved:

The exemption of Active Solar Energy Heating or Cooling Systems on any building within the Town where the construction of which is commenced on or after October 1, 1976, which is equipped with an active solar energy heating or cooling systems, or any building to which a solar energy heating or cooling system is added on or after October 1, 1976, to the extent of the amount by which the assessed valuation of such real property equipped with such solar heating or cooling systems exceeds the assessed valuation of such real property equipped with the conventional portion of the heating or cooling system, as outlined in Connecticut State Statute 12-81 (56).

Published: October 21, 2010, Putnam Town Crier
Approved: Special Town Meeting of October 28, 2010
Effective Date: November 12, 2010

ORDINANCE - ABATEMENT FOR POMFRET COMMUNITY HOUSING CORPORATION

Be it ordained by the Town Meeting of the Town of Pomfret that the Board of Selectmen is hereby authorized, pursuant to the provisions of 8-119k of the Connecticut General Statutes, to enter into an agreement with the Pomfret Community Housing Corporation with regard to the payment by the Corporation of an amount in lieu of taxes for the land and improvements in the Corporation's project.

It is understood that the amount of taxes assessed each year on the improvements shall be zero. It is understood that the amount of taxes assessed each year on the land shall be that amount payable as if the land were assessed as open space land under Public Act 490.

The Board of Selectmen is hereby expressly authorized to negotiate with said Corporation and with the Department of Housing and to execute such contracts as it deems to be in the best interest of the Town of Pomfret and its citizens and which are in accord with the other provisions of this ordinance.

Adopted at Special Town Meeting: November 9, 1993.
Date of Publication: November 17, 1993. Effective Date: December 2, 1993.

AN ORDINANCE REGARDING ADDITIONAL TAX EXEMPTIONS OF FARM MACHINERY

Pursuant to the authority of General Statutes 12-91(b), the Town of Pomfret hereby provides an additional exemption from property tax for all farm machinery qualified for exemption under section (a) of said statute to the extent of an additional assessed value of one hundred thousand dollars, subject to the same limitations as the exemption provided under subsection (a) and further subject to the application and qualification process provided in subsection (c) of said statute, this ordinance to be effective with assessment years beginning October 1, 2018.

Adopted at Annual Town Meeting of May 17, 2018
Effective Date: October 1, 2018.

ORDINANCE REGARDING TAX ABATEMENTS FOR DAIRY FARMS ADOPTED ANNUAL TOWN MEETING - MAY 26, 1994

WHEREAS, the Board of Selectmen of the Town of Pomfret (Board of Selectmen) believes that the preservation of farmland and open space is vitally important to retaining Pomfret's rural character and its high quality of life; and

WHEREAS, Connecticut General Statutes, SS 12-81m, allows towns to abate up to fifty percent of the property taxes on any dairy farm, and to recapture abated taxes in certain circumstances in the event of a sale of the property; and

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

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

1. Any action by the Town concerning the abatement of property taxes for dairy farms, or the recapture of any taxes so abated, is done pursuant to Connecticut General Statutes SS 12-81m, as such statute may be amended from time to time.

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

3. In order for an abatement to apply for the tax year beginning July 1, 1995, the application must be submitted no later than October 1, 1994. For any tax year thereafter, the application must be submitted on or before November 1st.

4. An abatement is only available for "dairy farms". The applicant must provide the Board of Selectmen and the Board of Finance with evidence to support the status of the farm as a "dairy farm". In determining whether a farm is a "dairy farm", the Board of Selectmen and the Board of Finance shall take into account, among other factors: the acreage of the farm, the nature of the barns, other structures, and equipment on the farm, the number and types of livestock on the farm; the quantities of milk sold by the farm; the gross income of the farm derived from dairy-related activities; the gross income of the farm derived from other types of activities; and evidence of Dairy Farm or Milk Producing Permit or Dairy Plant or Milk Dealer Permit, as provided by Connecticut General Statutes SS 22-172 or SS 22-173. Residential dwellings and residential lots are excluded from this abatement ordinance.

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

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

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

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

Number of Years Sale Follows	Percentage of Original Amount Of

Abatement for Given Tax Year	Taxes Abated Which Must Be Paid
More than 10	0%
Between 9 and 10	10%
Between 8 and 9	20%
Between 7 and 8	30%
Between 6 and 7	40%
Between 5 and 6	50%
Between 4 and 5	60%
Between 3 and 4	70%
Between 2 and 3	80%
Between 1 and 2	90%
Between 0 and 1	100%

9. Upon affirmative vote by the Board of Selectmen and the Board of Finance the Town may waive any of the amounts which would otherwise be owed pursuant to Section 8 herein if the farm continues to be a dairy farm after the sale of the property or continues to be used as "farm land", "forest land" or "open space", as those terms are defined in Section 12-107b of the Connecticut General Statutes, after the sale of the property.

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

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

This ordinance shall become effective fifteen days after publication thereof in a newspaper having circulation in the Town of Pomfret.

Date of Publication: June 8, 1994 - Observer Patriot. Effective Date: June 23, 1994. Amended: Special Town Meeting July 11, 2000. Date of Publication: July 18, 2000 – Norwich Bulletin. Effective Date: August 3, 2000.

AMENDED ORDINANCE REGARDING TAX ABATEMENTS FOR VOLUNTEER FIREFIGHTERS

WHEREAS, Pursuant to Public Act 99-272 a municipality may establish by ordinance to provide for an abatement of property taxes for volunteer firefighters; and

WHEREAS, The Town of Pomfret is showing its support to our volunteer firefighters and emergency medical service providers who dedicate their time for the safety and welfare to the Town of Pomfret.

WHEREAS, Both the Pomfret Fire District and the Town of Pomfret portion of the tax bill will be abated, as the tax bill is a combined bill listing amounts for both entities, and it has been mutually agreed upon by both entities to apply the abatement to the Fire District portion first, followed by the Town of Pomfret 's portion.

THEREFORE, be it enacted by the Board of Selectmen and the Town of Pomfret that the following ordinance be adopted pursuant to the provisions of Section 12-81(6) of the Connecticut General Statutes as amended by Public Act 99-272.

Section 1. To qualify for the abatement, a member in good standing of the Pomfret Fire Department or Pomfret Ambulance Service (hereinafter collectively referred to as the "Department") must complete at least two years of service by the end of June preceding the date of abatement requested and shall own real property or motor vehicle(s) in the Town of Pomfret.

Section 2. A member of the Department shall not be eligible for a tax abatement under this ordinance unless the individual, during the preceding -May 1st to April 30th has: (a) attended at least ten (10) drills, one per month; (b) attended one Public Education function (School Visit, Open House or Positively Pomfret Day); (c) attended a Haz Mat Awareness training, Airborne and Blood borne pathogens training as mandated by State law; (d) kept Department physicals up to date; (e) followed all Department policies regarding calls; (f) responded to twenty percent (20%) of all calls. If any member misses one of the above requirements and is not able to make it up, the line officers, by majority of vote, can waive not more than one specific requirement.

Section 3. Each fiscal year, the Chief of the Pomfret Fire Department must submit to the Office of the Tax Collector, between May 1 and May 31, a written statement with the name and address and years of service of each member of the Department who is in compliance with Section 2 above and is eligible for the tax abatement.

Section 4. The amount of the tax abatement is based on the following schedule as of July 1, 2000:

(a) Two to Four years of service, Two hundred fifty dollars ($250.00)
(b) Five to Six years of service, Five hundred dollars ($500.00)
(c) Seven to Nine years of service, Seven hundred fifty dollars ($750.00)
(d) Ten years of service or more, One thousand dollars ($1,000.00)

Section 5. Any volunteer firefighter, emergency medical technician, paramedic or ambulance driver member of the Department who serves twenty (20) years and has attained life membership status and has reached age 65 will continue to receive the one thousand dollars ($1,000.00) abatement as long as they continue to reside and own property in Pomfret. A surviving spouse, age 65 or older, of any such Department member who, at the time of his or her death, was entitled to and was granted such benefit under this Ordinance shall be entitled to a continuation of the same: (1) while such spouse remains a widow or widower, or (2) upon termination of any subsequent marriage of such spouse by dissolution or death and while a resident of this state; for the time such person is the legal owner and actually occupies a dwelling house or premises intended to be benefitted hereunder.

Section 6. The Town of Pomfret may establish a firefighter's tax abatement fund where donations, grants and other monies can be deposited and used exclusively for this tax abatement program.

Section 7. The provisions of this ordinance are declared to be severable. If any section, sentence, clause or phase of the ordinance shall, for any reasons, be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the validity of any part.

Section 8. This ordinance shall be applicable to assessment years commencing on or after October 1, 2013.

Approved: Annual Town Meeting, May 10, 2000. Published: Norwich Bulletin, May 17, 2000.
Effective Date: June 2, 2000.
Amended: Annual Town Meeting, May 8, 2014. Published: Putnam Town Crier, May 15, 2014.
Effective Date: May 30, 2014

AN ORDINANCE CONCERNING PROPERTY TAX RELIEF FOR ELIGIBLE ELDERLY HOMEOWNERS

1. Declaration of Purpose.

A. This Ordinance is enacted pursuant to authority granted to the Town of Pomfret under Public Act No. 06-176 of the State of Connecticut.

B. The Town of Pomfret finds that it is fair and equitable and in the best interests of the Town and its residents to provide property tax relief to certain eligible elderly homeowners as permitted by State law. Pursuant to Public Act No. 06-176, the Town of Pomfret seeks to improve the quality of life for its senior residents and encourage continued residence and

property ownership in the Town of Pomfret by enacting this **Ordinance Concerning Property Tax Relief for Eligible Elderly Homeowners.**

2. Eligibility and Benefits.

A. (1) An owner of real property in the Town of Pomfret or any tenant for life or for a term of years liable for property taxes to the Town of Pomfret under Section 12-48 of the General Statutes of the State of Connecticut who meets the qualifications stated in this subsection shall be entitled to pay the tax levied on such property, calculated in accordance with the provisions of subsection (b) of this section for the first year the claim for such tax relief is filed and approved in accordance with the provision so section 3 of this ordinance, and such person shall be entitled to continue to pay the amount of such tax or such lesser amount as may be levied in any year, during each subsequent year that such person meets such qualifications, and the surviving spouse of such owner or tenant, qualified in accordance with the requirements pertaining to a surviving spouse in this subsection, or any owner or tenant possessing a joint interest in such property with such owner at the time of such owner's death and qualified at such time in accordance with the requirements in this subsection, shall be entitled to continue to pay the amount of such tax or such lesser amount as may be levied in any year, as it becomes due each year following the death of such owner for as long as such surviving spouse or joint owner or joint tenant is qualified in accordance with the requirements in this subsection.

(2) After the first year a claim for such tax relief is filed and approved, application for such tax relied shall be filed biennially on a form prepared for such purpose by the Assessor of the Town of Pomfret.

(3) Any such owner or tenant who is qualified in accordance with this section and any such surviving spouse or joint owner or joint tenant surviving upon the death of such owner or tenant, shall be entitled to pay such tax in the amount as provided in this section for so long as such owner or tenant or such surviving spouse or joint owner or joint tenant continues to be so qualified.

(4) To qualify for the tax relief provided in this section a taxpayer shall meet all the following requirements: (1) On December thirty-first of the calendar year preceding the year in which a claim is filed, be (A) seventy years of age or over, (B) the spouse of a person, seventy years of age or over, provided such spouse is domiciled with such person, or (C) sixty-two years of age or over and the surviving spouse of a taxpayer who at the time of such taxpayer's death had qualified and was entitled to tax relief under this section, provided such surviving spouse was domiciled with such taxpayer at the time of the taxpayer's death, (2) occupy such real property as his or her home, (3) either the taxpayer or spouse shall have resided within the state for at least one year before filing the claim under this section and Section 3 of this Ordinance, (4) the taxable and nontaxable income of such taxpayer, the total of which shall hereinafter be called "qualifying income", in the tax year of such homeowner ending immediately preceding the date of application for benefits under the program in this section, was not in excess of limits set forth in Section 12-170aa of the 2006 supplement to the General Statutes of the State of Connecticut,

as adjusted annually, evidence of which income shall be submitted to the Assessor of the Town of Pomfret in such form and manner as the Assessor may prescribe.

(5) The amount of any Medicaid payments made on behalf of such homeowner or the spouse of such homeowner shall not constitute income.

(6) The income of the spouse of such homeowner shall not be included in the qualifying income of such homeowner for purposes of determining eligibility for tax relief under this section, if such spouse is a resident of a health care or nursing home facility in this state, and such facility receives payment related to such spouse under the Title XIX Medicaid program.

B. (1) The tax on the real property for which the benefits under this section are claimed shall be the lower of the tax due with respect to the homeowner's residence for the assessment year commencing October first of the year immediately preceding the year in which the initial claim for tax relief is made, or the tax due for any subsequent assessment year.

(2) If title to real property is recorded in the name of the person or the spouse making a claim and qualifying under this section and any other person or persons, the claimant hereunder shall be entitled to pay the claimant's fractional share of the tax on such property calculated in accordance with the provisions of this section, and such other person shall pay the person's or persons' fractional share of the tax without regard for the provisions of this section.

(3) For the purposes of this section, a "mobile manufactured home", as defined in Section 12-63a of the General Statutes of the State of Connecticut, shall be deemed to be real property.

C. (1) If any person with respect to whom a claim for tax relief in accordance with this section and Section 3 of this Ordinance has been approved for any assessment year transfers, assigns, grants or otherwise conveys subsequent to the first day of October, but prior to the first day of August in such assessment year the interest in real property to which such claim for tax relief is related, regardless of whether such transfer, assignment, grant or conveyance is voluntary or involuntary, the amount of such tax relief benefit, determined as the amount by which the tax payable without benefit of this section exceeds the tax payable under the provisions of this section, shall be a pro rata portion of the amount otherwise applicable in such assessment year to be determined by a fraction the numerator of which shall be the number of full months from the first day of October in such assessment year to the date of such conveyance and the denominator of which shall be twelve.

(2) If such conveyance occurs in the month of October the grantor shall be disqualified for such tax relief in such assessment year.

(3) The grantee shall be required within a period not exceeding ten days immediately following the date of such conveyance to notify the Assessor thereof, or in the absence of such notice, upon determination by the Assessor that such transfer, assignment, grant or conveyance has occurred, the Assessor shall determine the amount of tax relief benefit to which the grantor is entitled for such assessment year with respect to the interest in real property conveyed and notify the Pomfret Tax Collector of the reduced amount of such benefit.

(4) Upon receipt of such notice form the Assessor, the Tax Collector shall, if such notice is received after the tax due date in the municipality, not later than ten days thereafter mail or hand a bill to the grantee stating the additional amount of tax due as determined by the Assessor.

(5) Such tax shall be due and payable and collectible as other property taxes and subject to the same liens and processes of collection, provided such tax shall be due and payable in an initial or single installment not sooner than thirty days after the date such bill is mailed or handed to the grantee and in equal amounts in any remaining, regular installments as the same are due and payable.

3. Application

A. (1) No claim shall be accepted under Section 2 of this Ordinance unless the taxpayer or authorized agent of such taxpayer files and application with the Pomfret Assessor, in such form and manner as the Assessor may prescribe, during the period from February first to and including May fifteenth of any year in which benefits are first claimed, including such information as is necessary to substantiate such claim in accordance with requirements in such application.

(2) An extension to August fifteenth may be granted by the Assessor in the case of extenuating circumstance due to illness or incapacitation as evidence by a physician's certificate to that extent, or if it is determined there is good cause for doing so.

(3) The tax payer shall present to the Assessor a copy of such taxpayer's federal income tax return and the federal income tax return of such taxpayer's spouse, if filed separately, for such taxpayer's application, or if not required to file a federal income tax return, such other evidence of qualifying income in respect to such taxable year as may be required.

(4) Each such application, together with the federal income tax return and any other information submitted in relation thereto, shall be examined and a determination shall be made as to whether the application is approved.

(5) Upon determination that the applying homeowner is entitled to tax relief in accordance with the provisions of Section 2 of this Ordinance and this section, the homeowner and the Tax Collector shall be notified of the approval of such application.
(6) The Tax collector shall determine the maximum amount of the tax due with respect to such homeowner's residence and thereafter the property tax with respect to such homeowner's residence shall not exceed such amount.

(7) After a taxpayer's claim for the first year has been filed and approved such taxpayer shall file such application biennially.

(8) In respect to such application required after the filing and approval for the first year the Assessor shall notify each such taxpayer concerning application requirements by regular mail not later than February first of the assessment year in which such taxpayer is required to reapply, enclosing a copy of the required application form.

(9) Such taxpayer may submit such application by mail provided it is received not later than March fifteenth in the assessment year with respect to which such tax relief is claimed.

(10) Not later than April first of such year the Assessor shall notify, by certified mail, any such taxpayer for whom such application was not received by said March fifteenth concerning application requirements and such taxpayer shall submit not later than May fifteenth such application personally or for reasonable cause, by person acting on behalf of such taxpayer as approved by the Assessor.

B. (1) Any person knowingly making a false application for the purpose of claiming property tax relief under Section 1 of this act and this section shall be fined not more than five hundred dollars.

(2) Any person who fails to disclose all matters relating thereto or with intent to defraud makes a false statement shall refund to the municipality all tax relief improperly taken.

C. Any such property tax relief granted to any such resident in accordance with the provisions of Section 2 of this Ordinance and this section shall not disqualify such resident with respect to any benefits for which such resident shall be eligible under the provisions of Sections 12-129b to 12-129d, inclusive, of 2006 Supplement to the Connecticut General Statutes, Section 12-129n and section 12-170aa of the 2006 Supplement to the General Statutes, and any such property tax relief provided under this section shall be in addition to any such benefits for which such resident shall be eligible under said Sections 12-129b to 12-129d, inclusive, and Sections 12-129n and 12-170aa of the Connecticut General Statutes.

Section 4. Severability of Provisions.

Should any court of competent jurisdiction declare any section or clause or provision of the Ordinance to be unconstitutional or ultra vires, such decision shall affect only such section, clause, provision so declared unconstitutional and shall not affect any other section, clause or provision of this Ordinance.

Section 5. Construction.
Whenever used, the singular number shall include the plural, the plural the singular, and the use of either gender shall include both genders.
Section 6. Effective Date.

Upon adoption by the Legislative Body of the Town of Pomfret at Town Meeting, this Ordinance shall become effective on the fifteenth day after publication in a newspaper having circulation within the Town of Pomfret.

Adopted at Special Town Meeting of May 1, 2007. Published in the Norwich Bulletin on May 11, 2007. Effective Date: May 26, 2007.

VETERAN'S ORDINANCE
AS ALLOWED UNDER SECTION 12-81 OF CONNECTICUT GENERAL STATUTES

Additional exemption for veterans and surviving spouces eligible for exemption under section 12-81 of the Connecticut General Statutes. (a) The Town of Pomfret shall provide that any veteran entitled to an exemption from property tax in accordance with subdivision (19) of section 12-81 of the Connecticut General Statutes shall be entitled to an additional exemption, provided such veteran's qualifying income is not more than ten thousand dollars ($10,000) above the income limits as set forth in Connecticut General Statutes Section 12-81*l*. The exemption provided for shall be applied to the assessed value of an eligible veteran's property and shall be ten thousand dollars ($10,000) of such assessed value.

(b) The Town of Pomfret shall provide that any veteran's surviving spouse entitled to an exemption from property tax in accordance with subdivision (22) of section 12-81of the Connecticut General Statutes shall be entitled to an additional exemption, provided such surviving spouse's qualifying income is not more than ten thousand dollars ($10,000) above the income limits applicable to an unmarried person as set forth in Connecticut General Statutes Section12-81*l*. The exemption provided for under this subsection shall be applied to the assessed value of an eligible surviving spouse's property and shall be ten thousand dollars ($10,000) of such assessed value.

(c) Any such veteran or spouse submitting a claim for such additional exemption shall be required to file an application on a form prepared for such purpose by the assessor, not later than the assessment date with respect to which such additional exemption is claimed, provided when an applicant has filed for such exemption and received approval for the first time, such applicant shall be required to file for such exemption biennially thereafter, subject to the provisions of subsection (d) of this ordinance. Each such application shall include a copy of such veteran's or spouse's federal income tax return, or in the event such a return is not filed such evidence related to income as may be required by the assessor, for the tax year of such veteran or spouse ending immediately prior to the assessment date with respect to which such additional exemption is claimed.

(d) Any person who has submitted an application and been approved in any year for the additional exemption under subsection (a) or (b) of this ordinance shall, in the year immediately following approval, be presumed to be qualified for such exemption. During the year immediately following such approval, the assessor shall notify, in writing, each person presumed to be qualified pursuant to this subsection. If any such person has qualifying income in excess of the maximum allowed under said subsection (a) or (b), such person shall notify the assessor on or before the next filing date for such exemption and shall be denied such exemption for the assessment year immediately following and for any subsequent year until such person has reapplied and again qualified for such exemption. Any person who fails to notify the assessor of such disqualification shall make payment to the municipality in the amount of property tax loss related to the exemption improperly taken.

This ordinance shall become effective on the 21st day after publication following its passage and shall be applicable with respect to the assessment year commencing October 1, 2017 and each assessment year thereafter.

Approved: Special Town Meeting of April 17, 2017. Published: May 4, 2017. Effective Date: May 25, 2017.

ORDINANCE TO ESTABLISH A SENIOR ADVOCATE COMMISSION

Adopted at Special Town Meeting: March 22, 2012
Date of Publication: April 4, 2012-Putnam Town Crier
Effective Date: April 19, 2012
Replaced by "An Ordinance Establishing A Pomfret Commission On Aging". Approved: Annual Town Meeting, June 7, 2017. Published: June 22, 2017. Effective Date: July 7, 2017.

AN ORDINANCE ESTABLISHING A POMFRET COMMISSION ON AGING

The Pomfret Commission on Aging (PCA) shall be composed of five (5) members and two (2) alternate members. They shall be electors of the Town of Pomfret. They shall be appointed by the Board of Selectman. At least three (3) of the regular members of said Commission shall be fifty-five (55) or older and one of the alternates shall also be fifty-five (55) or older.

Section A: Appointments
The regular members of the Commission shall be appointed so that one member shall be designated to serve one year, two members to serve two years, one member to serve three years and one member to serve four years.

The alternate members will be appointed so that one member shall be designated to serve for one year, and one member to serve two years.

The Town of Pomfret Municipal Agent shall be assigned to the PCA as a voting member.

Chairman (or designee) of any officially recognized Town of Pomfret Board or Commission shall serve as member ex-officio of the PCA.

Section B: Powers
The PCA will act in an advisory capacity to the Board of Selectman and other municipal Boards and Commissions. The PCA will also promote senior activities in the Town of Pomfret. The scope of the Commission shall also include policy and recommendations to the Board of Selectman regarding the operation of the Pomfret Senior Center and to act as an advocate for all senior issues in Pomfret.

Section C: Organization

The Commission shall elect a chairperson, vice-chairperson and secretary from its members, shall adopt rules for the transaction of activities and make an annual report to the First Selectman. Vacancies shall be filled by appointment by the Board of Selectman for the unexpired portion of the term. The Board of Selectman may, upon the voice of a majority of the PCA remove any member for cause.

Approved: Annual Town Meeting, June 7, 2017. Published: June 22, 2017. Effective Date: July 7, 2017.

ORDINANCE PROVIDING FOR THE ASSIGNMENT AND AFFIXING OF VISIBLE STREET NUMBERS

BE IT ORDAINED BY THE TOWN MEETING OF THE TOWN OF POMFRET, MAY 17, 1990:

Purpose: The purpose of this ordinance is to promote public safety and convenience by requiring visible street numbering in order that addresses may be identified from Town roads to ease and speed essential emergency services such as fire fighting, police and emergency medical care.

Assignment of Street Numbers:

Pursuant to Section 7-148 of the General Statutes of Connecticut the Town shall assign street numbers to all property and structures fronting on any street or highway within the Town and may change numbers if necessary, to have a more orderly numbering system. When new streets are laid out, the town shall promptly assign numbers to each property or structure on said street. The Town may assign numbers to private roads which have not been accepted by the Town or which pass through private property. Such assignment of numbers shall not be construed as acceptance of such streets or highways or any portion thereof by the Town.

The Town shall be required to notify persons of the number assigned to any property or structure. The town shall maintain maps showing the street numbers assigned to each property or structure and maps and records shall be open for public inspection.

Affixing of Street Numbers

Each owner, agent or occupant shall affix to said building or part thereof, or to some object appurtenant thereto the street number or numbers assigned by the Town. All numbers shall be affixed so as to be visible from a Town Street or highway. Numbers shall be affixed within 60 days of receipt of notice from the Town.

Penalty of Violation

Each owner, agent or occupant of any building or part thereof who shall fail to affix to the appropriate building the number assigned by the Town within a period of 60 days from date of receipt of notice of such assignment, shall be guilty of a misdemeanor and upon conviction shall

be punished by a fine of not less than one dollar, nor more than twenty dollars for each offense, and each day thereafter of failure to comply with the direction of the Town shall constitute a separate and distinct offense.

Effective Date

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

Town of Pomfret - Street Numbering System

For the purpose of creating order in the streets of the Town of Pomfret to ensure that the Town has proper and useful planning, to promote public safety and convenience and to ease and speed essential emergency services the Town adopts the following ordinance:

The numbering system, as shown on a set of maps on file in the office of the (e.g. Assessor or Town Clerk) entitled "Town of Pomfret - Street Numbering System, 1990") is hereby adopted as specified in Section 7-148 of the General Statutes as the Street Numbering System of the Town of Pomfret. Furthermore, to ensure that the street numbering system is correct and understandable and that the street names as shown on the adopted maps are the officially recognized street names of the Town, the following streets and roads shall henceforth be names as indicated herein:

A road (Route 44) beginning at the Eastford Town line and running easterly to an intersection with Orchard Hill Road, Pomfret Street and Killingly Road shall be Mashamoquet Road.

A road (Route 101) beginning at an intersection of Mashamoquet Road, Orchard Hill Road and Pomfret Street running easterly to the Killingly Town line shall be Killingly Road.

A road (Route 97) beginning at the Hampton Town line and running northerly to an intersection with Murdock and Deerfield Road shall be Hampton Road.

A road (Route 244) beginning at the Eastford Town line and running easterly to an intersection with Deerfield Road, shall be Brayman Hollow Road.

A road (Route 44) beginning at an intersection with Deerfield Road and Pomfret Street running easterly to the Putnam Town line shall be Putnam Road.

A road (Route 97) beginning at an intersection with Murdock Road and Hampton Road and running northerly to an intersection with Pomfret Street and Putnam Road shall be Deerfield Road.

A road (Route 169) beginning at the Brooklyn Town line running northerly to an intersection with Mashamoquet Road, Pomfret Street and Killingly Road shall be Orchard Hill Road.

A road (Route 44) running from an intersection with Mashamoquet Road, Orchard Hill Road and Killingly Road running northerly to an intersection with the Woodstock Town line shall be Pomfret Street.

A road beginning at an intersection with Pomfret Street running southerly to an intersection with and ending at Mashamoquet Road shall be Averill Road.

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

Approved at a Special Town Meeting: May 17, 1990. Effective Date: June 7, 1990.

ADOPTION OF FLOOD PROTECTION AND FLOOD INSURANCE

Ordinance of the Town of Pomfret adopted at Town Meeting held April 30, 1975, as follows: Flood Protection and Flood Insurance under the provisions of the National Flood Insurance act of 1968 as amended by the Flood Disaster Protection Act of 1973:

WHEREAS, certain areas of the Town of Pomfret are subject to flooding from the Quinebaug River and tributaries thereof, and

WHEREAS, relief from flood damage is available through the National Flood Insurance Act of 1968, as amended by the Flood Disaster Protection Act of 1973, and

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

WHEREAS, this body wishes to protect the citizens of Pomfret against dangers of flooding and to establish the eligibility of property in the Town of Pomfret for coverage by flood insurance sold under the National Flood Insurance Program.

BE IT ORDAINED by the Town Meeting of the Town of Pomfret that:

1. The Town Meeting shall enact as necessary and maintain in force for those areas having flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 1910 of the National Flood Insurance Regulations, and

2. The Town Planning Commission is hereby vested with responsibility, authority, and means to:

(a.) Delineate or assist the Federal Insurance Administrator, at his request, in delineating the limits of areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites;

(b.) Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain;

(c.) Cooperate with Federal, State, and Local Agencies and private firms which undertake to study, survey, map, and identify flood plain areas, and cooperate with neighboring communities with respect to management of adjoining flood plain areas in order to prevent aggravation of existing hazards;

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

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

4. The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonable safe from flooding. If a proposed building site is in a location that has a flood hazard, any new construction or substantial improvement (including placement of and improvement to pre-fabricated and mobile homes) must: (i) be designed (or modified) and anchored to prevent floatation, collapse, or lateral movement of the structure, (ii) use construction resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage.

5. The Planning Commission shall review subdivision Proposals to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities in such proposals, including sewer, gas, electrical, and water systems, are located, elevated, and constructed to minimize or eliminate flood damage, (iii) adequate drainage is provided so as to reduce exposure to flood hazards, and (iv) on-site sewage disposal systems are located so as to avoid impairment of them or contamination from them during flooding.

Date at Pomfret, Connecticut, this 8th day of May, 1975.
Effective Date: May 28, 1975.

ORDINANCE INSTITUTING FLOOD PLAIN MANAGEMENT FOR DESIGNATED FLOOD-PRONE AREAS

WHEREAS, the Town of Pomfret is participating in the National Flood Insurance Program, a program which has authorized the Town of Pomfret to adopt and administer flood plain management regulations for the flood-prone areas within its jurisdiction, and

WHEREAS, the Federal Insurance Administrator has designated areas of special flood hazards (A Zones) by the publication of the Pomfret Flood Hazard Boundary Map (FHBM) which is on file in the Office of the town Clerk, and may update and revise such map, and

WHEREAS, the National Flood Insurance Program Regulations have been updated and revised, and

WHEREAS, this ordinance conforms to the eligibility requirements of the Program's final regulations as published in the Federal Register, Vol. 41, No. 207, October 26, 1976,

NOW THEREFORE, be it enacted by the Town of Pomfret that the following regulations are adopted and shall be administered:

The Town of Pomfret shall within the flood-prone areas:

1. Require permits for all proposed development, and building permits for all proposed construction including the placement of mobile homes, within Zone A on the Pomfret FHBM; and

2. Prior to the issuance of a building permit, require the Town Building Inspector to review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act, Amendments of 1972; and

3. Require the Town Building Inspector to review all building permit applications and mobile home permit applications (if any), to determine if proposed building sites will be reasonable safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall (I) be designated (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure, (ii) be constructed with materials and utility equipment resistant to flood damage, and (iii) be constructed by methods and practices that minimize flood damage; and

4. Require written assurance from the Northeast District Department of Health and/or Sewer Authority (until such time as this provision has been adopted by such agencies) that new or replacement water supply systems and/or sanitary sewage systems to be designated to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding; and

5. For the purpose of the determination of applicable flood insurance and risk premium rates within Zone A on the Pomfret FHBM, require the Town Building Inspector to (i) obtain the elevation (in relation to mean sea level) of all new or substantially improved structures, and whether or not such structures contain a basement, and (ii) obtain, if the structure has been flood-proofed, the elevation (in relation to mean sea level) to which the structure was flood proofed, and (iii) maintain a record of all such information; and

6. Prior to the issuance of a building permit, require the Town Building Inspector to require all mobile homes placed within Zone A on the FHBM be anchored to resist floatation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that (i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side; (ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side; (iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and (iv) any additions to the mobile home be similarly anchored; and

7. Require that an evacuation plan indicating alternate vehicular access and escape routes be filed with appropriate Disaster Preparedness Authorities for mobile home parks and mobile home subdivisions located within Zone A of the Pomfret FHBM.

Should any section or provision of this ordinance be declared invalid or unconstitutional by the Courts, the remainder of the ordinance shall continue to be applied and shall not be considered invalid as a whole.

Date at Pomfret, Connecticut this 19th day of May, 1977.
Date of Publication: May 25, 1977. Effective Date: June 15, 1977

AMENDMENT TO FLOOD PLAIN MANAGEMENT ORDINANCE 60.3 (D)

The following ordinance amendment, which meets the minimum requirements of the National Flood Insurance Program, was duly amended at a Special Town Meeting held July 22, 1988 - (Revision of March 26, 1985 - Sections I - IV). Publication Date: July 27, 1988. Effective Date: August 11, 1988. Also duly amended at Special Town Meeting of September 17, 2003. Publication Date: September 26, 2003. Effective Date: October 11, 2003.
Duly amended at a Special Town Meeting dated May 10, 2023.
Publication Date - May 17, 2023. Effective Date - June 1, 2023

SECTION 1. Purpose and Objectives

It is the purpose of this ordinance to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. The flood hazard areas of the Town of Pomfret are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

SECTION 2. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

2.1 "Area of Special Flood Hazard" is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year. The Area of Special Flood Hazard is also called the Special Flood Hazard Area (SFHA). SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH on a FIRM.

2.2 "Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

2.3 "Base Flood Elevation (BFE)" means the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base

flood at pertinent points in the floodplains of coastal and riverine areas.

2.4 "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

2.5 "Cost", as related to substantial improvements, means the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

2.6 "Development' means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, the construction of additions, alterations, or substantial improvements to buildings or structures, the placement of buildings or structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment, the storage, deposition, or extraction of materials, and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

2.7 "Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before April 17, 1985, the effective date of the flood plain management regulations adopted by a community.

2.8 "Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation so additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

2.9 "Federal Emergency Management Agency (FEMA)" is the federal agency that administers the National Flood Insurance Program (NFIP).

2.10 "Finished Living Space", as related to fully enclosed areas below the base flood elevation (BFE), means a space that is, but is not limited to, heated and/or cooled, contains finished floors, has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. Unfinished enclosed areas below the BFE should comply with FEMA Technical Bulletin 2, Flood-Damage Resistant Materials Requirements.

2.11 "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

2.12 "Flood Insurance Rate Map (FIRM)" is the official map of the community on which the Federal Emergency Management Agency (FEMA) has delineated both the special hazard areas and the risk premium zones applicable to the community.

2.13 "Flood Insurance Study (FIS)" is the official study by the Federal Emergency Management Agency (FEMA) containing flood profiles, water surface elevations of the base flood, and other flood data applicable to the community.

2.14 "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purposes of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway".

2.15 "Functionally Dependent Use or Facility" means a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

2.16 "Historic Structure" means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirement of an individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district; (c) Individually listed on a state inventory of historic places in states either historic preservation programs which have been approved by the Secretary of the Interior; (d) Individually listed on a local inventory of historic places in states with historic preservation programs that have been certified either: by an approved state program as determine by the Secretary of the Interior, or directly the Secretary of the Interior in states without approved programs.

2.17 "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor provided that such an area is built in accordance with the design requirements specified in Section 5.2.4 of this ordinance.

2.18 "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational

vehicles, park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

2.19 "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent of sale.

2.20 "Market Value", as related to substantial improvement and substantial damage, means the market value of the structure shall be determined by the tax assessor's appraised value minus land value prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

2.21.1 "Mean Seal Level (MSL)" means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

2.22 "New Construction" means structures for which the "start of construction" commenced on or after April 17, 1985 the effective date of the floodplain management regulation adopted by the Town of Pomfret and includes any subsequent improvements to such structures.

2.23 "New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after April 17, 1985, the effective date of this Ordinance adopted by a community.

2.24 "Recreational Vehicle" is a vehicle which is" (a) built on single chassis; (b) four-hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently tow able by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

2.25 "Start of Construction" includes substantial improvement, and means the date the build-ing permit was improvement, was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alternation of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

2.26 "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground as well as a manufactured home.

2.27 "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

2.28 "Substantial Improvement" means any combination or repairs, reconstruction, alteration, rehabilitation, additions, or other improvements to a structure, taking place over a ten (10) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the Tax Assessor's appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alternation of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alternation affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

2.29 "Variance" is a grant of relief by a community from the terms of the floodplain management ordinance that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

2.30 "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

2.31 "Water Surface Elevation" is the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

SECTION 3. General Provisions.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of

the Town of Pomfret. The areas of special flood hazard identified by the Federal Emergency Management Agency **(FEMA) in its Flood Insurance Study (FIS) for Windham County, Connecticut, dated September 7, 2023, and accompanying Flood Insurance Rate Maps (FIRM), dated September 7, 2023, and other supporting data applicable to the Town of Pomfret,** and any subsequent revision thereto, are adopted by reference and declared to be a part of this ordinance. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.

The areas of special flood hazard include any area shown on the FIRM as Zones A, AE, AO, and AH, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Also included are areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the areas of special flood hazard identified by FEMA, and where the land surface elevation is lower than the base flood elevation (BFE) as shown in the FIS, and the area is not protected from flooding by a natural or man-made feature. The FIRM and FIS are on file at the office of the Pomfret Town Hall, Pomfret Center, Connecticut.

SECTION 4. Duties and Responsibilities of the Building Official.

4.1 The Building Official is hereby appointed to administer, implement and enforce the provisions of this ordinance. A Building Permit and a Zoning Permit must be completed in conformance with the provisions of this ordinance prior to the commencement of any development activities. Permits issued under this ordinance shall expire if actual construction of a permitted structure does not commence within one hundred and eighty (180) days of the permit approval date.

4.2 Advise permittee that additional Federal or State Permits may be required. Notify adjacent communities and the Department of Energy and Environmental Protection, Land and Water Resources Division prior to any alteration or relocation of a watercourse. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

4.3 Record the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved or flood proofed structures. When flood-proofing is utilized for a particular structure the Building Official shall obtain certification from a registered professional engineer or architect.

4.4 When base flood elevation data or floodway data have not been provided, then the Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions of Sections 5.2 and 5.3.

4.5 Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, the Building Official shall make the necessary interpretation. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Building Official.

SECTION 5. Provisions for Flood Hazard Reduction.

5.1 GENERAL STANDARDS. In all areas of special flood hazard the following provisions are required:

5.1.1. NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS - New construction and substantial improvements shall be: (i) anchored to prevent floatation, collapse or lateral movement of the structure;(ii) shall be constructed with materials and utility equipment that are flood-damage resistant and conform to the provisions of FEMA Technical Bulletin 2, Flood Damage-Resistant Material Requirements. This includes, but is not limited to, flooring, interior and exterior walls, wall coverings and other materials installed below the base flood elevation plus one (1.0) foot; (iii) constructed by methods and practices that minimize flood damage; (iv) The bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, appliances, fixtures and components, HVAC duct work and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure shall be elevated at least one foot (1.0 ft) above the base flood elevation (BFE). This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation duct work, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes. Connections or other equipment that must be located below the BFE plus one foot (1.0 ft) elevation are permitted only when no other elevation alternative is available and provided they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood event. Electrical wiring systems that must be located below the BFE plus one foot (1.0 ft) shall conform to the standards for wet locations.

5.1.2. WATER SUPPLY AND SANITARY SEWAGE SYSTEMS-New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

5.1.3. MANUFACTURED HOMES - All manufactured (mobile) homes to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the frame is located one (1.0) foot above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per Section 5.1.1. The foundation and anchorage of manufactured homes to be located in floodways shall be designed and constructed in accordance with ASCE24. This includes areas of special flood hazard outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing

manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. All manufactured (mobile) homes within areas of special flood hazard shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. All manufactured (mobile) homes within an area of special flood hazard shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.

5.2 SPECIFIC STANDARDS. In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section 3 or as determined in Section 4.4., the following provisions, in addition to those in Section 5.1., are required:

5.2.1. RESIDENTIAL STRUCTURES - New construction or substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to one (1.0) foot above the base flood elevation.

5.2.2. NON-RESIDENTIAL STRUCTURES - New construction or substantial improvement of any commercial, industrial, or non-residential structure located in an area of special flood hazard shall have the lowest floor, including basement, elevated to one (1.0) foot above the base flood elevation.

5.2.3. FLOOD PROOFING - Non-residential structures located in Zone A and AE may be dry flood-proofed to one (1.0) foot above the base flood elevation in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below this required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect buoyance. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection.

5.2.4. ELEVATED BUILDINGS - All new construction, substantial improvements, or repair to structures that have sustained substantial damage, whether residential or non-residential, that include fully enclosed areas formed by a foundation and other exterior walls shall have the lowest floor elevated to one (1.0) foot above the base flood elevation (BFE). The elevated building shall be designed to preclude finished living space below the lowest floor and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect as meeting the requirements of ASCE 24 Section 2.6.2.2, or meet the following minimum criteria listed in sections (a)-(h) below:

(a) Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. The enclosed area is measured on the exterior of the enclosure walls. These hydraulic openings must be located on at least two different exterior walls of each enclosed area. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;

(b) The bottom of all openings shall be no higher than one (1.0) foot above the higher of either the final interior grade or floor elevation, or the finished exterior grade adjacent to the outside of the foundation wall. At least one side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab or a crawlspace, must be set equal to the outside finished grade on at least one side of the building;

(c) The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by a registered professional engineer or approved by the Building Official;

(d) Openings shall not be less than three (3) inches in any direction in the plane of the wall;

(e) The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation;

(f) All interior walls, floor, and ceiling materials located below the base flood elevation plus one (1.0) foot elevation shall be unfinished and resistant to flood damage-resistant in accordance with FEMA Technical Bulletin 2, Flood Damage-Resistant Requirements.

(g) Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washers and dryer hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the base flood elevation plus one (1.0) foot elevation. Utilities or service equipment located in this enclosed area, even if elevated one (1.0) foot above the base flood elevation in the space, will subject the structure to increased flood insurance rates.

(h) A residential building with a structurally attached garage having the floor slab below the base flood elevation is considered an enclosed area below the base flood elevation and must meet the standards of Sections 5.2.4 (a)-(g). A garage attached to a residential structure, constructed with the garage floor slab below the base flood elevation, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened do not meet the flood vent opening requirements in Section 5.2.4 (a)-(c). In addition to the automatic entry of floodwaters, the areas of the garage below the base flood elevation plus one (1.0) foot must be constructed with flood damage-resistant materials per the requirements of FEMA Technical Bulletin 2. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 5.2.3.

5.2.5. RECREATIONAL VEHICLES-All recreational vehicles located within areas of special flood hazard (Zones A and AE) must be on site for less than one-hundred eighty (180) consecutive days and be fully licensed and ready for highway use OR meet all the general standards of Section 5.1.1 and the elevation and anchoring requirements of a manufactured home as stated in Section 5.1.3. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

5.2.6. When base flood elevations have been determined within Zone AE on the community's Flood Insurance Rate Map but a regulatory floodway has not been designated, the Building Official must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development. The Building Official may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community.

5.3. FLOODWAYS. Located within areas of special flood hazard are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge published by FEMA. Buildings and structures meeting the standard above and located in whole or in part in the floodway shall be designed and constructed in accordance with ASCE 24. Fences in the floodway must be aligned with the flow and be of an open design. A permit may be given which allows encroachments resulting in increases in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirements of C.F.R. 44, Chapter 1, Subsection 65.12.

5.4 Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood. The bottom of above-ground storage tanks which are located outside or inside of a structure must be elevated one (1.0) foot above the base flood elevation or shall be securely anchored to prevent flotation, collapse or lateral movement under conditions of the base flood. Where elevated on platforms, the platforms shall be cantilevered from or knee braced to the building or shall be supported on elevated foundations that conform to the standards for the particular flood zone as described in Section 5.2. Anchored tanks must have the top of the fill pipe located at least one (1.0) foot above the BFE and have a screw fill cap that does not allow for the infiltration of flood water.

5.5 New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless they are a functionally dependent use or facility.

5.6 If any portion of a structure lies within the area of special flood hazard, the entire structure is considered to be located within the area of special flood hazard and must meet the construction requirements of the flood zone. The structure includes any structurally attached additions, garages, decks, porches, sunrooms, patios or any other structure attached to the main structure.

5.7 If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., structure must be built to the highest base flood elevation). The structure includes any structurally attached additions, garages, decks, porches, patios, sunrooms, or any other structure attached to the main structure.

5.8 Compensatory Storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

5.9 Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

SECTION 6. Standards for Subdivision Proposals.

In all areas of special flood hazard the following requirements shall apply: (i) all subdivision proposals shall be consistent with the need to minimize flood damage; (ii) all subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; (iii) all subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; (iv) base flood elevation data shall be provided for all subdivision proposals, including manufactured home parks and subdivisions. In Zone A where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a registered professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions.

SECTION 7. Variance Procedures.

The Pomfret Inland Wetlands and Watercourses Commission shall hear and decide appeals and request for variances from the requirements of this ordinance. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing Town regulations. Only hardships which are based on unusual physical characteristics of the property in question, characteristics which are not shared by adjacent properties, shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, personal, or economic circumstances are not sufficient cause for granting of a variance under this regulation. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increase risk resulting from the reduced lowest floor elevation. The Town shall maintain records of all variances granted and report any variances to the Federal Emergency Management Agency (FEMA) upon request.

SECTION 8. Penalties for Violations.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variances, shall constitute a misdemeanor. Any person who violates this ordinance or ails to comply with any of its requirements shall be subject to a fine of $250.00 per day and to further penalty of not less than $250.00 for each and every day that such violation continues to exist. Nothing herein contained shall prevent the Town of Pomfret from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 9. Severability.

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court for any reason whatsoever, the remainder of the ordinance shall not be affected, which shall remain in full force and effect, and to this end the provision of this ordinance are hereby declared to be severable.

SECTION 10. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing laws, regulations, ordinances, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 11. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Pomfret or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under. The Town of Pomfret, its officers and employees shall assume no liability for another person's reliance on any maps, data, or information provided by the Town.

Published: July 27, 1988.
Effective Date: August 11, 1988.
Revised at Annual Town Meeting May 10, 2023
Published: May 17, 2023
Effective: June 1, 2023

ORDINANCE REGULATING HAZARDOUS WASTES

Ordinance of the Town of Pomfret regarding Regulating Hazardous Wastes adopted at a Special Town Meeting held August 20, 1980.

SECTION I:

1. A "hazardous material" shall mean any solid, semi-solid or liquid substance which is toxic, corrosive, radioactive, infectious, phototoxic, reactive, teratogenic, mutagenic, or any other substance which, if improperly disposed of or stored, poses a significant risk of contamination to any natural body of water, water course, water supply or aquifer, causes or contributes to air pollution or endangers biosystems.

2. "Hazardous water material" shall mean any hazardous materials which are the end result or by-product of any chemical manufacturing, mining, or energy generation treatment or process.

3. The term "hazardous waste disposal facility" shall be deemed to mean and include any building, structure, equipment or real estate which is used or intended to be used for the disposal or the storage, temporary or permanent, of any "hazardous waste material" or any such facility used in connection with a process or processes designed to recover materials for sale or re-sale from any hazardous waste material. The term "hazardous waste disposal facility" shall not include nor shall this ordinance be construed to regulate septic or similar sewage disposal systems serving residential or commercial property and designed primarily to dispose of human waste, nor shall the term include underground tanks for the storage of gasoline and related petroleum products, nor pits maintained on agricultural property for the temporary storage of animal waste, pending its utilization as fertilizer.

SECTION II:

1. No person, firm, corporation, governmental entity or any other organization however constituted shall operate a hazardous waste disposal facility within the Town of Pomfret without a permit issued by the Board of Selectmen.

2. Application for the operation of a hazardous waste disposal facility shall be on such forms as prescribed by the Board of Selectmen. The application shall provide sufficient information, including but not limited to that required under Section II-3 hereof which shall allow the Board of Selectmen prior to approval of such application to make a finding that the presence of such a hazardous waste facility within confines of the Town of Pomfret will not endanger the public health, safety and welfare of its citizens and will not create a significant risk that the facility, its operations or by-products there from will contaminate any natural body of water, water course, water supplies, aquifer or air quality, or endanger wildlife within said Town of Pomfret and that such facility shall be operated in compliance with any other applicable law or regulation.

3. The permit application for disposal of such materials shall include:

a.) The name and address of the applicant.

b.) A description of the hazardous waste materials to be stored in the facility, to be disposed of or processed at the facility, or to be used in any recovery process, including their chemical composition.

c.) A statement of the place of origin of said materials.

d.) The quantity of the materials proposed for disposal placement both as to bulk and chemical composition.

e.) A site plan prepared under the supervision of a professional engineer licensed by the State of Connecticut showing the location of such facilities, the location of all buildings, or structures or equipment located thereon, land contours, the location of any wetlands within the site or within one thousand feet thereof, any buffer strip proposed between the site and adjacent properties and any other improvement or changes in the natural condition of the site which are necessary or proposed for the operation of the facility.

f.) An application fee of $500.00

g.) Any other information that the Board may require in order to make the finding required in Section II-2 above.

4. Any facility licensed under the provisions of this ordinance shall be permitted to process, store or recover hazardous waste materials generated only within the Town of Pomfret.

SECTION III:

1. The Board of Selectmen may refer any such application to the Northeast District Department of Health for reports or recommendations concerning the disposal or storage of said materials and may require any applicant to submit to said Department any information it shall deem necessary to complete said report or recommendation.

2. In processing any application submitted in accordance with this ordinance, the Board of Selectmen is empowered to retain the services of competent engineers or other scientific personnel to assist them in making a finding as to the propriety of issuing any such permit.

3. Nothing in this ordinance shall be construed to limit or restrict the storage, use or disposal of wastes arising out of agricultural or horticulture activities within the Town of Pomfret so long as said activities are in compliance with any other applicable laws or regulations.

SECTION IV:

1. Upon filing of any completed application required under the terms of this ordinance and prior to issuing any permits, the Board of Selectmen shall cause a public hearing to be convened. Notice of the time and place of said hearing shall be published in a newspaper having a general circulation in the Town of Pomfret, not less than ten days nor more than twenty days prior to said hearing.

2. Any person wishing to be heard upon said application may appear at said hearing or any adjournment thereof. The Selectmen shall not be restricted in making any finding required by this ordinance to evidence or information adduced at said hearing.

3. Any permit issued hereunder may contain conditions deemed appropriate by the Board of Selectmen to further the purpose hereof and non-compliance with said conditions shall be cause for revocation of the permit.

SECTION V:

1. This ordinance shall not apply to hazardous waste disposal facilities existing at the time of the adoption of this ordinance provided such facilities conform to all appropriate statutes and regulations promulgated by the U.S. Government and the State of Connecticut.

2. Any person, firm, corporation, governmental entity or any other organization, however, constituted, operating a hazardous waste disposal facility at the time of the enactment of this ordinance conforming to all statutes and regulations of the U. S. Government and State of Connecticut shall file in the Office of the Selectmen of the Town of Pomfret a copy of the certificate of approval to operate such a facility provided by the Department of Environmental Protection of the State of Connecticut.

SECTION VI:

1. Any person, firm, corporation, governmental entity, or any other organization, however constituted, who shall violate any provision of this ordinance or any condition or requirement of a permit issued under the provisions of this ordinance shall be fined $100.00. Each day of such violation shall be construed as a separate offense.

Dated at Pomfret, Connecticut this 8th day of September 1980.
Effective Date: September 26, 1980.

AN ORDINANCE REGULATING THE OWNERSHIP AND OPERATION OF A LANDFILL IN THE TOWN OF POMFRET, CONNECTICUT

The following ordinance was adopted by the Town of Pomfret at the Annual Town Meeting held on June 16, 1986:

Be it ordained by the Town of Pomfret that no one other than the Town of Pomfret shall own and/or operate a landfill within the Town of Pomfret, Windham County, Connecticut.

This ordinance shall become effective fifteen days after date of its publication in some newspaper having a circulation in said Town of Pomfret.

Adopted: Annual Town Meeting, June 16, 1986.
Effective Date: July 3, 1986.

ORDINANCE REGULATING COLLECTION AND DISPOSITION OF GARBAGE, RUBBISH AND OTHER REFUSE

SECTION 1 - Definitions

1. "Commercial Collector" means any person, firm or corporation charging a fee for the collection, transportation and/or dumping of garbage, and includes those who collect and dispose refuse as a secondary aspect of other commercial services, such as contractors and construction companies.

2. "Garbage" means unwanted or discarded materials, including solid, liquid, semi-solid or contained gaseous materials.

3. "Disposal Area" means the area designated by the Town of Pomfret for dumping of garbage.

4. "Dumping" includes depositing, discharging, placing, and disposing of garbage.

5. "Resident" means (a) in the case of individuals, those who reside, own real property containing a residence or operate a business in the Town of Pomfret; (b) in the case of individuals, those who reside, own real property containing a residence or operate a business in the Town of Pomfret.

SECTION 2 - Restrictions on Use of Disposal Area

Only persons, firms, or corporations whose residences or places of doing business are within the Town limits, shall be eligible for a permit to use the facilities of Town Disposal Area for depositing of garbage, rubbish and other refuse originating in the Town. Municipal and Commercial refuse collection services operating in the Town are similarly eligible.

SECTION 3 - Permit Issuance and Revocation

Applications for permits shall be obtained from the Town Clerk in the Putnam Town Hall, which office shall issue and revoke all permits authorizing the use of the Disposal Area, subject to the provisions of this ordinance and other appertaining regulations. Appeals for denial or revocation of permits shall be made to the full Board of Selectmen-Town of Putnam. All permit stickers shall be affixed and displayed in the lower right interior corner of the motor vehicle windshield. (No longer applicable - Putnam Landfill closed 6/30/97)

SECTION 4 - Enactment of Regulations

The Selectmen are hereby authorized to enact from time-to-time other regulations, deemed in the public interest regarding the separation, recovery, collection, removal, storage and disposition of garbage, rubbish, and other refuse including recyclables and specially designed materials, in accordance with Connecticut General Statutes P.A. 87-544, and other applicable state regulations.

SECTION 5 - Contractual Authority and Recycling

The Selectmen are authorized to employ and/or negotiate and enter into contracts with individual persons, corporations, or governmental agencies for the separation, recovery, collection removal, storage or disposition of garbage, rubbish or other refuse, including recyclables.

SECTION 6 - LICENSING OF COMMERCIAL COLLECTORS (No Longer Applicable)

a) No Person engaged in the business of collection or disposal of garbage shall deposit garbage in the disposal area without first obtaining a license from the Board.

b) All licenses shall be for a period of one year from date of issuance. The license fee shall be paid in advance of the granting of said license. the fee for a license shall be $200.00 per year, per vehicle, subject to future increases. Any commercial collector whose business is not primarily in or publicly identified as the collection of refuse (i.e. the

contractors, construction companies) shall have the option of paying the $200.00 per truckload. A truckload shall constitute any load of refuse brought to the disposal area contained in or on any motor vehicle, or any load in one "roll off" container.

c) The Board is authorized and empowered prior to issuing a license to require evidence of liability insurance in effect covering all vehicles to be used to transport garbage into the disposal area.

d) Any licensee owing more than one vehicle and one removable body will provide a list of all vehicles and removable bodies to the Board. Changes in vehicles or removable bodies used to transport garbage to the disposal area shall be provided by the licensee as changes occur. The list shall designate each vehicle by Connecticut registration number, cubic yard capacity, tare weight and gross weight.

e) A licensed commercial collector attempting to deposit garbage in the disposal area which was collected or generated in towns other than Pomfret shall be ordered to remove the vehicle from the disposal area immediately by any Board member or its employees or agents or by the First Selectman, notwithstanding the fact that part of said load of garbage was collected or generated in the Town of Pomfret.

f) Licenses must be in the possession of the operator of a vehicle described in the license and shall be shown on request at the time of dumping. No commercial collector shall be allowed to dump a load of garbage in the disposal area if the operator of the vehicle fails to have said license in his possession or fails to show said license on request. In such instances, such vehicle shall be ordered to be removed from the disposal area immediately by any member of the Board or any of its employees or agents, or be the First Selectman.

SECTION 7 - Fines and Penalties

Except where otherwise specified in this ordinance, any person or permittee violating any provision of this ordinance, or the regulations enacted hereunder, shall be subject to a fine of not more than One Hundred Dollars ($100.00) for each offense, and/or revocation of permit for use of the disposal area. In addition, the Town, or its agent reserves the right to refuse access to the disposal area where the provisions of this ordinance or regulations enacted hereunder are violated.

SECTION 8 - Collection and Transport

All garbage, rubbish or other refuse collected and transported within the Town of Pomfret shall be collected and transported in such a manner as to prevent scattering of these materials upon the streets and highways. All vehicles used for the commercial collection or transport of garbage, rubbish or other refuse within the Town of Pomfret must be covered and/or secured and shall be subject to inspection.

SECTION 9 - Littering

It shall be unlawful for any person to throw, deposit, or leave any litter or rubbish in any public park, public playground or recreation area, or public street in the Town. Such litter or rubbish shall be placed in the proper receptacles where these are provided; and when receptacles are not so provided, such litter or rubbish shall be carried away by the person responsible for tits presence and properly disposed of elsewhere. Violations of this section shall be punishable by a fine of not less than Twenty-five dollars ($25.00) nor more than One Hundred dollars ($100.00) for each occurrence.

SECTION 10 - Unlawful Depositing of Materials

Except as specifically permitted by the Town, it shall be unlawful for any person to throw upon the streets, or any other property under the control of the Town, or in any catch basin, fire hole, drain, river, or other waterway in the Town, any garbage, rubbish or other refuse.

SECTION 11 - Prohibiting Improper Storage

No person having custody or control of residential, industrial or business premises from which garbage, rubbish or other refuse, including recyclables, is collected for disposal in the disposal area, shall permit or cause any garbage, rubbish, or other refuse, including recyclables, within his/her control to become a hazard to public travel, health or safety or to become a nuisance of any sort.

SECTION 12 - Prohibiting Unauthorized Collection of Recyclables

No person(s) engaged in the business of separation, recovery, collection, removal, storage, or disposition of garbage, rubbish or other refuse within the Town of Pomfret, except as specifically authorized by the Selectmen, shall pick up or procure any garbage, rubbish or other refuse deemed recyclable under this ordinance or a valid regulation. This restriction shall also apply to any citizen, resident, taxpayer or person who might engage in such practice for personal gain.

SECTION 13 - Hazardous Substances

It shall be unlawful to dispose of within the Town of Pomfret materials which are identified by the Resource Conservation and Recovery Act (RCRA) as hazardous materials.

SECTION 14 - Repealing of Inconsistencies

All ordinances or parts of ordinances, resolutions, regulations or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 15 - Severability

This ordinance and the various parts, sentences, sections, clauses thereof, are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

SECTION 16 - Enforcement

The law enforcement agency of the Town of Pomfret shall be charged with enforcement of the provisions of this ordinance, and any legal recourse, civil or criminal, available to the Selectmen.

Adopted at Special Town Meeting, JUNE 29, 1989.
Effective Date of Ordinance: July 27, 1989

ORDINANCE REGULATING THE STORAGE, COLLECTION AND DISPOSAL OF SOLID WASTE, BULKY WASTE AND RECYCLABLES

Declaration of Policy:

The accumulation, collection, removal and disposal of Refuse and Recyclables must be regulated by the Town for the protection of the public health, safety, and welfare. It is consequently found and declared that:

A. Recycling is mandatory.
B. The Town is authorized by law to regulate the disposition of Refuse and Recyclables generated within its boundaries and to license collectors.
C. The Town, in conjunction with regional and state bodies will inform the general public about recycling initiatives with a support program of information and education.

SECTION 1. Definitions

1. *"Commercial Collector"* means any person, firm or corporation charging a fee for the collection, transportation and/or dumping of garbage, and includes those who collect and dispose of refuse as a secondary aspect of other commercial services, such as contractors and construction companies.

2. *"Garbage"* means unwanted or discarded materials, including solid, liquid, semi-solid or contained gaseous materials.

"Garbage" shall not include:

A. Semi-solid or liquid materials collected in a municipal sewage system, septic, or cesspool system.
B. Hazardous Wastes
C. Special Wastes – Non-hazardous commercial and industrial wastes which by virtue of their properties and or volume require special handling.

"*Bulky Waste*" shall incorporate the definition as used in the regulations of the Connecticut Department of Environmental Protection. Bulky Waste shall also include demolition debris, rubble, concrete, brick, roofing shingles, stumps, brush, mattresses, furniture, wood pallets, and other similar materials.

"*Commercial Food Waste*" shall include waste from the preparation, cooking and consumption of food, and condemned food products from the handling, storage, preparation, and sale of produce originating primarily in commercial kitchens, food processors, food markets, stores and restaurants.

"*Hazardous Wastes*" shall mean solid and liquid wastes which exhibit the following characteristics: flammability, corrosiveness, toxicity, and reactivity.
"*Recyclable Materials*" shall be those materials mandated by the Connecticut Department of Environmental Protection Pursuant to P.A. 87-544 as amended by P.A. 90-220 and those materials that may be designated by the Board of Selectmen.

"Collector" shall be those individuals and firms engaged in the collection and transportation of garbage and recyclables.

3. *Dumping* includes depositing, discharging, placing and disposing of garbage.

4. *Resident* means (a) in the case of individuals, those who reside, own real property containing a residence or operate a business in the Town of Pomfret; (b) in the case of individuals, those who reside, own real property containing a residence, or operate a business in the Town of Pomfret.

5. *"Town"* means the Town of Pomfret, Connecticut.

6. *"Authority"* means the Northeastern Connecticut Regional Resource Recovery Authority.

SECTION 1b. Recycling Definitions

"Cardboard"-corrugated boxes and similar corrugated and Kraft paper materials which have a minimum of contamination by food and other materials. Includes cereal boxes without liners.

"Clean Wood" - Used Pallets, cable spools, and other manufactured products of unpainted or unfinished wood. This category also includes tree limbs and trunks, excluding stumps, not exceeding four inches (4") diameter.

"Glass Container" Any unbroken glass bottle or jar of any size or shape used to package food or beverage products suitable for human or animal consumption.

Marcal Mix" - Includes scrap paper used by Marcal Paper Mills of New Jersey, magazines, junk mail, white and colored office paper.

"Metal Container" - Any aluminum, bi-metal, steel, tin-plated steel, or other metallic can, plate, or tray of any size or shape used to package food or beverage products suitable for human or animal consumption. Clean aluminum foil is also included in this category.

"Newspaper" - any used or discarded newspaper which has a minimum of contamination by food and other material. The only glossy printed paper stock in this category is the color-printed inserts commonly found in Sunday editions.

"Office Paper" - Any used or discarded high-grade, white paper, computer printout, manila cardstock or photo-copying paper which is suitable for recycling and has a minimum of contaminations.

"Reasonable Opportunity to Recycle" - Exists when for given recyclable material, there exists separate container, handling, transport, processing, and final disposition in the scrap materials marketplace.

"Recyclables" - Any items, commonly regarded as wastes, which are designated by this regulation or by the Board of Selectmen to be pres-sorted for separate handling and recycling.

"Scrap Metal" - Used or discarded items which consist predominately of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys thereof, including, but not limited to, white goods (refrigerator, stoves, and washing machines).

"Scrap Tires"- Discarded rubber or synthetic rubber tires used by or manufactured for vehicles including, but not limited to automobiles, trucks, buses and trailers.

"Storage Battery" - Batteries used in motor vehicles, airplanes, boats, recreational vehicles, tractors, and like applications, or other lead-acid batteries.

"Waste Oil" - Crankcase oil that has been utilized in internal combustion engines.

"White Paper" - All white and computer paper used in schools and offices.

SECTION 3. Permit Issuance and Revocation (Putnam Landfill Closed June 30, 1997)

Application for landfill permits shall be obtained from the Town Clerk in the Pomfret Town Hall which shall issue and revoke all permits authorizing the use of the Landfill and Recycling Area at the Putnam Landfill on River Road in Putnam, subject to the provisions of this ordinance and appertaining regulations. Appeals for denial or revocation of permits shall be made to the Pomfret's full Board of Selectmen. All permits shall be affixed and displayed in the lower right interior corner of the motor vehicle windshield.

SECTION 4. Enactment of Regulations

The Selectmen are hereby authorized to enact from time-to-time other regulations, deemed in the public interest regarding the separation, recovery, collection, removal, storage and disposition of garbage, rubbish, and other refuse including recyclables and specially designated materials, in accordance with Connecticut General Statutes P.A. 87-544, as amended by P.A. 90-220, and other applicable state regulations.

SECTION 5. Contractual Authority and Recycling

The Selectmen are authorized to employ and/or negotiate and enter into contracts with individual persons, corporations, or governmental agencies for the separation, recovery, collection removal, storage, or disposition of garbage, rubbish or other refuse, including recyclables.

SECTION 6. Licensing of Commercial Collectors

All garbage and recyclables accumulated in the Town shall be collected and conveyed by persons or firms licensed by the Town to perform such work and in accordance with the provisions of this article. Occupants of premises in the Town upon which garbage and recyclables have accumulated may personally collect, convey and dispose of such garbage and recyclables without license. The Town specifically reserves the right to perform municipal or contractual recycling/ garbage pick-up service.

All licenses shall be for a period of one year from the date of issuance. the license fee shall be paid in advance of the granting of said license. the fee for a license shall be $25.00 per year, subject to future increases.

Each Collector shall, on or before the first of July of each year, apply for a license from the Town on such form as the Town may provide to engage in the business of refuse and recyclable collection in Town.

The Board of Selectmen shall grant a license within a reasonable time following the filing of proper application and payment of the prescribed fee unless they find one or more of the following conditions to prevail:

* The applicant has been irresponsible in the conduct of refuse and recyclables collection and hauling operations based on previous suspensions or revocations of licenses.

* The applicant lacks suitable equipment with which to collect refuse and recyclables in a safe and nuisance-free manner and in compliance with this ordinance.

The Board is authorized and empowered prior to issuing a license to require evidence of liability insurance in effect covering all vehicles to be used to transport garbage into the disposal area.

Each licensee shall, on all refuse and recycling collection vehicles operating in Town, prominently display the business name and telephone number in clear, bold letters.
When any licensee shall sell or transfer all or part of his route to another Refuse and Recyclable Collector he shall forthwith give written notice to the Board at least 30 days before the date of sale or transfer, stating the name of the buyer or transferee and the intended date of sale.

SECTION 7. Enforcement and Penalties

Generators
From the date of enactment of these regulations, there will be a sixty (60) day period of public education and information. Generators of waste found to be in violation of requirements for separating recyclables from garbage will be notified:

* Verbally by telephone, Putnam Landfill Attendant, or waste hauler.
* By personal meeting with the Board's designated agent.

The party whose waste was not collected may be held in violation of Connecticut General Statutes 22a-250 prohibitions against littering, and subject to the following fines:

First Offense.....Written Warning
Second Offense.....$25.00 Maximum Fine
Third Offense.....$100.00 Maximum Fine
Subsequent Offenses.....Review *
*Review includes determination by the Board on the amount of future fines.

Haulers
Public Act 90-220 requires that all refuse haulers inform the municipality when they discover recyclables mixed with trash. Haulers licensed to operate in the Town of Pomfret are expected to inform the Board of Selectmen of non-compliance including the name, address, and nature of the violation. The Town will send written notices of violations, and will work with the haulers to bring industrial, commercial, and residential sectors into compliance. The Town, working with private haulers, will enforce the recycling mandate. Haulers in violation of the recycling mandate (significant amount of recyclables in their trash) may be subject to the following actions schedule:

First Offense.....Written Warning
Second Offense.....$250.00 Maximum Fine

Third Offense.....$500.00 Maximum Fine
Subsequent Offenses.....Review *
* Review includes determination by the Board on penalties which may include fines and loss of license.

The First Selectmen or its designated agent shall record violations and recommend the assessment of fines. These recommendations will be brought before the Board of Selectmen for determination.

Appeals
The Board of Selectmen shall appoint forthwith a Special Appeals Board consisting of three (3) electors of the Town and one (1) licensed Refuse Hauler and a representative from the Authority. Said Board shall consider appeals within fifteen (15) days after receipt of a written request for a review. Such hearing shall be private, except however, such hearing may be public if so requested in writing by the Hauler. The decision of said Board shall be final and binding upon both parties.

SECTION 8. Collection and Transport

All garbage, rubbish, Bulky Waste and Recyclables collected, and/or transported in the Town shall be collected and transported in such a manner as to prevent scattering of these materials upon the streets and highways. All vehicles used for the commercial collection or transportation of garbage, rubbish or other refuse within the Town shall be subject to inspection.

SECTION 9. Littering

It shall be unlawful for any person to throw, deposit or leave any litter or rubbish in any public park, public playground, or recreation area, or public street in the Town. Such litter or rubbish shall be placed in the proper receptacles where these are provided; and when receptacles are not so provided such litter or rubbish shall be carried away by the person responsible for its presence and properly disposed of elsewhere. Violations of this section shall be punishable by fine of not less than Twenty-Five Dollars ($25.00) nor more than One-Hundred Dollars ($100.00) for each occurrence.

SECTION 10. Unlawful Depositing of Materials

Except as specifically permitted by the Town it shall be unlawful for any person to throw upon the streets or any other property under the control of the Town, or in any catch basin, fire hole, drain, river, or other waterway in the Town, any garbage, rubbish, or other refuse.

SECTION 11. Prohibiting Improper Storage

No person having custody or control of residential, industrial or business premises from which garbage rubbish or other refuse, including recyclables is collected for disposal shall permit or cause any garbage, rubbish or other refuse, including recyclables, within his/her control to become a hazard to public travel, health or safety or to become a nuisance of any sort.

SECTION 12. Hazardous Substances

It shall be unlawful to dispose of within the Town of Pomfret materials which are identified by the Resource Conservation and Recovery Act (RCRA) as hazardous materials.

SECTION 13. Repealing of Inconsistencies

All ordinances or parts of ordinances, resolutions, regulations or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 14. Severability

This ordinance and the various parts, sentences, sections, clauses thereof are hereby declared to be severable. If any part, sentence, section, or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

SECTION 15. Enforcement

The law enforcement agency of the Town of Pomfret shall be charged with enforcement of the provisions of this ordinance, and any legal recourse, civil or criminal, available to the Selectman.

MANDATED RECYCLABLES IN POMFRET

Glass Containers
Metal Containers
Newspapers
Cardboard
Office Paper
Magazines & Junk Mail
Leaves
Storage Batteries
HDPE #2 Plastics
Waste Oil
Scrap Metal

* **The Board of Selectmen may in their sole discretion, revise this list as may be necessary.**

Adopted at Special Town Meeting, October 17, 1996. Publication Date: October 24, 1996. Effective Date: November 9, 1996.

ORDINANCE PROHIBITING THE STORAGE, DISPOSAL OR USE OF WASTE FROM OIL & GAS EXPLORATION OR EXTRACTION ACTIVITIES OR ANY DERIVATIVE THEREOF IN THE TOWN OF POMFRET CONNECTICUT.

Section 1. Prohibitions.

A. The application of natural gas waste or oil waste, whether or not such waste has received Beneficial Use Determination or other approval for use by DEEP (Department of Energy & Environmental Protection) or any other regulatory body, on any road or real property located within the Town for any purpose is prohibited.
B. The introduction of natural gas waste or oil waste into any wastewater treatment facility or solid waste facility within or operated by the Town of Pomfret is prohibited.
C. The storage, disposal, sale, acquisition, handling, treatment and/or processing waste from natural gas or oil extraction activities is prohibited within the Town.

Section 2. Provision to be included in bids and contracts for construction or maintenance of Town roads and real property.

A. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that the materials shall not contain natural gas waste or oil waste.
B. All bids and contracts related to the solicitation of services to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas waste or oil waste shall be utilized in providing such services to the Town.
C. The following statement, which shall be a sworn statement under penalty of perjury, shall be included in all bids related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town and all bids related to the solicitation of services to construct or maintain any publicly owned and/or maintained road or real property within the Town: "We _____ hereby submit a bid for materials, equipment and/or labor to the Town of Pomfret . The bid is for bid documents titled _____. We hereby certify under penalty of perjury that, if this bid is selected, no natural gas waste or oil waste will be used by the undersigned bidder in the performance of the contract. We further certify that no subcontractor, agent or vendor will be allowed or permitted to use materials containing natural gas waste or oil waste."

Section 3. Penalties.

This ordinance shall apply to any or all actions occurring after the effective date of this ordinance. The Town of Pomfret is empowered to: (a) acting by and through the Zoning Enforcement Officer, issue a Cease and Desist Order demanding abatement of a violation; (b) seek appropriate legal relief including immediate injunctive relief as a result of a violation; and (c) file a civil claim in Superior Court for damages and/or costs incurred by the Town in connection with any violations, including reasonable attorney's fees and expert or other consultant expenses incurred court costs and any remediation performed by the Town. Violations of this Ordinance shall also be subject to imposition of a fine of $250.00 per violation, with each day any violation continues constituting a separate violation.

Parties subject to enforcement actions taken by the Town of Pomfret under this Ordinance shall have such appeal rights as may be provided under Connecticut General Statutes.

Section 4. Definitions.

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

Application – The physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the Town of Pomfret.

Hydraulic Fracturing – The fracturing of underground rock formations, including shale and non-shale formations, by man-made fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.

Natural Gas Extraction Activities - All geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing.

Natural Gas Waste –

A. Any liquid or solid waste or its constituents, that is generated as a result of natural gas extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants
B. Leachate from solid wastes associated with natural gas extraction activities;
C. Any waste that is generated as a result of or in association with the underground storage of natural gas;
D. Any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and
E. Any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

Oil Extraction Activities – All geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited to, core and rotary drilling and hydraulic fracturing.

Oil Waste –

A. Any liquid or solid waste or its constituents that is generated as a result of oil extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants.
B. Leachate from solid wastes associated with oil extraction activities; and
C. Any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

Town – The Town of Pomfret

Section 5. Transportation.

Nothing in this ordinance shall be interpreted to ban the transportation of any product or by-product described herein on any roadway through the Town of Pomfret.

Section 6. Severability.
If any provision of this ordinance shall be determined by a court of competent jurisdiction to be invalid and unenforceable to any extent, the remainder of this ordinance shall not be affected thereby, and each provision hereof shall be valid and shall be enforced to the fullest permitted by law.

Approved: Annual Town Meeting, June 7, 2017. Published: June 22, 2017. Effective Date: July 7, 2017.

TAX COLLECTOR TO COLLECT MOTOR VEHICLE TAX IN ONE INSTALLMENT

At the annual Town Meeting held June 22, 1982, it was voted to adopt the Provisions of Section 12-144a of the Connecticut General Statutes, authorizing the Tax Collector of the Town of Pomfret to collect the tax on all motor vehicles in one installment.

ESTABLISH FIRE DISTRICT

At a Town Meeting held April 30, 1974, it was voted to establish a Fire District in said Town, having the same territorial limits and boundaries as the Town of Pomfret for the purpose of preventing and extinguishing fires.

AN ORDINANCE EXTENDING THE ELECTED TERM OF OFFICE FOR THE TAX COLLECTOR

Adopted at Special Town Meeting, February 24, 1987.
Effective Date: March 18, 1987. Repealed at Special Town Meeting, July 15, 2015.

AMENDED ORDINANCE REGARDING THE OFFICE OF TAX COLLECTOR AND APPOINTMENT OF TAX COLLECTOR

Be it ordained by the Town of Pomfret that a certain Ordinance Extending the Elected Term of Office of the Tax Collector, adopted at a Special Town Meeting held on February 24, 1987, is hereby repealed; and be it ordained by the Town of Pomfret on July 15, 2015 at a Special Town Meeting duly warned and held for that purpose.

Section 1. Be it further ordained that, pursuant to Section 9-189 of the General Statutes of Connecticut, that the office of Tax Collector shall be filled by appointment by majority vote of the Board of Selectmen for term of four (4) years.

Section 2. The term of the first person appointed to such office shall commence on the expiration of the term of office of said office, or the occurrence of a vacancy in said office, whichever first occurs.

Section 3. The Tax Collector shall have those powers and duties conferred by the General Statutes, as amended, and this ordinance and need not be a resident of the Town of Pomfret.

Section 4. Any candidate for Tax Collector shall be certified or in the process of being certified by the State of Connecticut.

Section 5. All provisions of any ordinance of the Town of Pomfret that are inconsistent with this ordinance are hereby repealed.

Section 6. This ordinance shall take effect fifteen (15) days after notice of its adoption is published in accordance with Connecticut General Statutes Section 7-157.

APPROVED: Special Town Meeting, July 15, 2015
PUBLICATION DATE: July 22, 2015
EFFECTIVE DATE: August 6, 2015

ORDINANCE ESTABLISHING THE OFFICE OF TAX COLLECTOR OF THE TOWN OF POMFRET AND FIRE DISTRICT BE ONE AND THE SAME PERSON

In the best interest of both the taxpayers of the Town and Fire District, the Pomfret Fire District respectfully request that the Board of Selectmen approve the following ordinance:

"That the Tax Collector of the Town of Pomfret and the Tax Collector of the Pomfret Fire District be one and the same person."

Adopted at Special Town Meeting, November 9, 1993.
Date of Publication: November 17, 1993.
Effective Date: December 2, 1993.

ADOPTION OF BOARD OF FINANCE

At a Special Town Meeting held November 10, 1949, the legal voters of the Town of Pomfret voted to adopt a Board of Finance.

NUMBER OF SCHOOL BOARD MEMBERS

At a Special Town Meeting held August 31, 1943, the legal voters of the Town of Pomfret voted to change the number of members of the Town School Board from nine (9) to seven (7).

FISCAL YEAR – TOWN OF POMFRET

At a Special Town Meeting held August 31, 1943, the legal voters of the Town of Pomfret voted to change the Town fiscal year from July 1st to June 30th in each year.

ELECTION OF TOWN OFFICES

At the Annual Town Meeting held October 5, 1942, the voters of the Town of Pomfret voted that that, beginning in 1943, all Town Officers be elected biennially.

BOARD OF ADMISSIONS SESSIONS

At a Town Meeting held June 15, 1967, it was voted to adopt the Provisions of Section 9-17 of the Connecticut General Statutes and authorize the Board of Admissions to hold sessions for the admission of electors of not less than three consecutive hours between the hours of 9:00 A.M. and 12:00 Noon on days otherwise prescribed by law for the admission of electors.

ELECTION WORKERS - SPLIT SESSIONS

At a Town Meeting held March 30, 1970, it was voted to adopt the Provisions of Section 9-258a of the Connecticut General Statutes authorizing "split-sessions", so-called for election workers in municipal elections.

OFFICIAL POLLING PLACE CHANGED

At the Annual Town Meeting of June 19, 1975, the official polling place for the Town of Pomfret was changed from the (Old) Town House to the auditorium of the Pomfret Community School.

AN ORDINANCE EXTENDING THE ELECTED TERM OF OFFICE FOR THE REGISTRARS OF VOTERS

Be it ordained by the Town of Pomfret that a certain Ordinance 'Extending the elected term of the office for the Town Clerk and Registrar of Voters', adopted by the Town at a Special Town Meeting dated February 24, 1987, be revised as follows:
Be it ordained by the Town of Pomfret that, under Section 9-189a of the Connecticut General Statutes, the term of office of the Registrars of Voters has been extended from a two (2) year term to an elected term of four (4) years.

Adopted at Special Town Meeting, February 24, 1987.
Effective Date: March 18, 1987.
Revised adopted at Annual Town Meeting Dated: May 19, 2022
Date of Publication: May 26, 2022
Effective Date: June 11, 2022

ORDINANCE ESTABLISHING FOUR-YEAR TERMS OF OFFICE FOR THE POMFRET FIRST SELECTMAN, MEMBERS OF THE BOARD OF SELECTMEN AND TREASURER

Pursuant to Sections 9-187, 9-187a, 9-189 and 9-189a of the Connecticut General Statutes, commencing with the next regular election after this ordinance is adopted, and thereafter, the terms of office for the offices of First Selectman, Selectmen, and Treasurer shall be four years from the day each such term begins. The terms of the offices of First Selectman, Selectmen, and Treasurer shall begin on the second Tuesday next following the day of the municipal election at which such officials are elected. The terms for any of the above offices shall continue until a successor for such office is elected and has qualified. All provisions of any ordinance of the town of Pomfret that are inconsistent with this ordinance are hereby repealed. This ordinance shall become effective 15 days after the date of publication.

Approved at Special Town Meeting: March 1, 2021

Published: Putnam Town Crier, March 11, 2021

Effective Date: March 26, 2021

AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF THE TOWN OF POMFRET TOWN CLERK

Be it ordained by the Town of Pomfret:

Section 1: There shall be a Town Clerk for the Town of Pomfret who shall be appointed by the Board of Selectmen commencing with the term beginning November,2025, or earlier upon a vacancy, as hereinafter described and in accordance with Connecticut General Statutes 9-185, as amended. The Town Clerk shall serve as an at-will employee of the Town at the pleasure of the First Selectman in consultation with the Board of Selectmen.

Section 2: Any vacancy in the office of the Town Clerk shall be filled by the First Selectman in consultation with the Board of Selectmen after the occurrence of such vacancy.

Section 3: The First Selectman in consultation with the Board of Selectmen is authorized to establish, or cause to be established for its approval, qualifications and compensation (subject to approval by the Board of Finance and Annual Town Budget Meeting) for the office of the Town Clerk.

Section 4: Any incumbent of the office of the Town Clerk may be removed during their term by the First Selectman in consultation with the Board of Selectmen for just cause.

Section 5: The Town Clerk shall have all powers and duties conferred or imposed by law on Town Clerks and shall have such other duties as are assigned by the First Selectman.

Section 6: In accordance with C.G.S. 7-34b, the Town Clerk shall receive a salary in lieu of all fees and other compensation (subject to approval by the Board of Finance and Annual Town Budget Meeting), provided for in the Connecticut General Statutes, effective with the term beginning November,2025, or earlier upon a vacancy.

Approved at Annual Town Meeting Dated: May 19, 20022
Date of Publication: May 26, 2022
Effective Date of Ordinance: June 11, 2022

AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF THE TOWN OF POMFRET TREASURER

Be it ordained by the Town of Pomfret:

Section 1: There shall be a Treasurer for the Town of Pomfret who shall be appointed by the Board of Selectmen commencing with the term beginning November,2025, or earlier upon vacancy, as hereinafter described and in accordance with Connecticut General Statutes 9-185, as amended. The Treasurer shall serve as an at-will employee of the Town at the pleasure of the First Selectman in consultation with the Board of Selectmen.

Section 2: Any vacancy in the office of the Treasurer shall be filled by the First Selectman in consultation with the Board of Selectmen after the occurrence of such vacancy.

Section 3: The First Selectman in consultation with the Board of Selectmen is authorized to establish, or cause to be established for its approval, qualifications and compensation (subject to approval by the Board of Finance and Annual Town Budget Meeting) for the office of the Treasurer.

Section 4: Any incumbent of the office of the Treasurer may be removed during their term by the First Selectman in consultation with the Board of Selectmen for just cause.

Section 5: The Town Treasurer shall be the Chief Financial Officer of the Town and shall report to the First Selectman and have such additional duties as may be prescribed from time to time by the First Selectman in consultation with the Board of Selectmen. The Town Treasurer shall be chosen based on their administrative ability, character, knowledge, education, and experience and shall not serve on any regular Town Board or Commission or hold any other elective office within the Town of Pomfret and shall devote their full time to the duties of the office.

Approved at Annual Town Meeting Dated: May 19, 2022
Date of Publication: May 26, 2022
Effective Date of Ordinance: June 11, 2022

AN ORDINANCE CREATING THE NORTHEASTERN CONNECTICUT REGIONAL RESOURCE RECOVERY AUTHORITY

WHEREAS, each municipality in the Northeastern Connecticut Planning Region is authorized to provide for and regulate the collection and disposal of all garbage, trash, waste, and ashes either by contract or otherwise, and to prohibit and regulate the depositing of the same within the municipality; and

WHEREAS, the municipalities are encountering increasing difficulty in providing adequate solid waste disposal facilities at reasonable cost; and

WHEREAS, the municipalities are desirous of working together to find an economically and environmentally feasible method of disposing of their municipal solid waste, by creating the Northeastern Connecticut Regional Resource Recovery Authority; and

WHEREAS, said municipalities desire to create said authority by adoption of the following concurrent ordinance.

BE IT ORDAINED THAT:

1. Name: There is hereby created a regional resources recovery authority pursuant to Section 7-273aa of the Connecticut General Statutes to be known as the **Northeastern Connecticut Regional Resource Recovery Authority** principal office address being P.O. Box 759 Dayville, CT 06241, subject to modifications and limitations set forth in this ordinance. The **Northeastern Regional Resource Recovery Authority** shall have all powers and duties of a municipal authority and of regional authority pursuant to Chapters 103b, 446d (formerly 361a) and 446e (formerly 351b) of the Connecticut General Statutes.

The first members of the Authority are: The Town of Canterbury, Canterbury Town Hall, P.O. Box 26, Canterbury, CT 06331, whose initial representative's term of office shall be one (1) year; the Town of Killingly, Killingly Town Hall, 127 Main Street, Danielson, CT 06239, whose initial representative's term of office shall be two (2) years; the Town of Plainfield, Plainfield Town Hall, Eight Community Avenue, Plainfield, CT 06374, whose initial representative's term

of office shall be three (3) years; the Town of Pomfret, Pomfret Town Office Building, Five Haven Rd., Pomfret Center, CT 06259, whose initial representative's term office shall be (1) year; the Town of Putnam, Putnam Town Hall, 126 Church Street, Putnam, CT 06260, whose initial representative's term of office shall be two (2) years; and the Town of Thompson, Thompson Municipal Building, North Grosvenordale, CT 06255, whose initial representative's term of office shall be three (3) years. In the event that any of the above named municipalities do not adopt this ordinance, the terms of office of the initial representatives as shown above shall be redefined according to Section 3 of this ordinance for any of the above named municipalities which adopt this ordinance.

2. Appointment of Representatives: Membership in the Authority shall consist of those municipalities that adopt this concurrent ordinance as set forth in paragraph 6 of this ordinance. The representative to the Authority from each member town shall be appointed by the Board of Selectmen of each municipality, except for the representative of the Town of Killingly which shall be appointed by the Town Council. The Board of Selectmen or Town Council of each member town shall be authorized to appoint an alternate representative who shall be authorized to attend meetings and vote in the place of an absent representative. Representatives shall serve without compensation but may be reimbursed by the Authority for necessary expenses incurred in conducting Authority business. Any representative may be removed with or without cause by a majority vote of the Board of Selectmen or Town Council of the Town which appointed the representative.

3. Number of Representatives: Each member municipality shall be entitled to one (1) representative on the Authority and to one (1) alternate, who may vote only in the absence of the regular representative. Representatives and alternates shall serve for three-year terms based on alphabetical assignment of those municipalities comprising the Authority. Thereafter, initial terms for representatives of new municipal members shall rotate among one, two and three years in the order of adoption of the ordinance. All initial terms shall be deemed to begin on the day the Authority is created.

4. Voting and Quorum: the **Northeastern Connecticut Regional Resource Recovery Authority** shall operate with one hundred voting units which shall be assigned to member municipalities in proportion to each municipality's share of the total population of all members of the authority as determined by the latest decennial federal census of population. There shall be no fractional votes. Each municipality shall have a minimum of one (1) vote. The distribution of voting units among members shall be recomputed following each decennial federal census and upon the withdrawal or termination of any member municipality or the admission of a new member. Action by the Authority shall require the affirmative action of at least 60% of the total voting units present and voting at a duly called meeting of the Authority at which a quorum is present. The presence, at a meeting, of representatives from a majority of the member municipalities shall be necessary for a quorum.

5. Liabilities of Member Towns: A member municipality shall not assume any liabilities or responsibilities of the **Northeastern Connecticut Regional Resource Recovery Authority** or created by the action of said Authority, or be responsible for payment of any expenses of said

Authority unless and appropriation for the municipality's proportionate share of such expenses has been approved by the municipality or a contract setting forth such liabilities and responsibilities for expenses has been approved by the municipality.

6. Effective Date: This ordinance shall take effect when it has been adopted by five (5) or more towns in the Northeastern Connecticut Planning Region.

7. Withdrawal from Authority: No municipality may withdraw its membership in the Authority without a vote of its legislative body to withdraw from the Authority and giving at least six (6) months notice to each of the other participating municipalities and to the **Northeastern Connecticut Regional Resource Recovery Authority.** Such withdrawal of membership will not in any manner relieve the municipality of liabilities or responsibilities assumed prior to withdrawal, including, without limitation, contracts and agreements to supply municipal solid waste, to pay tipping fees or other charges, and to make landfill space available.

Adopted at Special Town Meeting, February 24, 1987.
Effective Date: March 18, 1987.

ORDINANCE TO CREATE A REGIONAL COUNCIL OF GOVERNMENTS

The following Ordinance was adopted by the Town of Pomfret at a Special Town Meeting held March 31, 1987:

WHEREAS, A Joint Committee of the Northeastern Connecticut Regional Planning Agency and the Northeastern Connecticut Town Administrators' Association has found that a strengthened Regional Planning Organization is needed to assist the ten towns in the Northeastern Connecticut Planning Region in dealing effectively with regional issues; and

WHEREAS, the Joint Committee of the Northeastern Connecticut Regional Planning Agency and the Northeastern Connecticut Town Administrators' Association has found that a Regional Council of Governments will provide the most effective organization for:

---addressing pressing regional issues resulting from increased growth and development
---functioning as an advocate of its member towns on matters relating to the State and Federal Governments
---coordinating the delivery of shared services to it member towns; and,

WHEREAS, the Northeastern Connecticut Regional Planning Agency and the Northeastern Connecticut Town Administrators' Association have recommended that a Regional Council of Governments be formed and that regional planning should be given equal importance with implementation by assuring that equal status is given to the Council's Regional Planning

Commission in the preparation of the Council of Government's Annual Work Program and Budget; therefore

BE IT ORDAINED THAT: The Town of Pomfret does hereby adopt Sections 4-124i through 4-124p of the Connecticut General Statutes as amended, providing the formation of a Regional Council of Governments, and does hereby join such Regional Council of Governments when and as such Council is duly established in accordance with said statutes, upon the adoption of said statutes by not less than sixty percent (60%) of all municipalities within the Northeastern Connecticut Planning Region as defined by the Secretary of the Office of Policy and Management or his designee and upon certification by the Secretary of the Office of Policy and Management or his designee that a Regional Council of Governments has been duly established.

When the Regional Council of Governments is duly established and the transition period called for in Section 4-124-1c of the Connecticut General Statutes of the Connecticut General Statutes as amended has been completed, then the Town does hereby rescind the ordinance adopted by the Town of Pomfret and dated March 14, 1968 and any amendments thereto that created the Town's participation in the Northeastern Connecticut Regional Planning Agency.

Dated at Pomfret, Connecticut this 3rd day of April, 1987.
Effective Date: April 23, 1987. Publication Date April 8, 1987.

ORDINANCE CONCERNING THE DESIGNATION OF SCENIC ROADS

SECTION 1. Pursuant to the provisions of Section 7-149(a) of the Connecticut general Statutes (P.A. 81-401) the Planning Commission may designate town highways or portions of the highways as scenic roads. No State Highway or portion thereof may be designated as a scenic road under this ordinance.

SECTION 2. The Planning Commission shall consider designating as a scenic road only those town roads which are free of intensive commercial development and intensive vehicular traffic and which meet at least one of the following criteria: (a) It is unpaved; (b) It is bordered by mature trees or stone walls; (c.) The travel portion is no more than 20 feet in width; (d) It offers scenic views; (e) It blends naturally into the surrounding terrain, or; (f) It parallels or crosses over brooks, streams, lakes or ponds.

SECTION 3. (a.) When a highway is to be considered for designation as a scenic road, the Plan-
ning Commission shall schedule a public hearing on the proposal. Hearing notices and deadlines will be in accordance with the provisions of Section 8-26(d) and (h) and 8-26(e) of the Connecticut General Statutes. The Planning Commission shall notify the Selectmen, the high-
way foreman, and owners of lot frontage abutting the highway or portion of a highway of the proposed designation and schedule a public hearing.

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

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

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

SECTION 4. (a.) No road which has been designated as a scenic road under this ordinance shall be altered or improved, including but not limited to widening of the right of way or of the travel portion of the road, paving, changes of grade, removal of stone bridges, straightening, removal of stone walls, and removal of mature trees, except for good cause determined by the Planning Commission.

(b.) Any highway or portion of any highway designed as a scenic road shall be maintained by the Town, in good and sufficient repair and is in passable condition. Nothing in this Section shall be deemed to prohibit a person owing or occupying land abutting a scenic road for maintaining and repairing the land which abuts the scenic road if the maintenance or repair occurs on land not within the right of way, paved or unpaved of the scenic road.

SECTION 5. This ordinance will become effective 15 days following its publication in a newspaper having circulation in the Town of Pomfret.

Adopted at a Special Town Meeting, February 8, 1988.
Effective Date: March 3, 1988.

Roads that have been designated and approved as Scenic Roads:

Kings Highway	Approved 03/15/88	Planning Minutes-Page 36
Day Road	Approved 06/21/88	Planning Minutes-Page 50
Needles Eye Road	Approved 06/21/88	Planning Minutes-Page 50
Cotton Road	Approved 06/21/88	Planning Minutes-Page 50
Duffy Road	Approved 03/17/92	Planning Minutes-Page 221

Wrights Crossing Road	Approved 07/28/92	Planning Minutes-Page 225
River Road	Approved 07/15/97	Planning Minutes-Page 369

Roads that have been designated and approved as State Scenic Roads (Under the jurisdiction of the State of Connecticut):

Route 169 Approved 04/15/1991

Route 97 Approved 04/11/2001
(Intersection of Route 44 north to Intersection w/Route 169)

Route 244 Approved 02/21/2003
(Brayman Hollow Road)

SALE OF ALCOHOLIC LIQUOR

At a Special Town Meeting held March 21, 1946, the legal voters of the Town of Pomfret approved the sale of alcoholic liquor, under the Connecticut General Statutes, Section 451(f).

SALE OF ALCOHOLIC LIQUOR ON SUNDAY

At a Special Town Meeting held April 8, 1947, the legal voters of the Town of Pomfret approved the sale of alcoholic liquor be allowed on Sundays under Section 979e of the Connecticut General Statutes.

ADOPTION OF BAZAARS AND RAFFLES

The legal voters of the Town of Pomfret adopted at a Special Elector's Meeting on October 3, 1955, the provisions of Special Act 409 of the 1955 Session of the General Assembly, allowing the operation of Bazaars and Raffles.

LEGAL SIGNPOST

At a Special Town Meeting May 10, 1973, it was voted to move the signpost of the Town of Pomfret from Route 44 & 169 to the new Town Office Building on the north side of Route 44.
Effective Date: July 1, 1973.

ORDINANCE DESIGNATING A WATER POLLUTION CONTROL AUTHORITY FOR THE TOWN OF POMFRET

The following Ordinance was adopted by the Town of Pomfret at A Special Town Meeting held June 24, 1992:

WHEREAS pursuant to Chapter 103 of the Connecticut General Statutes as amended, the Town of Pomfret is authorized to set up a Water Pollution Control Authority to acquire, construct and operate a sewerage system; and

WHEREAS, it is desirable and in the public interest that the Town of Pomfret set up a Water Pollution Control Authority in order to acquire, construct and operate a sewerage system.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF POMFRET:

1. That the Town of Pomfret designates its Board of Selectmen as its Water Pollution Control Authority to exercise the powers set forth in Chapter 103 of the Connecticut General Statutes as amended; that the three duly elected members of the existing Board of Selectmen shall serve as initial members of the Water Pollution Control Authority; that the terms of the members of the Water Pollution Control Authority shall be conterminous with their terms as members of the Board of Selectmen.

2. That this Ordinance Designating a Water Pollution Control Authority for the Town of Pomfret shall take effect fifteen days after publication in a newspaper having a circulation in the Town of Pomfret.

Dated at Pomfret, Connecticut this 25th day of June 1992.
Date of Publication: July 1, 1992 Observer Patriot.
Effective Date: July 16, 1992

ADOPTION OF RESOLUTION - TRAVEL/CONVENTION AND VISITORS COMMISSION

The following resolution was adopted at a Special Town Meeting held April 30, 1984:

RESOLVED, that the Town of Pomfret, acting herein by its legislative body, and pursuant to Section 7-330 of the Connecticut General Statutes, hereby votes to from and join a municipal district for the purpose of establishing a Travel/Convention and Visitors Commission pursuant to Section 7-136a(c), 7-136b and 7-136c of the Statutes as amended by Public Act 81-417. PROVIDED, HOWEVER, that said Travel/Convention and Visitors Commission shall be funded entirely from sources other than Town funds.

ORDINANCE ESTABLISHING THE POSITION OF POMFRET TOWN HISTORIAN

1. PURPOSE. Pursuant to Public Act 87-278 of the State of Connecticut, the town historian shall be appointed in the Town of Pomfret to promote a knowledge, appreciation and dissemination of Town history.

2. QUALIFICATIONS. a. The Town Historian shall be a legal resident and elector of the Town of Pomfret. b. The Town Historian shall be qualified by a knowledge of Pomfret history as well as general State and American history; by a knowledge of historical research; and by good writing and speaking skills.

3. TERM OF OFFICE AND METHOD OF APPOINTMENT.

a. The Board of Selectmen of the town of Pomfret shall appoint a Town Historian for a term of four (4) years. The same person may be reappointed to additional terms.

b. A vacancy in the office of Town Historian shall be filled by the Board of Selectmen of the town of Pomfret for the unexpired term vacated.

4. DUTIES AND RESPONSIBILITIES.

a. Promote an awareness of and appreciation for the Town's history, through research, writing, and public speaking, through publication projects, exhibits, displays, celebrations, and commemorations; through the maintenance of plaques, markers, and monuments; and through the preparation of classroom aids, guides, workshops and training.

b. Advise the Town government on historical issues and subjects, including historical objects, historical structures and sites, historic districts, National Register properties and historic preservation.

c. Serve as liaison among the Town's museums, libraries and historical associations, and with similar outside groups, to encourage historical coordination, cooperation and resource sharing. Maintain a reference library of historical information. Serve as a central referral point for inquiries for information.

d. As appropriate, supervise staff and programs of the municipality, maintain an office, expend funds, and obtain contributions and grants to carry out these duties.

Adopted at Special Town Meeting: November 9, 1993.
Date of Publication: November 17, 1993.
Effective Date of Ordinance: December 2, 1993.

DESIGNATION OF PRINCIPAL PUBLIC LIBRARY

That the Pomfret Public Library be and hereby is designated as the principal public library of the Town of Pomfret under the provisions of Section 11-24a of the Connecticut General Statutes, revision of 1958.
Adopted at Town Meeting March 3, 1970.

CREATION OF RECREATION AUTHORITY

Ordinance of the Town of Pomfret adopted at Special Town Meeting held September 25, 1975, creating a Recreation Authority.

Pursuant to the provisions of Chapter 97 of the Connecticut General Statutes, Revision of 1958, as amended, there is established in the Town of Pomfret, a Recreation Authority. Said Authority shall be administered by a five-man commission who shall be appointed by the Board of Selectmen of the Town of Pomfret, and who shall serve at the pleasure of the Board of Selectmen. The members of said Commission shall elect one of their number chairmen and shall elect a secretary and a treasurer. A majority of the members of the Commission shall constitute a quorum and the vote of a majority of such members shall be necessary for any action taken by the Authority.

Duties. Said Commission shall coordinate recreation activities for children and adults in the Town of Pomfret and may to the extent of available funds (if any) enter into and contract for recreational services for residents of the Town of Pomfret for facilities and activities either within or without said Town. Said Commission shall further study the recreational needs of the Town of Pomfret and from time to time shall report to the Board of Selectmen recommendations for municipal action in connection with various recreational activities.

Further, the said Recreation Commission shall survey on a continuing basis State, Federal or other public or private organizations to ascertain the availability of any grants in aid or other financial assistance available to municipalities in connection with the creation and maintenance of recreational facilities or activities. Provided, that the said Recreation Commission shall have no power to bind the municipality to any financial obligations, contracts, or other commitments in excess of such sums (if any) as shall be budgeted to the said Recreation Authority without the prior approval of the legislative body of the Town of Pomfret.

Dated at Pomfret, Connecticut this 1st day of October 1975.
Effective Date: October 22, 1975.

AMENDING RECREATION COMMISSION MEMBERSHIP

At a Special Town Meeting held November 18, 1980, it was voted to increase the Recreation Commission from the present five members to ten members.

Dated at Pomfret, Connecticut this 28th day of January 1981.
Date of Publication : February 5, 1981. Effective Date: February 19, 1981.

POMFRET ECONOMIC PLANNING &
DEVELOPMENT COMMISSION ORDINANCE

SECTION 1. Pursuant to the authority granted by Section 7-136 of the General Statutes of the State of Connecticut, there is hereby created a Municipal Economic **Planning** & Development Commission for the Town of Pomfret with all of the powers and duties specified in Section 7-136 of the General Statutes of the State of Connecticut, 1958 Revision as amended, and all other powers and duties which may thereafter be conferred by the General Statutes of the State of Connecticut.

SECTION 2. Members. The Economic **Planning** and Development Commission shall consist of **five (5) members and three (3) alternates**, all of whom shall be residents of voting age of the Town of Pomfret, who shall be appointed to said Commission by the Board of Selectmen.

Upon revision of this ordinance there shall be appointed **two (2) members to serve for a term of two (2) years; two (2) members to serve for a term of three (3) years; one (1) member to serve for a term of four (4) years; three (3) alternates to serve for a term of three (3) years**. Thereafter, upon expiration of each of the said original terms, each member and alternate shall be appointed **to serve for a term of three (3) years**. Vacancies, however created, shall be filled by the **First Selectman** for the unexpired portion of the term of the member creating the vacancy.

The First Selectman (or his/her designee), the Chairman of the Board of Finance (or his/her designee), shall serve as members ex-officio of the Economic **Planning** and Development Commission without voting rights and their attendance will not be a factor in determining a quorum. Alternates as available shall be appointed by the Chairman to substitute at any meeting for any absent voting member.

SECTION 3. Officers. The Economic **Planning** and Development Commission shall annually elect from its voting membership a Chairman, Vice Chairman, Secretary and other such officers as it shall from time to time determine may be necessary.

SECTION 4. Appointments. The Economic **Planning** and Development Commission may appoint and engage employees, agents and consultants as may be necessary for the discharge of their duties, upon obtaining the approval of the Board of Selectmen, within the limits of appropriations made therefore.

SECTION 5. Duties and Responsibilities. The Economic **Planning** and Development Commission shall conduct research into the economic conditions and trends in the Town of Pomfret, make recommendations to appropriate officials and agencies of the Town of Pomfret

regarding actions to improve its economic condition and development, shall seek to coordinate the activities of and cooperate with official and unofficial bodies in the promotion of economic development in the Town of Pomfret.

The Economic **Planning** and Development Commission shall have the authority to apply for and receive State and Federal Grants from State and Federal Agencies and other sources on behalf of the Town of Pomfret.

The Economic **Planning** and Development Commission, shall during January of each year, submit a budget, for the forthcoming fiscal year, for approval of the Boards of Selectmen, Finance and the Annual Town Meeting.

The Economic **Planning** and Development Commission shall annually prepare and transmit to the Annual Town Meeting a report of its activities and of its recommendation for improving the economic conditions and development of the Town of Pomfret and shall submit to the Board of Selectmen such other reports as the Board of Selectmen may from time to time require.

SECTION 6. Effective Date. This ordinance shall become effective fifteen (15) days after the publication thereof in a newspaper having a circulation in the Town of Pomfret.

Adopted at Special Town Meeting: October 19, 1994
Revised at Special Town Meeting: September 16, 2019
Effective Date: October 11, 2019

AN ORDINANCE REGULATING PURCHASES AND SALES FOR THE TOWN OF POMFRET

Purchases and Sales for the Town of Pomfret shall be made under the following rules:

1. All contracts for goods or capital purchases reasonably estimated to cost $25,000.00 or more shall require the submission by invitation to bid based upon specifications prepared by the Selectmen, Board of Education or their designee. Bidding shall be by sealed bids received at a specified location by a specified date and time. Bid requests shall be advertised a minimum of ten days in advance of the due date and shall be published in a newspaper widely circulated in northeastern Connecticut. All such sealed bids shall be opened publicly. Every reasonable effort shall be made to circulate the request for bids in such a way as to generate the greatest possible number of responses.

2. All contracts for goods or capital purchases reasonable estimated to cost between $2,500.00 and $25,000.00 shall be awarded based upon three or more quotes for such goods or capital purchases involve. Quotations shall be submitted in writing, on business letterhead, shall be addressed to the Town of Pomfret and shall be signed by a principal of the business submitting the quote.

3. The Selectmen and/or Board of Education reserve the right to determine the lowest responsible bidder who not only has the lowest bid which conforms with the

specifications, but also is financially able and competent to complete the work as evidenced by prior performance in the best interest of the Town. The Selectmen or Board of Education may reject the low bid by majority vote of the members, and accept the next lowest bid.

4. The Selectmen and /or Board of Education shall require evidence of appropriate insurance coverage on all contractors and contracted service providers working for the Town of Pomfret including liability coverage, workers compensation and/or other applicable insurances.

5. The purchase of government surplus items shall be exempt from the bidding requirements of this ordinance due to the necessity to make decisions on such purchases quickly. This exemption shall apply only to those items which can be shown to be available at a significant discount.

8. Sale of used equipment which has a reasonably estimated value of $5,000.00 or more (in the aggregate, if sold as a lot), shall be advertised and sold by receipt of sealed bid or at public auction.

9. This ordinance shall not apply for those capital purchases, services, supplies or goods for which the State or the Federal Government has previously obtained and approved bids and quotes.

Adopted at a Special Town Meeting held October 17, 1996; Published: October 24, 1996; Effective Date: November 9, 1996. Amended at a Special Town Meeting held November 17, 1997; Date of Publication: November 21, 1997; Effective Date: December 6, 1997. Amended at Special Town Meeting held September 17, 2003; Published: September 26, 2003; Effective Date: October 11, 2003. Amended at Annual Town Meeting held May 17, 2016; Date of Publication: May 26, 2016; Effective Date: June 10, 2016.

WIRELESS TELECOMMUNICATION REGULATIONS ORDINANCE

1.1 Title. This ordinance shall be known and may be cited as the "Wireless Telecommunication Regulations, Town of Pomfret, Connecticut", and are referred to herein as "these Regulations".

1.2 Authority. These regulations have been promulgated by the Pomfret Board of Selectmen in accordance with and under the authority prescribed by Chapter 98, Section 7-148 (c) (7) (A) (ii); (c) (7) (E); (c) (7) (H) (iii), (xi) and (xiii); (c) (8), and (c) (10) (A) of the General Statutes of the State of Connecticut.

1.3 Purpose. The purpose of this ordinance is to provide for the location of wireless communication towers, antennas and facilities while protecting neighborhoods and minimizing the adverse visual and operational effects through careful design, siting and screening. This section is consistent with the Telecommunications Act of 1996 in that it does not discriminate among providers of functionally equivalent services, prohibit or have the effect of prohibiting the provision of personal wireless services, or regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with FCC regulations concerning such emissions. More specifically, the telecommunication purposes are:

- To encourage use of nonresidential buildings and structures, such as water storage tanks.
- To encourage joint use of new or any existing towers and facilities.
- To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of towers.
- To accommodate the need for wireless communication towers and antennas while regulating their location and number.
- To protect historic and residential areas from potential adverse impacts of wireless communication facilities.
- To encourage suitable design measures to minimize adverse visual effects of wireless communication facilities.
- To reduce the number of towers and/or antennas needed in the future.
- To encourage the use of municipally owned sites and facilities.

For the purpose of this Section of these Regulations, certain words or terms are defined as follows:

Antenna: A device used to receive or transmit electromagnetic waves Examples include, but are not limited to, whip, panel, and dish antennas.

Co-location: Locating wireless communication facilities of more than one provider on a single site.

Tower: A structure intended to support equipment used to receive or transmit electromagnetic waves Examples of towers include self-supporting lattice, guyed, and monopole.

Tower Height: Tower height shall be measured from ground level to the highest point of the tower, or any of its appendages, whichever is greater.

Wireless Telecommunication Facility: The equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

Wireless Telecommunication Services: Services associated with the transmission and/or reception of wireless telecommunications. These services may include, but are not limited to, cellular, personal communication services, specialized mobilized radio, and paging.

SECTION 2 - ENFORCEMENT AND ADMINISTRATION

2.1 Enforcement: These Regulations shall be enforced by the Board of Selectmen and/or the Town*s Building Official who is empowered to cause any building or land to be inspected and to order in writing any violation of these Regulations to be corrected or terminated. In addition, the Board of Selectmen may appoint a Tower Siting Commission to assist in the administration of these Regulations.

2.2 Permit: No wireless telecommunication facility shall be erected, moved or structurally altered and no use shall be established or changed without a wireless telecommunication permit from the Board of Selectmen and building permit from the Building Official, issued in conformance with the provisions of these Regulations.

2.2.1 Application for a wireless telecommunication permit shall be made on a form provided for that purpose and obtainable from the Selectmen*s Office and shall be accompanied by such site plans, documentation and information as provided elsewhere in these Regulations.

2.2.2 The Board of Selectmen shall approve, deny or modify wireless telecommunication facility in accordance with the standards set forth in these Regulations within sixty-five (65) days after such application is submitted, provided that applicant may consent to one or more extensions of such period.

2.3 Fees. The purpose of the fee is to defray the costs of notices associated with the application and the cost associated with the review and processing of an application.

2.3.1 The Town shall charge an initial *fee* of one thousand ($1,000) dollars for any wireless telecommunication application. However, if the cost to process and review the application exceeds the initial *fee* of $1000 the applicant shall pay all associated costs incurred by the Commission and/or the Town prior to the issuance of a permit. No fee shall be charged to an official municipal agency of the Town of Pomfret. **There shall be no fee for hobbyists.**

2.4 Penalties. Any violation of these Regulations shall be subject to a fine of $90 per violation. Each separate day in which a violation continues shall be deemed to be a separate violation. The Town may also seek such other civil penalties or remedies as may be allowed by state law.

2.5 Inland Wetlands. If an application for a wireless telecommunication permit involves an activity regulated under the provisions of Chapter 440 of the General Statutes, the applicant shall submit an application for a permit to the Pomfret Inland Wetlands and Water Courses Agency not later than the day such application is filed with the Board of Selectmen. The decision of the Board of Selectmen shall not be rendered until the Pomfret Inland Wetlands and Water Courses Agency has submitted a report with its final decision to the Board of Selectmen. In making its decision, the Board of Selectmen shall give due consideration to the report of the Pomfret Inland Wetlands and Courses Agency.

SECTION 3 - SITE PLAN REQUIREMENTS

3.1 Procedure. A site plan shall be submitted with any application for a wireless telecommunication permit or expansions of or additions to such facilities. The Board of Selectmen shall require that such plan be prepared by a professional land surveyor licensed in the State of Connecticut.

3.1.1 In rendering any decision, the Board of Selectmen shall provide a detailed finding of facts and a detailed statement of the reasons for its decision, based upon the evidence submitted to it, whether or not a public hearing has been held on the application.

3.1.2 A copy of any decision by the Board of Selectmen on a site plan shall be sent by certified mail to the applicant within fifteen (15) days after such decision is rendered.

3.2 Site Plan Ingredients. Site plans shall be drawn at a scale of at least 1" = 40' and shall be on sheets 24 x 36 inches and shall clearly show, to the satisfaction of the Board of Selectmen, the following information:

3.2.1 Name and address of applicant.

3.2.2 Address of property and name of owner of record.

3.2.3 Scale, north arrow, date of drawing or its revision, and name of person preparing the site plan.

3.2.4 Property boundaries, dimensions and area.

3.2.5 Locations of all existing and proposed buildings and uses, including but not limited to, signs, sidewalks, driveways, parking and loading areas, and abutting streets; poles, hydrants and other utility appurtenances, areas to be used for exterior storage and the type of screening to be provided.

3.2.6 Contour lines at 20 degree intervals. If grading is proposed, the existing and proposed contours will be shown.

3.2.7 Existing and proposed drainage structures on the property and those off the property that may be affected by the proposed facility.

3.2.8 Proposed landscaping, including the type, size and location of proposed plantings.

3.3 Soil Erosion and Sediment Control Plan. A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre. The soil erosion and sediment control plan shall contain proper provisions to adequately control storm water runoff on the proposed site based on the best available technology. Such principles, methods, and practices necessary for certification are found in the "Connecticut Guidelines for Soil Erosion and Sediment Control" (1985), as amended, available from the Natural Resources Center of the Connecticut Department of Environmental Protection. Alternative principles, methods and practices may be used with the prior approval of the Board of Selectmen.3.3.1 The Soil Erosion and Sediment Control Plan shall include the following:

a. A narrative describing:
   1. The development;
   2. The schedule for grading and construction activities including:
      A. start and completion dates;
      B. sequence of grading and construction activities;
      C. sequence for installation and/or application of soil erosion and sediment control measures;
      D. sequence for final stabilization of project site.
   3. The design criteria for proposed soil erosion and sediment control measures and stormwater management facilities.
   4. The construction details and the installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.
   5. The operations and maintenance program for proposed soil erosion and sediment control measures and stormwater management facilities.

b. A map of at least one inch (1") equals fifty feet (50') showing:
   1. The location of the proposed development and adjacent properties;

2. The existing and proposed topography including soil types, wetlands, watercourses and water bodies;

3. The existing structures on the project site, if any;

4. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, road and, if applicable, new property lines;

5. The location of and design details for all proposed soil erosion and sediment control measures;

6. The sequence of grading and construction activities;

7. The sequence for installation and/or application of soil erosion and sediment control measures;

8. The sequence for final stabilization of the development site;

9. The words "Certified by the Board of Selectmen" with designated space for the date and signature of the First Selectman of the Board of Selectmen.

c. The narrative required in Section 3.3.1 (a) may be included on the map of Section 3.3 1 (b) if room allows it without affecting the readability of the map. The items required to be mapped in Section 3.3.1(b) may be depicted on the site plan map required in Section 3.1 of the readability of the site plan is not affected.

3.3. 2 After review of the Soil Erosion and Sediment Control Plan by the Board of Selectmen or its designated agent, the Board of Selectmen shall vote to certify, modify and certify, or deny that the soil erosion and sediment control plan complies with these Regulations. A vote of the Board of Selectmen to approve a site plan shall mean certification of the soil erosion and sediment control plan as well. Prior to certification, any plan submitted to the Board of Selectmen may be reviewed by the Windham County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan by the Windham County Soil and Water Conservation District.

3.3. 3 The estimated costs of measures required to control soil erosion and sedimentation, as required in the certified plan, may be covered in the performance bond or other assurance acceptable to the Board of Selectmen in accordance with the provisions specified under Section 3.6 of these Regulations.

3.3.4 The Board of Selectmen or its designated agent shall periodically conduct inspections to verify compliance with the certified plan at that control measures are properly performed or installed and maintained. The Board of Selectmen may require the applicant to submit progress reports which show that the soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being correctly operated and maintained.

3.4 Waivers. The Board of Selectmen may, upon written request by the applicant, waive one or more of the site plan ingredient requirements if the applicant can show, to the satisfaction of the Board of Selectmen, that the information is not needed to reach a decision on the application.

3.5 Site Plan Evaluation. The Board of Selectmen shall determine the following in its review of a site plan:

3.5.1 Any proposed building, structure or use shall be so designated and located on the site so that there will be adequate access for emergency vehicles.

3.5.2 The streets serving the proposed use shall be adequate to safely carry the vehicular traffic generated by the proposed activity, and there will be provision for entrance and exit points which will not create a traffic hazard or undue traffic congestion.

3.5.3 All proposed traffic access ways are adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other places of public assembly; and other similar safety considerations.

3.5.4 Adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use and the interior circulation system is adequate to provide safe accessibility to all required off-street parking.

3.5.5 Parking and service areas are reasonably screened at all seasons of the year from the view of adjacent residential lots and streets, where appropriate, and the general landscaping of the site is in character with that generally prevailing in the neighborhood. Preservation of existing trees over twelve inches (12") in diameter to the maximum extent possible shall be encouraged.

3.5.6 Lighting from the installation of outdoor flood or spot lighting and illuminated signs will be properly shielded so that such lighting will not adversely affect any abutting property or public street.

3.5.7 In addition to other appropriate review standards found in these Regulations, the Board of Selectmen, in reviewing applications for wireless telecommunication facilities, shall consider:

a. Detailed analysis of alternative sites, structures, access, and antennas as provided by the applicant. Particular attention will be placed upon the siting references found in Section 4.1.1. of these Regulations.

b. Detailed propagation and antenna separation analysis relative to tower height.

c. Owner sharing or co-location to facilitate the telecommunication needs of municipalities and other entities in order to reduce the need to construct additional towers. The Board of Selectmen reserves the right to require the applicant to utilize the provisions of Section 16-5Oaa of the Connecticut General Statutes to achieve tower sharing.

d. Assessment of tower structure type.

e. Assessment of design characteristics/architectural treatments that mitigate, reduce or eliminate visual impacts on adjacent areas.

f. If located within a quarter (¼) mile radius from a property listed on the National Register of Historic Places, preservation of the historic and/or architectural character of the landscape or any structure.

g. Consideration of future use or re-use of the site, with provisions for facility removal and site restoration.

3.6 Surety. Before site plan approval is granted, the applicant shall file a surety with the Board of Selectmen payable to the Treasurer of the Town of Pomfret and in a form satisfactory to the Town Counsel and in an amount approved by the Board of Selectmen as sufficient to guarantee completion of those items specified by the Board of Selectmen and in conformity with the provisions of these Regulations or any amendments thereto in force at the time of filing. Such surety shall be held by the Town Clerk who shall not be authorized by the Board of Selectmen to release such bond until written certification has been received from the Building Official that all of the requirements of these Regulations have been fully satisfied.

SECTION 4- STANDARDS FOR REVIEW

4.1.1 The Board of Selectmen encourages the use of municipally owned sites and facilities. The general order of preference for alternative wireless telecommunication facility locations shall range from a. as the most preferred to d. as the least preferred:

a. On existing structures such as nonresidential buildings/facades, water towers/tanks, utility poles, steeples, clock or bell towers, billboards, chimneys, bridges, and silos.

b. On existing or approved towers, or on a new tower to be erected on or near the site of an existing tower which is to be removed.

c. On new towers in predominantly commercial-industrial or commercial areas.

d. On new towers located in residential areas.

4.1.2 All applications for approval of a proposed wireless telecommunication facility shall contain the following documentation:

a. A map indicating the service area of the proposed wireless telecommunication site, a map indicating the extent of the provider's existing, if any, and planned coverage within Pomfret, and a map indicating the search radius for the proposed wireless telecommunication site, including the location of structures greater than 40' height within one quarter mile of the proposed site.

b. A report from a licensed telecommunication systems engineer indicating why the proposed site location is necessary to satisfy its function in the applicants proposed wireless telecommunication system. A description of all alternative sites and locations reviewed by the applicant and a discussion of why such alternatives were not selected.

c. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.

d. Details of all proposed antenna and mounting equipment including size and color.

e. Elevations of all proposed shielding and details of material including color.

f. Elevations of all proposed buildings and structures, including but not limited to equipment storage facilities, boxes and cabinets. Details of all proposed fencing including color.

g. Tower base elevation and height of tower.

h. A design drawing, including cross section and elevation, of all propose towers. A description of the tower's capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas. The design should indicate how the tower will collapse without encroaching upon any adjoining property if failure occurs.

i. A report from a licensed telecommunication systems engineer indicating that the proposed wireless telecommunication facility will comply with FCC radio frequency emission standards and that the installation will not interfere with public safety communications

j. All proposed landscaping, if appropriate, with a list of plant materials.

k. Proposed access to the site.

l. All of the plans and information required for wireless telecommunication facility site plan as required in Section 3 of these Regulations.

m. A view shed analysis showing all areas from which the tower would be visible, and if requested by the Board of Selectmen, a simulation of the proposed site in order to help the Board of Selectmen determine the visual impacts associated with the proposal.

n. Documentation prepared by a licensed telecommunication systems engineer that no existing or planned tower or other structure can accommodate the applicant*s antenna. For all tall structures located within one quarter mile radius of the proposed site, documentation that the owners of these locations have been contacted and have denied permission to install the antenna on these structures for other than economic reasons.

o. The location of all residential structures within 200 feet of the property line.

p. Nature of uses on adjacent and nearby properties within 1,000 feet.

q. Surrounding topography within 1,000 feet at contour intervals not exceeding ten feet.

r. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

The Board of Selectmen may require independent engineering/technical review of submitted materials at the applicant's expense.

4.1.3 All wireless telecommunication facilities where the antenna is mounted to an existing nonresidential building or structure shall meet these standards:

a. No unnecessary change shall be made to the height of the building or structure.

b. Panel antennas shall not exceed sixty inches in height by twenty-four inches in width; whip antennas shall not exceed ten (10) feet in height and three (3) inches maximum diameter; and dish antennas shall not exceed thirty-six inches in diameter.

c. Equipment cabinets and sheds shall be screened with appropriate landscaping materials from abutting properties.

d. Facilities shall be of a material or color which matches the exterior of the building or structure, and shall blend into the existing architecture to the extent possible.

e. Facade mounted antennas shall not protrude above the building structure and shall not project more than three feet beyond the wall or facade.

f. Roof mounted antennas shall not exceed the highest point of the rooftop by more than ten feet.

g. Roof mounted antennas shall be set back from the roof edge a minimum of ten feet or ten percent of the roof width, whichever is greater.

h. Roof mounted antennas shall not occupy more than 25 percent of the roof area in Residential areas, and 50 percent in all other areas.

4.1.4 All wireless telecommunication facilities where a tower is to be located on property occupied by one or more existing towers shall meet the following standards:

a. No unnecessary change shall be made to the height of the building or structure.

b. If the applicant is proposing a new tower, the applicant must demonstrate that reasonable efforts were made to secure a suitable location on an existing tower but that no such location could reasonably be secured.

c. Equipment cabinets and sheds shall be screened with appropriate landscaping materials from abutting properties.

4.1.5 All wireless telecommunication facilities shall meet the following standards where applicable:

a. A wireless telecommunication permit shall not be issued for any use that causes, or may be reasonably expected to cause, unsafe or dangerous physical conditions at or beyond the property line or that would constitute a nuisance. For purposes of this section, "unsafe or dangerous physical conditions" may include, but are not limited to, unreasonable pollution of soil, ground water, surface waters, or the air, perceptible vibrations transmitted through the air or ground, or noise in excess of state and local standards.

b. The tower and/or antenna shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunication facility. Documentation of the minimum height needed, prepared by a licensed telecommunication systems engineer, shall accompany an application. The Board of Selectmen may require the submission of propagation modeling results to facilitate its review of tower height.

c. A tower shall be set back from all property lines a distance equal to the height of the tower plus 50 feet. In addition, a tower shall be at least a distance equal to its height plus 50 feet from any existing structures of area of human occupancy. All utilities to and from such a facility shall be installed underground.

d. All towers shall be of a monopole design unless the tower is to be attached to an existing structure or the applicant demonstrates that a monopole would not be feasible or could not satisfy the essential requirements of the overall telecommunication facility. All towers shall be designed to complement and blend into the surrounding area as much as possible

e. No lights or illumination shall be permitted.

f. No signs or advertising shall be permitted on any tower or antenna, except no trespassing, warning, and ownership signs are permitted at ground level.

g. The proposed support structure shall be required to accommodate a minimum of three users unless it is determined to be technically unfeasible based upon information submitted by the applicant and verified by the Board of Selectmen. These users shall include other wireless telecommunication companies, and local police, fire and ambulance companies. The applicant shall submit written documentation of the manner in which it proposes to accommodate other potential users. The Board of Selectmen may require that such documentation be modified if it would unreasonably or unnecessarily restrict access of other users to the facilities.

h. A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, as amended.

i. The Board of Selectmen may require the use of Section 16-50aa of the Connecticut General Statutes to promote tower sharing.

. For any permits issued for a telecommunication facility, the permit holder shall exercise good faith in allowing future providers to co-locate or share space on the site, provided that such shared use does not impair the technical level or quality of service.

4.1.6 All ancillary building associated with wireless telecommunication facilities shall comply with the following:

a. Each building shall not contain more than 200 square feet of gross floor area or be more than eight feet in height, unless the applicant can demonstrate the need for a larger structure.

b. If located on the roof of a building, it shall be designed to blend with the color and design of the building to the extent possible.

c. All ground level buildings, boxes, or cabinets shall be surrounded by a chain link or comparable fence and shall be surrounded by a landscaped buffer area 15 feet in width.

4.1.7 Abandonment. A wireless telecommunication facility not in use for 12 consecutive months shall be removed by the facility owner at their expense. This removal shall occur within 90 days of the end of such 12-month period. If there are two or more users of a single tower, this provision shall not become effective until all users cease utilizing the tower.

Adopted at Special Town Meeting, January 13, 1999. Effective Date January 30, 1999.

ORDINANCE CREATING THE "POMFRET LAND ACQUISITION FUND"

BE IT ORDAINED THAT:

Section 1. Pursuant to the authority of Connecticut General Statutes 7-131 to 7-131r, there is hereby established the "Pomfret Land Acquisition Fund" to be used for the purposes of the preservation of open space, the acquisition of land (or any interest in land, including, but not limited to easements and development rights) to be used for open space, recreational agricultural or historical purposes. The fund shall not lapse at the close of the municipal fiscal year.

Section2. There shall be deposited into the "Pomfret Land Acquisition Fund" such sums as the Town may from time to time appropriate for that purpose. There shall also be deposited into the Fund all payments in lieu of provision of open space made pursuant to any regulations adopted by the Planning Commission under the authority of Connecticut General Statutes 8-25 and 8-25b and any other funds acquired by the Town, whether by gift, bequest, grant or otherwise for the purpose to be served by the fund.

Section 3. The Pomfret Conservation Commission will identify and review potential acquisitions for land or interest in land for open space, recreational, agricultural or historical purposes; and will keep the Board of Selectmen, Board of Finance, Planning Commission, Inland Wetlands Commission, Recreation Commission, Economic Development Commission, Historic District and citizens as a whole informed concerning any recommendations; and will make

recommendations to the Board of Selectmen regarding acquisition of land and other proper uses of the Land Acquisition Fund and will perform such other tasks relating to the use and administration of the fund as the Board of Selectmen may direct.

Section 4. The Conservation Commission shall review and report upon any proposed appropriation form the Fund. The Board of Selectmen shall give due consideration to the views of the Conservation Commission on any such appropriation but the Conservation Commission's approval shall not be required. Appropriations from the fund for the purposes for which it is created may be made upon the recommendation of the Board of Selectmen and the approval of the Board of Finance, and where the proposed appropriation if for the purpose of acquiring land (or interest in land, including but not limited to easements and development rights) upon review by the Planning Commission pursuant to Connecticut General Statutes 8-25 and upon approval by any Annual or Special Town Meeting after due warring.

Section 5. This ordinance shall be effective fifteen (15) days after publication thereof in a newspaper having substantial circulation in the Town of Pomfret.

Approved at Special Town Meeting: February 17, 2000.
Effective Date: March 8, 2000.

TOWN OF POMFRET SIGN AND BILLBOARD ORDINANCE

The Town of Pomfret Sign and Billboard Ordinance adopted at Special Town Meeting held July 11, 2000, effective date August 3, 2000; was repealed at Special Town Meeting held April 5, 2005, effective date April 30, 2005.

AN ORDINANCE AUTHORIZING THE PUBLICATION OF A SUMMARY OF PROPOSED ORDINANCES OR ADOPTED ORDINANCES FOR THE TOWN OF POMFRET

a. Be it ordained by the electors and those qualified to vote at Town Meetings in the Town of Pomfret, pursuant to Section 7-157(b) of the Connecticut General Statutes, that the Town Clerk is hereby authorized to publish a summary of any proposed ordinance or adopted ordinance in lieu of publication of the entire text of such proposed ordinance or adopted ordinance. In any case in which such a summary is published, the Clerk shall make a copy of such proposed ordinance or adopted ordinance available for public inspection and shall, upon request, mail a copy of such proposed ordinance or adopted ordinance to any person requesting a copy at no charge to such person.

b. Any summary so published shall bear a disclaimer as follows: "This document is prepared for the benefit of the public, solely for purposes of

information, summarization and explanation. This document does not represent the intent of the legislative body of the Town of Pomfret for any purpose.

c. The provisions of this ordinance shall not apply to any proposed ordinance or adopted ordinance which makes or requires an appropriation of funds.

Adopted at Special Town Meeting: February 4, 2003.
Dated of Publication: February 6, 2003. Effective Date: February 21, 2003.

FEES FOR MUNICIPAL LAND USE APPLICATIONS

BE IT ORDAINED THAT a schedule of fees in connection with land use applications is established as follows:

SECTION 1: Authorization and Purposes

1.1 To establish, pursuant to Section 8-1c of the Connecticut General Statutes, a schedule of fees that will allow the Town to recoup the costs and expenses of processing land use applications, including, but not limited to, the cost of reviewing and evaluating the application and all materials submitted in connection therewith, the cost of posting and publishing notices, and the cost of monitoring compliance with the terms and conditions of approval.

1.2 To list the categories of costs and expenses that the Town reasonably anticipates incurring, both directly and indirectly, in processing applications.

1.3 To calculate fees separately and individually for each land use application.

1.4 To limit the application of fees generally to those administrative activities that occur after the submission of a formal application.

1.5 To establish a non-refundable, flat fee for minor land use applications, to facilitate the administration of the fee system.

1.6 To improve the services provided to land use applicants by allowing the Town to recoup its processing expenses.

SECTION 2. Definitions

2.1 Additional Application Deposit – Any fees that are required to be deposited by an applicant pursuant to this Ordinance and that are greater than the amount of the Minimum

Application Fees.

2.2 Applicant, or Land Use Applicant - Any person or entity who submits a land use application, or his or her agent or successor in interest.

2.3 Application, or Land Use Application – Any application to the Planning and Zoning Commission, Zoning Board of Appeals, Zoning Enforcement Officer, Inland Wetlands and Watercourses Commission, or Inland Wetlands Enforcement Officer.

2.4 Minimum Application Fees – The amount of fees that would be required for an application pursuant to Schedule A, B, C or D.

2.5 Municipal Consultant – Any professional hired by the Town or the reviewing official or agency to assist in the review and evaluation of a land use application. Such consultants may include, but are not limited to, engineers, planners, scientists, health professionals, and attorneys at law.

2.6 Municipal Official – Any person elected or appointed to a decision-making position in the Town of Pomfret.

2.7 Processing – Any and all activities and functions performed by municipal officials and staff, as well as by professional consultants retained by municipal officials and staff, in connection with the receipt, handling, review, assessment, analysis, and noticing of a land use application. Such functions and activities include, without limitation, all aspects of reviewing and analyzing the application and all materials submitted, whether by the applicant or others, in connection with the application, as well as all monitoring activities that are required to ensure compliance with the terms and conditions of any approval, including, without limitation, the installation of public improvements.

2.8 Public Improvements – Any physical modification to, and any area of land dedicated for, Town or other public use, including but not limited to roads, drainage facilities, water and sewer lines, open space and recreation areas, public landscaping, retaining walls, and erosion and sediment controls.

2.9 Staff - Municipal employees, as well as employees of any regional agency of which the Town is a member.

2.10 Town – The Town of Pomfret.

SECTION 3: Fees Charged for Land Use Applications

3.1 To the extent provided in this Ordinance, land use applicants shall be responsible for the payment or reimbursement of actual municipal expenses incurred in the review, evaluation and processing of land use applications.

3.2 An applicant shall be billed for staff and municipal consultant time devoted to the following activities:

a. Any assistance given to the applicant or the applicant's agents or representatives in the preparation of land use applications, except that one pre-application assistance conference shall be provided by municipal staff at no cost to the applicant upon the applicant's request, and subject to the availability of municipal staff. Municipal staff shall have the discretion to determine the time and date of any such pre-application assistance conferences.

b. Any processing activities that occur following the submission of the application until final commission action on the application, except as provided in Section 3.3.

c. Any activities related to the posting, filing, publishing or mailing of notices of the commission's decision.

d. Any activities related to the monitoring or inspection of environmental controls (including but not limited to sediment and erosion controls) or public improvements required by the terms and conditions of approval or the applicable regulations.

3.3 An applicant shall not be billed for staff or municipal consultant time devoted to the following activities:

a. The first pre-application conference for a land use application.

b. Discussions or negotiations between municipal staff and/or consultants and applicants regarding agreements, conveyances, conditions, or modifications in the review process.

3.4 The applicant shall also reimburse the Town for any out-of-pocket expenses incurred as a direct result of the filing of the application, including but not limited to all expenses for advertising public hearings and publishing notices of decisions.

3.5 No application fee shall be charged to any Town official or agency submitting an application in his, her or its official Town capacity.

SECTION 4: Computation of Fees

4.1 The municipal fees for processing land use applications shall be computed based upon the hourly rate of pay of the staff undertaking or participating in the processing of the land use application, multiplied by the number of hours during which such staff members were occupied in such processing, and further multiplied by 1.15, a factor intended to represent the estimated overhead expenses for such staff member's time.

4.2 Land use applications shall be accompanied by an application deposit in an amount determined by the agency or official to whom the application is submitted and based upon the anticipated expenses of processing the application. The required amount of the application deposit shall be the greater of the following: (1) the Minimum Application Fees set forth in Schedules A, B, C and D of this Ordinance for the type of application being filed; or (2) one hundred fifty percent (150%) of the estimated cost of processing the application, as determined by the reviewing agency or official. The applicant shall submit the required deposit to the reviewing official or agency, or to a person designated by that official or agency to receive the deposit, within fifteen (15) days after the mailing or hand delivery of written notice to the applicant of the required amount; provided, however, that the applicant must deposit an amount that is no less than the Minimum Application Fees at the time the application is filed. If the applicant fails to deposit the required amount(s) when due, the application may be deemed incomplete and rejected or denied.

4.3 The application deposit shall be held by the Town in the name of the applicant. Whenever the Town or the reviewing agency or official sends a bill to the applicant for municipal processing expenses, the funds in the application deposit account shall, at the time of mailing the bill, be applied against the amount of the bill to the extent such funds are available.

4.4 The bill shall include a description of the work performed, the time spent by each staff member in increments of not more than quarter-hours, the name of each staff member who participated in processing the application, and each such person's hourly billable rate.

4.5 In the event the municipal fees and expenses exceed the amount of the application deposit, the applicant shall be required to submit the required amount of additional funds. The failure of an applicant to pay all fees and expenses when due, as required by this Ordinance, shall be cause for denial of an application or for revocation of any approval.

4.6 The Minimum Application Fees are non-refundable. Upon the completion of processing of the application and the payment from the deposit account of all municipal fees and expenses related to such processing, any funds that were part of an Additional Application Deposit and that remain in the application deposit account shall be refunded to the applicant.

4.7 Notwithstanding any other provisions of this Ordinance, any applications that are listed in Schedule A, B, C or D as having a "maximum application fee" shall not be required to deposit any Additional Application Fees. Rather, the Minimum Application Fees for such applications shall also be the maximum (i.e., total) application fees.

SECTION 5: Appeal

5.1 An applicant may challenge any aspect of any fee payable under this ordinance by

submitting a written appeal within thirty (30) days of the date of the challenged billing to the Town Planner or the chairman of the reviewing agency on a form available at the Town Hall. The responsible official or agency shall hear the appeal within sixty-five (65) days and make a ruling within an additional sixty-five (65) days.

SECTION 6: Validity

6.1 If any section, subsection, clause or phrase of this ordinance is, for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

6.2 This Ordinance shall become effective fifteen days after being published according to law.

SCHEDULE "A" – Planning and Zoning Commission
Applications under the Planning Enabling Statutes

1.	Base Fee for all Applications		$ 50
2.	State Fee for all Applications		$ 10 (or as otherwise required by state law)
3.	Public Hearing		$ 175
4.	Subdivision or Resubdivision		$ 150
		Plus	$ 150/lot
5.	Revision of Subdivision or Resubdivision Plan		$ 100
		Plus	$ 50/revised lot
6.	Review of design of new or rebuilt roads, drainage and other site improvements		$ 100/lot
7.	Supervision and inspection of the construction of new or rebuilt roads, drainage and other site improvements:		$500 or four percent of estimated construction costs, whichever is greater
8.	Erosion and Sedimentation Control Plan Review		$ 50/lot
9.	Legal review pertaining to deeds/easements/bonding		$ 500

SCHEDULE "B" – Planning and Zoning Commission

Applications under the Zoning Enabling Statutes

1. Base Fee for all Applications other than Signs	$ 50
2. State Fee for all Applications	$ 10 (or as otherwise required by state law)
3. Public Hearing	$ 175
4. Zone Change or Amendment	$ 150
5. Special Permit or Special Exception	$ 150
6. Site Plan Review	$ 500
7. Home Occupation	$ 50
8. Signs (maximum application fee)	$ 25
9. Certificate of Zoning Compliance	$ 25
10. Legal review pertaining to deeds/easements/bonding	$ 500

SCHEDULE "C" - Zoning Board of Appeals:

1. Base Fee for all Applications	$ 50
2. State Fee for all Applications	$ 10 (or as otherwise required By State Law)
3. Variance	$ 50
4. Appeals from Zoning Enforcement Decisions	$ 50
5. Public Hearing	$ 100
6. Other reviews required by state law	$ 50
7. Legal review pertaining to deeds/easements/bonding	$ 500

SCHEDULE "D" – Inland Wetlands and Watercourses Commission

1. Base Fee for all Applications	$ 100
2. State Fee for all Applications	$ 10 (or as otherwise required By State Law)
3. Regulated Activities (Not As Of Right)	
a. Subdivisions and resubdivisions	$ 100/lot
b. Single-Family Residential Uses	no additional fee
c. All other uses	$ 220
d. Additional fee (all uses) if Commission finds potential for significant impact	$ 250
3. Permitted and Non-regulated Uses	
a. Uses Permitted As Of Right	$ 50
b. Non-regulated Uses	$ 20
4. Public Hearing	$ 150
5. Amendment to Official Wetlands and Watercourses Map	$ 250
6. Modification Of Prior Permit	$ 25
7. Legal review pertaining to deeds/easements/bonding	$ 500

Adopted at Special Town Meeting: September 17, 2003.
Date of Publication: September 26, 2003.
Effective Date: October 11, 2003.

ORDINANCE FOR A RIGHT TO FARM
IN THE TOWN OF POMFRET

Purpose

Pursuant to the powers conferred upon by Section 7-184 (c) (7) (e) (8) and (10) (A), and in furtherance of the goals of Section 19a-341 of the Connecticut General Statutes, the Town of Pomfret adopts this ordinance to recognize the importance of protecting prime farmland, to identify those parcels for which preservation is a priority, and to foster farming as a way of life by declaring this municipality's support of the farmer's right to farm.

Definition

Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting of any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals, and wildlife, and the raising or harvesting of oysters, clams, mussels, and other mollusks and shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or harvesting of mushrooms, the hatching of poultry, or the construction, operation of maintenance of ditches, canals, reservoirs or waterways used exclusively for packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in preparation of such fruits or vegetables as an incident to the direct sale.

The term "farm" includes farm buildings, and greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities.

The term "aquaculture" means the production of protein food, including fish, oysters, clams, mussels and other mollusks and shellfish, on leased, franchised and public underwater farmlands.

The Right to Farm

Notwithstanding, any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable:

1. Odor from livestock, manure, fertilizer or feed,
2. Noise from livestock, or farm equipment used in normal, generally acceptable farming procedures,
3. Dust created during plowing or cultivation operations,
4. Use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Commissioner of Environmental Protection, or, where applicable, Commissioner of Health Services, or
5. Water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more, and has not been substantially changed and such operation follows generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.

Willful or Reckless Misconduct Not Protected

The provisions of this ordinance shall not apply whenever a nuisance results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place establishment or facility, or any of it appurtenances.

Adopted at Special Town Meeting held January 23, 2008.

ORDINANCE TO ESTABLISH AN AGRICULTURAL COMMISSION

The Agricultural Commission of the Town of Pomfret shall be composed of five (5) members and three (3) alternate members who shall be electors of Pomfret, residing in said town and who shall hold no salaried town office, to be appointed by the Board of Selectmen.

SECTION 1: APPOINTMENTS

The regular members of the Commission shall be appointed so that one member shall be designated to serve one year; two members to serve two years; one member to serve three years; and one member to serve four years.

The alternate members will be appointed so that one member shall be designated to serve for one year, one member to serve two years and one member to serve three years.

Chairmen (or their designee) of any officially recognized Town of Pomfret Board or Commission shall serve as members ex-officio of the Pomfret Agricultural Commission.

SECTION 2:POWERS

The Agricultural Commission will act in an advisory capacity to the Board of Selectmen and other municipal boards and commissions. In this capacity, the commission will extol the role of agriculture as it contributes to Pomfret's quality of life, environment, and economy. It will advocate for all agriculture before non-profit agencies, civic organizations, municipal boards, commissions, elected officials and non-farm residents. The commission will adhere to and promote Pomfret's "Right to Farm" ordinance while fostering public awareness of local agriculture and how it enhances and preserves the rural character of the Town. The Commission shall follow the "Pomfret Agriculture Commission Charge" as reviewed and approved by the AGvocate Group on December 13, 2011 and approved by the Board of Selectmen on January 3, 2012 and recorded with minutes of same.

SECTION 3:ORGANIZATION

The commission shall elect a chairperson, vice chairperson, secretary, and a treasurer from its members, shall adopt rules for the transaction of business and shall keep a public record of its activities and make an annual report to the First Selectman. Vacancies shall be filled by appointment by the First Selectman for the unexpired portion of the term, and the First Selectman may upon the vote of a majority of the Agriculture Commission remove any member for cause.

Adopted at Special Town Meeting: March 22, 2012

Date of Publication: April 4, 2012-Putnam Town Crier Effective Date: April 19, 2012

History of Adoptions, Amendments, Revisions
July 3, 1986 – October 7, 2014

Revision Effective Date	Ordinance or Special Act Adopted, Amended or Repealed
July 3, 1986	Adopted an Ordinance Regulating the Ownership and Operation of a Landfill in the Town of Pomfret, Connecticut
March 18, 1987	Adopted an Ordinance Extending the Elected Term of Office for the Tax Collector
	Adopted an Ordinance Extending the Elected Term of Office for the Town Clerk and Registrars of Voters
	Adopted an Ordinance Creating the Northeastern Connecticut Regional Resource Recovery Authority

April 8, 1987	Adopted Ordinance to Create a Regional Council of Governments
March 3, 1988	Amended Ordinance Pertaining to Specifications of Roads Adopted Ordinance Concerning the Designation of Scenic Roads
August 11, 1988	Amended Ordinance Amending Fees Payable under State Building Code Amended Amendment to Flood Plain Management Ordinance 60.3 (D)
July 27, 1989	Adopted Ordinance Regulating Collection and Disposition of Garbage, Rubbish and Other Refuse
June 7, 1990	Adopted Ordinance Providing for the Assignment and Affixing of Visible Street Numbers
July 16, 1992	Adopted Ordinance Designating a Water Pollution Control Authority for the Town of Pomfret
December 2, 1993	Adopted Ordinance-Abatement for Pomfret Community Housing Corporation Adopted Ordinance Establishing the Office of Tax Collector of the Town of Pomfret and Fire District Be One and the Same Person Adopted Ordinance Establishing the Position of Pomfret Town Historian
June 23, 1994	Adopted Ordinance Regarding Tax Abatements for Dairy Farms
November 7, 1994	Adopted Pomfret Economic Development Commission Ordinance

Revision Effective Date	**Ordinance or Special Act Adopted, Amended or Repealed**
November 9, 1996	Adopted Ordinance Regulating the Storage, Collection and Disposal of Solid Waste, Bulky Waste and Recyclables Adopted an Ordinance Regulating Purchases and Sales for the Town of Pomfret
June 7, 1997	Adopted Ordinance Concerning Withholding of Building Permits With Respect to Real Property for Which Real Property Taxes Are Delinquent
December 6, 1997	Repealed Ordinance Concerning Permit to Locate Private Driveway into Town Roads Adopted Town of Pomfret Driveway Apron Ordinance Amended and Ordinance Regulating Purchases and Sales for the Town of

Pomfret

January 30, 1999	Adopted Repealing of Prior Ordinance and Establishing Conservation Commission Adopted Wireless Telecommunication Regulations Ordinance
March 8, 2000	Adopted Ordinance Creating the "Pomfret Land Acquisition Fund"
June 2, 2000	Adopted Ordinance Regarding Tax Abatements for Volunteer Firefighters
August 3, 2000	Amended Ordinance Regarding Tax Abatements for Dairy Farms Adopted Town of Pomfret Sign and Billboard Ordinance
January 6, 2003	Adopted an Ordinance Creating a Combined Planning and Zoning Commission for the Town of Pomfret, Having the Powers Set Forth in Chapters 124 and 126 of the Connecticut General Statutes
February 21, 2003	Adopted an Ordinance Creating a Zoning Board of Appeals for the Town of Pomfret Adopted an Ordinance Authorizing the Publication of a Summary of Proposed Ordinances or Adopted Ordinances for the Town of Pomfret
October 11, 2003	Amended Ordinance Amending Fees Payable under State Building Code Amended Preservation of Open Space, Farm, Forest Land-"490" Amended Amendment to Flood Plain Management Ordinance 60.3 (D) Amended an Ordinance Regulating Purchases and Sales for the Town of Pomfret Repealed Ordinance Establishing Individual Cost Based Fees for Municipal Land Use Applications Adopted Fees for Municipal Land Use Applications

Revision Effective Date	**Ordinance or Special Act Adopted, Amended or Repealed**
November 5, 2003	Amended Reduction in Number of Tax Assessors
April 30, 2005:	Repealed Trailer & Trailer Park Ordinance Repealed Creation of Municipal Planning Commission Repealed Ordinance Adding Alternates to Planning Commission Amended Ordinance Amending Fees Payable under State building Code Repealed Town of Pomfret Sign and Billboard Ordinance
January 5, 2007	Repealed Ordinance Concerning Removal of Abandoned or Un-Registered Motor Vehicles Adopted an Ordinance Concerning Abandoned Motor Vehicles, Discarded Motor Vehicle Parts, Blight and Public Nuisance

May 26, 2007	Adopted an Ordinance Regarding Refund of Excessive Tax Payments Adopted an Ordinance Concerning Property Tax Relief for Eligible Elderly Homeowners Repealed an Ordinance Regarding Tax Delinquency Reports to the Department of Motor Vehicles
January 23, 2008	Adopted an Ordinance for a Right to Farm in the Town of Pomfret
April 30, 2009	Adopted an Ordinance Regarding Waiving Tax Bills That Are Under $2.00
October 28, 2010	Approved a Resolution for Town to Enter Into Regional Revaluation Program and Related Agreements Approved Exemption of Active Solar Energy Heating or Cooling Systems
March 22, 2012	Adopted an Ordinance to Establish an Agriculture Commission Adopted an Ordinance to Establish a Senior Advocate Commission
October 7, 2014	Revised the Driveway Apron Ordinance at Special Town Meeting
July 15, 2015	Repealed "Ordinance Extending the Elected Term of Office of the Tax Collector"
July 15, 2015	Adopted "Amended Ordinance Regarding the Office of the Tax Collector and Appointment of the Tax Collector
May 17, 2016	Revised "An Ordinance Regulating Purchases and Sales for the Town of Pomfret

Revision Effective Date	**Ordinance or Special Act Adopted, Amended or Repealed**
April 17, 2017	Amended Section 3, Item 3, of "Ordinance Pertaining To Specification Of Roads"
April 17, 2017	Adopted "Veterans Ordinance As Allowed Under Section 12-81 Of Connecticut General Statutes"
June 7, 2017	Replaced "Ordinance Establishing a Senior Advocate Commission"
June 7, 2017	Adopted "An Ordinance Establishing A Pomfret Commission On Aging"
June 7, 2017	Adopted "An Ordinance Prohibiting the Storage, Disposal, or Use of Waste From Oil and Gas Exploration or Extraction Activities or Any

	Derivative Thereof in the Town of Pomfret"
May 17, 2018	Adopted "An Ordinance Regarding Additional Tax Exemption of Farm Equipment-Effective 10/01/2018
March 28, 2019	Repealing of Prior Ordinance and Establishing a Conservation Commission-Effective 04/18/2019
September 16, 2019	Adopted "An Amended Ordinance Regarding Members- Effective October 11, 2019 "
March 1, 2021	Approved an Ordinance Establishing Four-Year Terms of Office for the Pomfret First Selectman, Members of the Board of Selectman and Treasurer- Effective 03/26/2021
March 1, 2021	Adopted an Ordinance Establishing Fees Payable Under Building, Fire and Demolition Code, Fire Marshals and Fire Hazards, Safety of Public and Fire Marshall Inspections
May 19, 2022	Adopted An Ordinance Providing for the Appointment of the Town of Pomfret Town Clerk
May 19, 2022	Adopted An Ordinance Providing for the Appointment of the Town of Pomfret Treasurer
May 19, 2022	Revised An Ordinance Extending the Elected Term of Office for the Registrars of Voters
May 10, 2023	Adopted an " Amended Ordinance to Flood Plain Management- Effective June 1, 2023"
May 10, 2023	Adopted an "Ordinance Amending Fees Payable Under State Building Code"- Effective July 1, 2023