Code
of the
Borough of Litchfield

COUNTY OF LITCHFIELD
STATE OF CONNECTICUT

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Borough of Litchfield

COUNTY OF LITCHFIELD
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Editor of this Code

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GENERAL CODE PUBLISHERS CORP.
72 Hinchey Road
Rochester, New York 14624

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OFFICIALS
OF THE
BOROUGH OF LITCHFIELD

West Street
P.O. Box 913
Litchfield, Connecticut 06759
Telephone: (~~203~~) 567-8866
860

1999

Board of Warden and Burgesses

LEON LOSEE, **Warden**
OREN K. BOYNTON
THOMAS WITHERSPOON, JR.
MARTHA McDEVITT
VICTORIA SANSING
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10 - 20 - 99

PREFACE

The Borough of Litchfield has, since its incorporation in May 1818, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary when the first Charter was approved in 1915, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the borough. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Board of Warden and Burgesses ordered the following codification of the borough's legislation.

Contents of Code

The Code contains the Charter of the Borough of Litchfield and all currently effective ordinances of a general and permanent nature enacted by the Board of Warden and Burgesses.

Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains all borough legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other borough legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

Grouping of Legislation and Arrangement of Chapters

The various items of legislation are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more items of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation pertaining to the regulation of streets and sidewalks may be found in Part II, in the chapter entitled "Streets and Sidewalks." In such chapters, use of Article or Part designations has preserved the identity of the individual items of legislation.

Table of Contents

The Table of Contents details the alphabetical arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, titles of the several Articles or Parts are listed beneath the chapter title in order to facilitate location of the individual item of legislation.

Reserved Chapters

Space has been provided in the Code for the convenient insertion, alphabetically, of later enactments. In the Table of Contents such space appears as chapters entitled "(Reserved)." In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

Pagination

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number of that chapter followed by the numerals "01." Thus, Chapter 6 begins on page 601, Chapter 53 on page 5301, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters, and to insert new chapters without affecting the existing organization.

Numbering of Sections

A chapter-related section-numbering system is employed, in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 6 is § 6-1, while the fourth section of Chapter 53 is § 53-4. New sections can then be added between existing sections using a decimal system. Thus, for example, if two sections were to be added between §§ 53-4 and 53-5, they would be numbered as §§ 53-4.1 and 53-4.2.

Scheme

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

Histories

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing Parts or Articles derived from more than one item of legislation, the source of each Part or Article is indicated in the History. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text

to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

Index

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added to the Code.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or complete new additions, should be adopted as amending the Code. In doing so, existing material that is not being substantively altered should not be renumbered. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 45-5 and 45-6 should be designated § 45-5.1). New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the table of contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices"

or "Amusement Devices, Coin-Operated" under "A" in the table of contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 45 and 46 should be designated Chapter 45A). New Articles may be inserted between existing Articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" Articles (e.g., a new Article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 45-30 and Article XVII begins with § 45-31, Article XVIA should contain §§ 45-30.1 through 45-30.6).

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

The Code of the Borough of Litchfield would not have been published without the assistance and dedication of the Board of Warden and Burgesses. Special acknowledgement is given to Anthony M. Crowe, Borough Warden, and H. James Stedronsky, Esq., Borough Attorney.

The codification of the legislation of the Borough of Litchfield reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers Corp. that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

TABLE OF CONTENTS

THE CODE

PART I
ADMINISTRATIVE LEGISLATION

PART II
GENERAL LEGISLATION

TABLE OF CONTENTS

TABLE OF CONTENTS

APPENDIX

INDEX

THE CHARTER

CHARTER OF THE BOROUGH OF LITCHFIELD

ARTICLE I
Incorporation

ARTICLE II
Elections

ARTICLE III
Public Officials

ARTICLE IV
Board of Warden and Burgesses

ARTICLE V
Borough Meeting

ARTICLE VI
Annual Borough Budget

ARTICLE VII
Borough Finances

ARTICLE VIII
Ordinances

ARTICLE IX
Fire Company

ARTICLE X
Sidewalks

ARTICLE XI
Parks

ARTICLE XII
Historic District

ARTICLE XIII
Historic District Commission

ARTICLE XIV
Transition and Miscellaneous Provisions

[HISTORY: Approved by the voters of the Borough of Litchfield 6-1-1989, effective 7-1-1989. Amendments noted where applicable.]

GENERAL REFERENCES

Administration of government — See Ch. 3.
Fire Department — See Ch. 10.
Historic District Commission — See Ch. 12.

ARTICLE I
Incorporation

§ C101. Incorporation.

All the inhabitants dwelling within the territorial limits of the municipality heretofore incorporated as the Borough of Litchfield by an Act approved April 28, 1915,[1] and extended by an Act approved October 19, 1942, which limits are set forth below, are constituted and declared to be a body politic and corporate by the name of the "Borough of Litchfield," and by that name they and their successors inhabitants and electors within the limits of the borough, shall have perpetual succession and be a person in law, capable of suing and being sued, pleading and being impleaded in all courts and in all suits, and of purchasing, holding, conveying and receiving, by gift, devise or bequest, any estate, real or personal, and of having a common seal.

The Borough of Litchfield may hold and exercise all powers and privileges herefore exercised by the Borough of Litchfield and not inconsistent with the provisions of this Charter, and the additional powers and privileges conferred upon municipalities under the general laws of the State of Connecticut.

§ C102. Territorial limits.

The territorial limits of the Borough of Litchfield are and shall be as follows:

Beginning at a stone monument on the southerly bank of the Bantam river, about sixteen feet westerly from the northwest corner of the south abutment to the bridge which spans said river at South Street, thence north 42 degrees 15′, west nine hundred and seventy-eight feet to a stone monument on the top of a hill on land now or formerly of Alain C. White, at the southerly side of a stone wall; thence same course two thousand, one hundred forty-two and three-tenths feet to a stone monument in a meadow about one hundred fifty feet southerly of the bridge which spans Tan Vat brook where it crosses the highway, leading from South Lake Street to South Street; thence north 2 degrees 44′, east one thousand nine hundred thirty-

[1] **Editor's Note: The former, or original, Charter of the Borough of Litchfield.**

seven and nine-tenths feet to a stone monument on land now or formerly of Truman Catlin, said monument being near the westerly line of property now or formerly consisting of the New York, New Haven, and Hartford Railroad Company's right-of-way; thence same course one thousand nine hundred nineteen and nine-tenths feet to a stone monument in the southerly line of West Street; thence north 0 degrees 30′. east across West Street and lands now or formerly of George Switzer. Stephen and Annie Blazek, Inez E.C. Cheney and John Koser one thousand four hundred thirty-two feet to a stone monument on the southerly side of a stone wall; thence same course one thousand two hundred sixty-five feet to a stone monument on the northerly side of Prospect Street, thence same course five hundred sixty-five and seven-tenths feet to a stone monument about thirty feet south of Tallmadge Lane, being the northwest corner of the Borough of Litchfield: thence due east one thousand nine hundred thirty-three feet to a stone monument in the easterly line of the main road leading from Litchfield to Goshen; thence same course two thousand six hundred seventy-five and four-tenths feet to a stone monument on the westerly side of the Bantam river; thence same course about forty feet to the easterly bank of said river; thence in a general southerly direction along the easterly bank of the Bantam river fourteen thousand two hundred feet to a stone monument west of the bridge which spans the river at South Street, being the point of beginning; the above courses being the magnetic bearings of the needle as taken in the year 1914; and commencing at the northwesterly corner of the land of the estate of George J. Switzer, deceased, and running thence northerly along the easterly line of North Lake Street to the southwesterly corner of land of the estate of Robert J. Knox, deceased; thence easterly along the southerly line of land of said Knox estate and along the southerly line of land now or formerly of Otto F. Koser and Lulu J. Koser to land now or formerly of George R. Crutch; thence southerly along the westerly line of land now or formerly of George R. Crutch to land now or formerly of The George J. Switzer Company; thence westerly along the northerly lines of the land now or formerly of The George J. Switzer Company, land now or formerly of Stephen and Anna Blazek, land now or formerly of George John Switzer, Junior, and land now or formerly of the estate of George J. Switzer, deceased, to the point of beginning. Said tract, comprising about ten acres, now or formerly the premises of The Litchfield Community House, Incorporated and is known as "the community field."

§ C103. Form of government.

A. Legislative body. The legislative body of the Borough of Litchfield shall be a combination of a Meeting of the borough and a Board of Warden and Burgesses. Each body shall have such powers as the Charter herein prescribes.

B. Warden. The Chief Executive Officer of the borough shall be the Warden, who shall have such duties and powers as the Charter herein prescribes.

C. Exercise of power. All powers of the borough shall be exercised in the manner prescribed by this Charter unless required otherwise by the Constitution of the State of Connecticut or by the General Statutes or, if the manner is not so prescribed, then in such manner as may be prescribed by resolution or ordinance.

§ C104. Rights and obligations.

By virtue of this Charter, the Borough of Litchfield shall be absolutely vested with, possess and enjoy all lands, tenements, hereditaments, property and rights, choses in action and estates which at the effective date of this Charter were vested in said borough. The said borough shall continue to be liable for all debts and obligations of every kind for which said borough shall have been liable on said date, where accrued or not. Nothing herein shall be construed to affect the right of said borough to collect any assessment, charge, debt or lien for any public improvement or service. If any contract has been entered into by said borough prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of said borough which contains provisions that the same may be enforced by any officer, board or commission which is hereby abolished, such contract, bond or undertaking shall be in no manner impaired but shall continue in full force and effect and the powers conferred and the duties imposed with reference to the same upon any such officer, board or commission shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Board of Warden and Burgesses.

§ C105. Powers of the borough.

In addition to all powers granted to towns under the Constitution and Connecticut General Statutes, the borough shall have all the powers specifically granted by this Charter and Sections 7-148 and 7-194 of the Connecticut General Statutes as may be from time to time amended, and all powers fairly implied in or incident to the management of the property, government and affairs of the borough, including the power to enter into contracts with the United States, State of Connecticut or any political subdivision thereof for services, funds and the use of facilities, the exercise of which is not expressly forbidden by the Constitution and general law of the State of Connecticut. Further, the borough shall have the power to manage, regulate and control the finances and property, real and personal, of the borough and to regulate and provide for the purchase, sale, conveyance, transfer and release of Borough property and to provide for the execution of contracts and evidences of indebtedness issued by the borough. The borough shall have the right of eminent domain for all purposes under the provisions of this Charter to enable it to carry out such purposes. The enumeration of particular powers in this and any other section of this Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

§ C106. Execution of instruments.

All contracts, deeds, bonds and other instruments requiring assent of the borough shall be signed by the Warden unless an alternate Burgess is designated by resolution of the Board of Warden and Burgesses.

§ C107. Existing ordinances and bylaws.

All bylaws, ordinances, rules and regulations of the Borough of Litchfield in force on the date of the adoption of this Charter which are not inconsistent with the provisions of this Charter shall be and remain in full force and effect as the bylaws, ordinances, rules and regulations of the Borough of Litchfield. They shall be in force until they are altered, amended or repealed as provided by this Charter. All powers, rights and duties vested in and imposed upon the officers, boards, commissions of the Borough of Litchfield by said bylaws,

ordinances, rules and regulations are hereby vested in and imposed upon the corresponding officers, boards and commissions of the Borough of Litchfield provided for by this Charter.

ARTICLE II
Elections

§ C201. Election day.

All elections for borough officers shall be held on the first Monday in May, every fourth year, commencing 1991, or as prescribed by the Connecticut General Statutes, at a location established by ordinance, in the Town of Litchfield.[2]

§ C202. Registrar of voters.

For all elections within the Borough of Litchfield, the Registrars for the First Voting District as established in the Town of Litchfield shall be the Registrars for the borough and shall perform all duties as prescribed by law.

§ C203. Electors.

At any regular or special borough election, any resident of the borough may vote who is registered as an elector in the revised registry list of the town last completed.

ARTICLE III
Public Officials

§ C301. Elected officials.

The voters shall elect from their number a Warden and six (6) Burgesses, each to serve a term of four (4) years, and such other officials as said borough may by ordinance require, to serve until their respective successors are chosen and qualified, provided that any officer of said borough, upon removal of his or her residence

[2] **Editor's Note:** See § 3-1 of Ch. 3, Administration of Government.

therefrom, shall become vacant. Vacancies may be filled by the Board of Warden and Burgesses, and the person appointed shall hold office until his or her successor is duly elected at the next general election or special election called pursuant to the provisions of Chapter 146 of the Connecticut General Statutes, as may from time to time be amended.

§ C302. Appointed officials.

A. Appointment. The Board of Warden and Burgesses shall appoint annually a Clerk, a Treasurer, a Tax Collector, an Auditor, an Assessor, a Borough Attorney and police and constables, as hereinafter provided, and such other officials as are deemed necessary. Residence in the borough is not a requirement for holding an appointed office unless otherwise required by law.

B. Police and constables. The Board of Warden and Burgesses may from time to time appoint special police and constables. Police and constables shall receive such reasonable compensation for their services as said Board may determine. Such police and constables shall have the same authority within the limits of the borough as police and constables have as prescribed by the Connecticut General Statutes as may from time to time be amended. Such police and constables shall be duly sworn, and a record of such appointment shall be made and kept by the Clerk of the borough, and the Burgesses may, at their discretion, require sufficient bonds from them for the faithful performance of their duties.

C. Clerk. The Clerk of the borough shall be Clerk of the Board of Warden and Burgesses and shall act at all meetings of the voters of said borough and at all meetings of said Board of Warden and Burgesses. The Clerk shall keep records of such meetings and shall be custodian of all books, papers and documents belonging to said borough and said Warden and Burgesses, except such books and documents as the Treasurer shall be required to keep. The Clerk shall cause the publication of all bylaws and ordinances of the borough and shall certify on record the fact of such publication. The Clerk shall also make record of his or her acts in serving notices of orders of votes passed by the Burgesses. All books, papers and

documents so kept by the Clerk shall be open to the inspection of any inhabitant of said borough at all reasonable times. Said Clerk shall post and serve all notices which may be required by the Board of Warden and Burgesses and shall perform such other clerical duties as may be required by said Board or the voters of the borough at any legal meetings. In the absence of the Clerk, a Clerk Pro Tempore, while acting as Clerk, shall have the powers and be subject to the duties of the Clerk.

D. Treasurer. The Treasurer of said borough shall have the same relative powers and duties in said borough as Town Treasurers ordinarily have in their respective towns. Said Treasurer shall pay no money out of the borough treasury except in accordance with a vote passed at a meeting of the Board of Warden and Burgesses or on order signed by a majority of the members of said Board and shall be accountable to the borough.

E. Tax Collector. The Tax Collector of said borough shall faithfully collect all rate bills made out by the Burgesses for all taxes laid by said borough. The Tax Collector shall have the same powers as Town Tax Collectors ordinarily have and shall be accountable to the Burgess in the same manner as Town Tax Collectors are ordinarily accountable to Selectmen. He or she shall pay taxes to the Borough Treasurer at least once a month.

F. Assessor. The Assessor of said borough shall have all the powers vested in him or her by the Connecticut General Statutes.

G. Auditor. The Auditor shall annually examine and verify all accounts of the officers of the borough and make a sworn report in writing at the annual meeting. Said Auditor shall have access at all convenient times to all books of account, bills and vouchers of any officer or employee of the borough.

H. Building Official. The Warden shall appoint an officer to administer the State Building Code unless other means are so provided.

I. Director of Health. The Board of Warden and Burgesses shall appoint a Director of Health in accordance with the General Statutes unless other means are so provided.

J. Fire Marshal. The Board of Warden and Burgesses shall appoint a Fire Marshal, who shall be qualified as provided by law and shall have all of the powers and duties prescribed by law unless other means are so provided.

§ C303. Books of office.

Every officer of said borough shall, upon expiration of his or her term, deliver to his or her successor in office all books, vouchers, papers and memoranda in his or her possession concerning the business of the borough.

§ C304. Compensation.

All officers of the borough may receive such reasonable compensation for services performed for said borough as said Burgesses may direct,[3] and Warden and Burgesses may receive such pay or salary for services as such may be established and voted at a Borough Meeting, duly warned for such purpose.

§ C305. Oath of office.

Every officer of said borough before entering upon the duties of his or her office, shall be sworn to a faithful discharge of his or her duties, as follows: "You, ..., do solemnly swear that you will faithfully perform the duties of the office of ....., of the Borough of Litchfield to the best of your ability, so help you God." Said oath shall be administered to the Clerk of said borough by any officer qualified to administer oaths in Litchfield County, and the Clerk shall, thereupon, administer said oath to all other officers required to be sworn, and the fact of such administration shall be recorded by said Clerk.

[3] Editor's Note: See § 3-8 of Ch. 3, Administration of Government.

§ C306. Bonds.

The Treasurer and Collector of Taxes shall give bonds, with sureties, to the borough for the faithful performance of their respective duties in a form prescribed by the Board of Warden and Burgesses and approved by the Borough Attorney in an amount fixed by said Board.

§ C307. Powers of appointed officials.

All appointed officials shall have the powers as vested in them by the Connecticut General Statutes unless specifically provided otherwise by this Charter.

ARTICLE IV
Board of Warden and Burgesses

§ C401. Powers of Board of Warden and Burgesses.

Unless otherwise limited by this Charter or prohibited by the Connecticut General Statutes, the Board of Warden and Burgesses shall by resolution, bylaw or ordinance exercise all powers of the borough. Without limiting this general grant of power, the Warden and Burgesses or a majority of them may make, alter, repeal and enforce bylaws or ordinances relative to markets, commerce and trading by peddlers or otherwise; relative to the sale and consumption of alcohol and controlled substances; relative to public walks and grounds, and to the removal of obstructions and annoyances therein; relative to building lines; relative to nuisances; relative to preventing any building or buildings from being used for any purpose which, in the opinion of the Board of Burgesses, shall expose such borough to injury by fire or which shall endanger the health of the inhabitants or cause unreasonable annoyance to those living or owning property in the vicinity; relative to preserving said borough from loss by and to affording protection against fire; relative to preventing cruelty to animals; relative to trees planted for shade, convenience or public or private use; relative to the meetings of the Board of Warden and Burgesses; relative to the mode of taxation and manner of collecting taxes to be laid by said borough; relative to the bonds to be given by borough officers; relative to the establishment and use of public lamps, lights and hydrants; relative to restraining any animals from going at

large or to the driving of cattle in, upon and along the streets of the borough and to the keeping of animals and poultry within said borough limits; relative to the keeping of explosives; relative to the use and speed of animals and vehicles on the highways within the borough; relative to the regulation of traffic and parking; relative to the regulation and disposal of refuse and solid waste; relative to places of amusement and theatrical exhibitions of every description; relative to the erection of signs and posts; relative to the preservation of order; relative to naming streets; relative to the opening of new streets and numbering of houses thereon; relative to appointments, duties, compensation and duration of employment of all officers and agents for which no provision is made herein; relative to street crossings; relative to all other powers granted to municipalities by Section 7-148 of the General Statutes; and relative to prescribing penalties for the breach of any bylaws or ordinance, payable to the Treasurer and for the use of said borough.

§ C402. Meetings.

Pursuant to the Connecticut General Statutes, prior to January 1 of each year, the Board of Warden and Burgesses shall establish a schedule of regular meetings. Additional meetings may be held at such other times as the Warden, or Burgess acting in his or her place, shall deem necessary. A majority of the Board of Warden and Burgesses present and voting at any meeting shall be necessary to pass an act except in case of a tie, as hereinafter provided.

§ C403. Warden.

The Warden shall be, ex officio, a Burgess and Chairman of the Board of Warden and Burgesses and shall be the chief executive officer thereof. The Warden shall preside at all meetings of the voters of said borough and shall preside at all meetings of the Board of Warden and Burgesses, and at all such meetings he shall have no vote except to dissolve a tie. The Warden shall have authority to preserve the peace in said borough and may suppress all riots and tumults with force, if necessary, and may at all times require the aid of any Sheriff, Deputy Sheriff, constable, watchman or policeman and with such other aid as he or she may deem necessary to the proper discharge of

the duties of the office. The Warden shall have power to sue in the name of the borough, in any proper form of action, and collect and receive in behalf of said borough all penalties incurred by the breach of any bylaw or ordinance of said borough and may employ counsel for such purposes or may enforce the payment of such penalties by complaint or process.

§ C404. Senior Burgess.

Whenever the Warden shall be removed or vacate his office or be unable to perform the duties thereof, the Senior Burgess, and in case of inability of the latter, the next Senior Burgess able to act, shall act in the place of the Warden during such inability or until another person shall be elected Warden, and while so acting as Warden shall have the powers and duties conferred upon the Warden under the provisions of this Charter, and all acts of such Burgess as Warden shall have the same effect as like acts of the Warden, and such temporary performance of the duties of the Warden shall in no way disqualify such Burgess from performing any of his duties as Burgess. In all meetings of the Warden and Burgesses, such Burgess, while acting as Warden, may vote as a Burgess and, in addition to such vote, have a casting vote in case of a tie. The seniority of a Burgess shall be determined by vote of the Burgesses at the first regular meeting of the Board held after the election.

§ C405. Interference with Warden.

Any person who shall hinder, obstruct, resist or abuse the Warden while in the execution of the duties of his or her office or when required by the Warden to assist him in the execution of such duties, shall refuse or neglect to do so, shall be fined as set by ordinance.[4]

[4] Editor's Note: See Ch. 1, General Provisions.

ARTICLE V
Borough Meeting

§ C501. Annual meeting.

The Annual Meeting of the borough shall be the Annual Budget Meeting.

§ C502. Special meeting.

Special Meetings of the borough may be called by the Warden or by three (3) Burgesses, or in the absence of the Warden or his or her inability to act, by the Senior Burgess, and in the absence or inability of the latter, by the next Burgess in seniority. On written petition, conforming to the requirements of Section 7-9 of the Connecticut General Statutes as from time to time may be amended, of not less than twenty (20) electors of said borough, delivered to the Warden, or if absent or incapacitated, to the Senior Burgess, a Special Meeting shall be called within twenty-one (21) days thereafter and warning given of the same as provided by the General Statutes.

§ C503. Warning of meetings.

All Annual and Special Meetings of the borough shall be warned in the manner provided by the General Statutes and posted on a public signpost as designated by borough ordinance.[5]

§ C504. Acquisition and sale of real estate.

The sole power to acquire, divest, rent or sell real estate or any interest therein shall rest in the Borough of Litchfield, acting at a Borough Meeting at which the electors shall vote.

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[5] **Editor's Note: See § 3-2 of Ch. 3, Administration of Government.**

ARTICLE VI
Annual Borough Budget

§ C601. Power to adopt budget.

Sole power to adopt the annual budget of the borough shall rest i the Borough of Litchfield acting by annual Borough Budget Meetin at which the electors shall vote upon the budget as presented by th Board of Warden and Burgesses. The electors shall have the power t amend, but not increase, any line item of the budget.

§ C602. Annual budget meeting.

The annual Borough Budget Meeting shall be held in June an shall be adjourned from time to time until the annual budget i adopted.

§ C603. Board of Finance.

The Board of Warden and Burgesses shall act as a Board o Finance and shall present a budget annually to the borough for actio in accordance with the General Statutes.

ARTICLE VII
Borough Finances

§ C701. Amount to be raised by taxation; tax levy.

Upon adoption of the budget by Borough Meeting, the Board o Warden and Burgesses shall fix the amount of revenues to be raise by taxation for borough purposes so as to preserve a balanced relatio between receipts and expenditures including any estimated cas surplus or cash deficit from the current fiscal year. After the budge is adopted, the Board of Warden and Burgesses shall, as soon a practical, fix the rate of taxation on the last property grand list at point sufficient in its judgment to produce such amount and shall lev a tax on such list, payable as designated by ordinance.

§ C702. Appropriations lapse at end of year.

Except for appropriations for capital improvements or for capital sinking funds, all appropriations, whether financed from current revenues or from bond issues, shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Appropriations for capital improvements shall lapse only when the project for which the funds were appropriated has been completed or removed by the borough acting by Meeting.

§ C703. Transfer of unexpended balances.

The Board of Warden and Burgesses may transfer an unexpended balance of appropriations from one budget item to another when, in its judgment, such transfer shall be for the best interests of the borough, provided that no such transfer shall so operate as to create an increase in the total amount appropriated for the annual budget for that one (1) year.

§ C704. Borrowing.

The Borough of Litchfield, acting by a Borough Meeting, shall have the sole power to issue borough bonds in the name of said borough for any legal purpose, authenticated in such form and negotiated upon such terms and in such manner and such denominations as shall be determined by the Board of Warden and Burgesses.

§ C705. Expenditures in excess of appropriations.

Expenditures in excess of appropriations shall be controlled by the provisions of Section 7-348 of the Connecticut General Statutes as may from time to time be amended.

§ C706. Claims approval.

All claims and bills against the borough shall be presented to and passed upon by the Burgesses of said borough.

§ C707. Fiscal year.

The Board of Warden and Burgesses shall have power to adjust th fiscal year of the borough to coincide with the tax year or to adjus either or both to the end that they may coincide.[6]

§ C708. Procedure for assessing and taxing property.

Real and personal property situated in the Borough of Litchfiel shall be assessed and taxed in accordance with the provisions of th Connecticut General Statutes as may from time to time be amended

§ C709. Board of Tax Review.

The Board of Warden and Burgesses shall constitute a Board of Ta Review and at the end of thirty (30) days after such assessment lis shall have been returned as aforesaid shall, by publication and postin as aforesaid, give notice to their meeting, at least ten (10) days befor the holding of the same, and shall have the same authority an proceed in the same manner in relation to such list as Boards of Ta Review of towns ordinarily proceed in relation to lists and assessment in towns. The Warden of the borough shall be, ex officio, Chairman o such Board of Tax Review, and such Board shall elect one (1) of its number as Secretary, who shall keep minutes of the acts and proceedings of said Board and after the sessions thereof certify to such record and transmit the same to the Borough Clerk for filing and preservation. Such assessment list, when corrected and perfected by the Board of Tax Review as aforesaid, shall be delivered to the Clerk of said borough. A special meeting of the Board of Warden and Burgesses shall be called for the purpose of laying the borough tax, within ten (10) days after such perfected list shall be delivered to the Borough Clerk, at which meeting the Board of Warden and Burgesses shall submit an estimate of the probable expenditures of the borough for the next ensuing fiscal year, stating the amount required to meet the interest and sinking fund, if such shall be established for the outstanding funded indebtedness of the borough, and for the wants of all departments of the borough government in detail, and showing specifically the amount necessary to be provided for each department

[6] Editor's Note: See § 3-6 of Ch. 3, Administration of Government.

and also an estimate of the amount of income from all sources. All taxes shall at such meeting be laid on such list for one (1) year thereafter. Such taxes after the same are laid shall be due and payable annually on a date specified by ordinance, and all taxes remaining unpaid thirty (30) days thereafter shall bear interest at the rate prescribed for municipal taxes. If any or all officers of the borough concerned in or whose duty it shall be to take the necessary steps for raising the borough tax shall fail to complete a list for said borough or fail to cause said borough tax to be laid, the Burgesses of the Borough of Litchfield shall make a rate bill upon its list last completed for the amount of tax necessary for said borough and shall cause the same to be collected as other taxes, and the same right of lien for such taxes shall apply in favor of the Borough of Litchfield as for taxes otherwise laid by municipalities.

§ C710. Tax collection.

Taxes shall be collected pursuant to the provisions of the Connecticut General Statutes as may from time to time be amended.

ARTICLE VIII
Ordinances

§ C801. Enactment.

Ordinances may be enacted at any duly noticed meeting and shall take effect fifteen (15) days after publication in a newspaper of general circulation in the borough. Summaries of ordinances may be published in the same manner provided by law for municipalities.

§ C802. Payment of fines.

When the penalties prescribed by the bylaws or ordinances shall be enforced, as in criminal cases, the fees provided by the General Statutes in criminal cases shall be taxed in favor of the Borough of Litchfield and shall be paid to the Treasurer thereof.

ARTICLE IX
Fire Company

§ C901. Fire companies; organization.

A majority of the Burgesses of said borough is hereby authorized t organize, form, constitute, regulate and disband one (1) or more fire hose and hook and ladder companies within the limits of said borough to enlist a sufficient number of men to fill the same; to discharge an such enlisted men for cause, after due hearing; and to make al suitable bylaws, rules and regulations for the well-ordering and goo government of such company or companies, and such company o companies shall have power to appoint their officers, subject to th approval of the Burgesses of said borough; to fill all vacancies tha may occur in their numbers by voluntary enlistments, from time t time as occasion may require; and to make and establish rules regulations and bylaws, for their government, which enlistment an rules, regulations and bylaws shall be subject to the approval of th Board of Warden and Burgesses of said borough, provided that a majority of the Board may enter into an agreement with the presen Litchfield Fire Company under such conditions, terms and stipulations as said Board and said Litchfield Fire Company shall concur i and deem for the interest of said borough.[7]

ARTICLE X
Sidewalks

§ C1001. Powers of Board of Warden and Burgesses.

The Board of Warden and Burgesses shall have the power to extend, alter and widen highways in the borough for the purpose of locating, building, altering and enlarging sidewalks on said highways and to make and appropriate such land or property of adjoining proprietors as they may deem necessary for such purpose. They are empowered from time to time, as they shall judge proper, by themselves or a committee by them appointed, to designate, alter, fix and establish the location, width, course, height, grade and level of all sidewalks, crosswalks, driveway entrances, curb lines and curb levels in and upon streets and highways of said borough in such manner and

[7] **Editor's Note: See also Ch. 10, Fire Department.**

place and with such material as the Board, or its committee, shall specify and to assess, by appropriation, all property owners within the borough the cost of said walks, curbing and improvements. They are further empowered to order such owners to provide and erect such railings or guards along the sidewalk in front of their premises as public safety may require and to order any such proprietor to repair his sidewalks, curb, gutters, guard, driveway entrance or railing, when such repairs are necessary, within such time and in such manner as said Board of Warden and Burgesses or committee may designate and direct, and to designate what streets shall have sidewalks to be constructed on any such street and to issue orders requiring the repair of sidewalks, including the curbing thereof, and to pass ordinances requiring the removal therefrom of ice, snow, rubbish, piles of lumber and other obstructions and encumbrances and compelling the occupants, persons in charge or owners of lands and buildings to remove snow and ice from sidewalks and gutter in front of such land or buildings and to keep such sidewalks safe for public travel.[8]

§ C1002. Liens.

Whenever the Board of Warden and Burgesses shall lay out and order the repair of sidewalks, curbing, driveway entrances or railings on any street or streets and any adjoining property owner shall neglect or refuse to repair such sidewalk, curbing, driveway entrance or railing within the time required by such order, the Burgesses may repair any or all of the same, as the case may be, and assess the cost of the same, with the necessary costs of the proceedings, in whole or in part, upon the adjoining property or the owner thereof, and such assessment shall be a lien upon such property, to take precedence over all other liens or encumbrances, tax liens and other borough liens prior in date excepted, and shall remain a lien upon the property in favor of said borough until paid, and the payment thereof may be enforced by said borough in a civil action in the name of said borough, or by foreclosure, or by any other proper remedy, provided that such lien shall not be good for a longer period than two (2) months after such assessment or lien shall be made, unless a certificate in writing is made and signed by the Warden or Borough Clerk, describing the

[8] Editor's Note: See also Ch. 95, Streets and Sidewalks.

premises, the amount claimed as a lien and the date of the orde requiring the sidewalk, curbing, railing or guard to be repaired; th date of the completion of the repair; and the date of the assessmen thereof, and lodged with the Borough Clerk for record, and all suc liens shall bear interest from the date of the filing thereof at an annua rate set from time to time by the Board of Warden and Burgesse until paid, and whenever the claim secured by said lien is paid, wit the interest and cost thereof, one (1) of the officers aforesaid shall sig a certificate stating such claim has been paid and lodge suc certificate with the Town Clerk for record.

§ C1003. Appeals.

Any person aggrieved by such assessment or by any order of th Board of Warden and Burgesses in relation thereto may appeal fron such assessment or order in the manner and form as provided i Sections 7-141 to 7-143, inclusive, of the General Statutes.

§ C1004. Maintenance of sidewalks.

Whenever the Board of Warden and Burgesses shall require b ordinance that the sidewalks shall be cleared of ice and snow, and th owners or occupants of adjoining property shall fail to clear the sam within the time and in the manner required by such ordinance, th Board of Warden and Burgesses or other proper officer or authorit may cause such snow or ice to be removed, and the cost of suc removal shall remain a lien upon the adjoining property and tak precedence and be collected in the same manner as is provided herei for liens for neglect to repair sidewalks, curbing, driveway entrance railings or guards.

§ C1005. Municipal exemption from liability.

Notwithstanding any provisions of this Charter or any Genera Statutes or Special Act, the Borough of Litchfield shall not be liable t any person injured in person or property caused by the presence of ic or snow on a public sidewalk unless the borough is the owner o person in possession and control of land abutting such sidewalk, othe

than land used as a highway or street, provided that the borough shall be liable for its affirmative acts.[9]

ARTICLE XI
Parks

§ C1101. Control and maintenance.

Said Burgesses shall have control of the parks in said borough and may lay out, improve and ornament public parks and pleasure grounds and pass ordinances for their preservation; may regulate the erection of posts, poles and awnings and the projection of signs, banners and flags over or in any street or park; may regulate the setting out, removal and trimming of trees and shrubs in the streets or parks of the borough, subject to the provisions of the General Statutes concerning Tree Wardens, and provide for their preservation and protection; may regulate the use of bicycles or other kinds of vehicles; may prevent the posting of bills or advertisements on fences, trees, monuments and posts within the limits of said borough; may regulate or prevent the building of bonfires or the discharge of firearms or display of fireworks.

ARTICLE XII
Historic District

§ C1201. Boundaries.

The boundaries of the Historic District shall consist of all land and buildings situated within the Borough of Litchfield as established by by Special Act of the State of Connecticut, substitute for House Bill 2138, dated April 15, 1959,[10] and shall not be altered other than by amendment to this provision of this Charter.

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[9] Editor's Note: See § 95-11 of Ch. 95, Streets and Sidewalks.
[10] Editor's Note: A copy of the Act is on file in the office of the Borough Clerk.

ARTICLE XIII
Historic District Commission

§ C1301. Establishment, powers and duties.

Within ninety (90) days of the effective date of this Charter, the Board of Warden and Burgesses by ordinance shall establish an Historic District Commission pursuant to Chapter 97a of the Connecticut General Statutes as may from time to time be amended.[11] Said Historic District Commission shall have all the powers and duties accorded to Historic District Commissions by the Connecticut General Statutes.

ARTICLE XIV
Transition and Miscellaneous Provisions

§ C1401. Existing laws and ordinances.

All general laws in their application to the borough and all ordinances and bylaws of the borough shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this Charter. All Special Acts or parts of Special Acts relating to the Borough of Litchfield, inconsistent with the provisions of this Charter are repealed. The Historic and Architectural Commission, established by Special Act, shall remain constituted until replaced by the Commission established pursuant to Article XIII above.

§ C1402. Amendment of Charter.

This Charter may be amended in the manner prescribed by law.

§ C1403. Saving clause.

If any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter, nor the context in which a section or part of a section is held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect

[11] **Editor's Note: See Ch. 12, Historic District Commission.**

with the section or part of a section to which such holding shall directly apply.

§ C1404. Effective date.

This Charter shall take effect seven (7) days after publication of a notice in a newspaper of general circulation in the borough of said Charter's adoption by a majority of the electors of the borough voting thereon at a special election (or referendum), said majority constituting no less than fifteen percent (15%) of those electors entitled to vote.[12]

[12] **Editor's Note: The Charter took effect 7-1-1989.**

THE CODE

PART I

ADMINISTRATIVE LEGISLATION

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CERTIFICATION

BOROUGH OF LITCHFIELD

Office of the Borough Clerk

I, **WENDY HUFF**, Borough Clerk of the Borough of Litchfield, hereby certify that the chapters contained in this volume are based upon the original ordinances of the Board of Warden and Burgesses of the Borough of Litchfield, and that said ordinances, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Borough of Litchfield, County of Litchfield, State of Connecticut, as adopted by ordinance of the Board of Warden and Burgesses on February 5, 1991.

Given under my hand and the Seal of the Borough of Litchfield, County of Litchfield, State of Connecticut, this fifth day of February 1991, at Litchfield, Connecticut.

s/**WENDY HUFF**

Wendy Huff
Borough Clerk

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Chapter 1

GENERAL PROVISIONS

ARTICLE I
Adoption of Code

[HISTORY: Adopted by by Board of Warden and Burgesses of the Borough of Litchfield: Art. I, 2-5-1991 as Ord. No. 01-1991. Amendments noted where applicable.]

ARTICLE I
Adoption of Code
[Adopted 2-5-1991 as Ord. No. 01-1991]

BE IT ORDAINED by the Board of Warden and Burgesses of the Borough of Litchfield, as follows:

§ 1-1. Adoption.

The compilation of the Borough Charter and ordinances of the Borough of Litchfield, codified and consolidated into parts, chapters and sections in the form attached hereto and made a part hereof, is hereby approved, adopted, ordained and enacted as the "Code of the Borough of Litchfield, Connecticut," hereinafter called the "Code." All provisions contained in the compilation provided for herein and known as the "Code of the Borough of Litchfield" shall be in force and effect on and after the effective date of this ordinance.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Warden and Burgesses.

§ 1-3. Repeal of inconsistent ordinances.

All ordinances or parts of ordinances of the Borough of Litchfield of a general and permanent nature in force on the date of the adoption of this ordinance which are inconsistent with any provisions of the Code are hereby repealed from and after the effective date of this ordinance.

§ 1-4. Severability.

If any clause, sentence, paragraph, section, Article or part of this ordinance or of any ordinance appearing in the Code or included in this Code through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, Article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-5. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Borough Clerk of the Borough of Litchfield and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Borough Clerk of the Borough of Litchfield by impressing thereon the Seal of the Borough of Litchfield, and such certified copy shall remain on file in the office of said Borough Clerk to be made available to persons desiring to examine the same during all times while the said Code is in effect. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-6. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Borough Charter or to any of the ordinances known collectively as the "Code of the Borough of Litchfield," or any new ordinances, when enacted or adopted in such form as to indicate the intention of the Board of Warden and Burgesses to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code, as amendments and supplements thereto. Nothing contained in this ordinance shall affect the status of the Charter or any ordinance or regulation contained herein, and such ordinances and regulations may be amended, deleted or changed from time to time as the Board of Warden and Burgesses deems desirable.

§ 1-7. Code book to be kept up-to-date.

It shall be the duty of the Borough Clerk to keep up-to-date the certified copy of the book containing the Code of the Borough of

Litchfield required to be filed in the office of the Borough Clerk for use by the public. All changes in said Code and all ordinances adopted by the Board of Warden and Burgesses subsequent to the enactment of this ordinance in such form as to indicate the intention of said Council to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes until such changes are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-8. Sale of Code book; supplementation.

Copies of the Code may be purchased from the Borough Clerk of the Borough of Litchfield upon the payment of a fee to be set by resolution of the Board of Warden and Burgesses, which Board may also arrange by resolution for procedures for the periodic supplementation thereof.

§ 1-9. Penalties for offenses.

Any person who, without authorization from the Borough Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Borough of Litchfield, or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Borough of Litchfield to be misrepresented thereby, or who violates any other provision of this ordinance, or any provision of this Code for which no other penalty is provided, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than one hundred dollars ($100.).

§ 1-10. Changes in previously adopted legislation.

In compiling and preparing the Charter and ordinances for publication as the Code of the Borough of Litchfield, no changes in the meaning or intent of such Charter or ordinances have been made. Certain grammatical changes and other minor nonsubstantive changes were made in one (1) or more of said ordinances, as authorized by the Board of Warden and Burgesses. It is the intention of the Board of Warden and Burgesses that all such changes be

adopted as part of the Code as if the ordinances had been previously formally amended to read as such.

§ 1-11. When effective.

This ordinance shall take effect fifteen (15) days from its publication in a newspaper having a substantial circulation in the Borough of Litchfield.

Chapter 3

ADMINISTRATION OF GOVERNMENT

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield 3-20-1922 as Sec. 1 of Ch. I and Secs. 2, 4, 6, 7, 8 and 50 of Ch. II of the 1922 Bylaws. Amendments noted where applicable.]

§ 3-1. Elections. [Amended 11-6-1990 by Ord. No. 01-1990]

As provided by Article II of the Charter of the Borough of Litchfield,[1] elections for borough officers may be held at the Litchfield Town Hall, the Litchfield Fire Hall, the Ambulance Building or any church or school in or out of the borough located within the Town of Litchfield.

§ 3-2. Public signpost. [Added 11-6-1990 by Ord. No. 01-1990]

The public signpost for the Borough of Litchfield shall be located at the Litchfield Town Hall.[2]

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[1] Editor's Note: The Charter is included at the beginning of this volume.
[2] Editor's Note: See § C503 of the Charter.

§ 3-3. Appointment of committees; powers and duties. [Amended 11-6-1990 by Ord. No. 01-1990]

A. Immediately upon the organization of the Board of Warden and Burgesses after each annual election, the Warden shall appoint committees respectively to be known as Committees on Fire, Lights, Parks, Police, Sewers, Walks and Water. Each committee shall consist of at least one (1) Burgess, and the Warden shall be ex officio a member of all said committees.

B. It shall be the duty of each committee to take cognizance of complaints and exercise general supervision of the needs relating to the department to which it has been assigned and report at the regular meetings of the Board of Warden and Burgesses any and all matters which may require action by said Board.

§ 3-4. Appraisers.

Appraisers of damages or betterments shall be sworn justly and truly to estimate and appraise all the damages or betterments by them to be appraised during their continuance in office, according to their best and honest judgment; and certificates or a record of such oath shall be made on the records of the borough.

§ 3-5. Deeds of borough property.

All deeds of the borough property shall, as soon as the same have been recorded, be deposited with the Borough Treasurer and be hereafter kept by him.

§ 3-6. Fiscal year; closing of accounts. [Amended 7-11-1950]

The fiscal year of the transactions of the borough shall close annually on the 30th day of June. The Treasurer shall close his accounts for each fiscal year on said day and shall present the same to the Warden a reasonable length of time before the date of the annual meeting. He shall keep the same in such mode of classification as to show receipts and expenses of each separate phase of borough

expenditures, such as fire, parks, police and other classes as the same may be.

§ 3-7. Insurance protection.

It shall be the duty of the Warden of the borough to cause all insurable property to be insured in the name of the borough, loss payable to the Borough Treasurer, and said Treasurer shall receipt for all moneys coming due on account of policies of insurance issued on such property, and the expenses of such insurance shall be a charge against said borough.

§ 3-8. Salaries and compensation. [Amended 11-6-1990 by Ord. No. 01-1990]

All officers and borough employees shall be paid as the Board of Warden and Burgesses may direct.

Chapter 10

FIRE DEPARTMENT

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield 3-20-1922 as Secs. 52 through 55, 57 and 58 of Ch. II of the 1922 Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Charter provisions on fire companies — See Charter, Art. IX.

§ 10-1. Appointment of Chief.

The Litchfield Fire Company shall at each annual election nominate some person, a member of said Company, who shall, after said nomination has met the approval of the Board of Burgesses, be the duly qualified Chief of said Fire Company.

§ 10-2. Powers and duties of Chief.

The Chief shall have command of the Fire Department of the Borough of Litchfield and general care and supervision of the fire apparatus and of the use and operation of the same at all fires, and he shall report the condition of the same to the Fire Committee as often

as it may be expedient and whenever directed by said committee or the Board of Burgesses. The Chief shall report the names of two (2) assistants, and also an engineer. In case the Litchfield Fire Company fails to nominate a Chief, the Burgesses shall appoint as Chief some member of said Company.

§ 10-3. Deputy Chief.

In case of the absence or disability of the Chief, a Deputy Chief appointed by said Board of Burgesses shall act in his stead and exercise all his powers until the next annual meeting of the Litchfield Fire Company or so long as such absence or disability may continue.

§ 10-4. Police powers.

The Chief and, in his absence or disability, his deputy or assistants are hereby authorized to exercise the powers of special police officers of said borough in going to, while at and returning from any fire that may occur or any fire alarm, and they shall have the use and control of any and all the hydrants rented by the borough during the continuance of fires. The Chief and, in case of his absence or disability, his Deputy or any of his assistants, in the order of their appointment, shall have authority, in case the duties of the Department require it, to interrupt and prevent travel upon any street or public thoroughfare within the borough, or portion thereof, for such period as he may deem necessary and to remove any person or property from such street or public thoroughfare or from private property within the vicinity of a fire. If any person shall remove or assist in removing any property or obstruction placed by the Fire Department in, upon or across any such street or public thoroughfare, or portion thereof, or premises in the care of the Fire Department, during a fire and in the course of its duties, or if any person shall neglect or refuse to obey any order or command of any proper officer of the Fire Department in charge at a fire, he shall be fined five dollars ($5.).

§ 10-5. Inspections.

The Chief of the Fire Department, at all suitable times, may enter any store, public building or premises surrounding or adjoining the same, to ascertain if the laws of the borough and of the State of Connecticut relating to the prevention of fires are strictly observed, and it shall be the duty of said Chief to report to the proper prosecuting officer, all violations of such laws that may come to his knowledge.

§ 10-6. Powers during fires.

In case of fire in the vicinity of a store or building where explosives or highly flammable materials are kept in storage or for sale, the Chief of the Fire Department may cause such explosives or materials to be removed to a place of safety or to be destroyed, subject to the right of the owner to reimbursement by the borough as public safety and the public interest require.

Chapter 12

HISTORIC DISTRICT COMMISSION

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield 8-1-1989. Amendments noted where applicable.]

GENERAL REFERENCES

Charter provisions — See Arts. XII and XIII.

§ 12-1. Intent.

It is the intent of this chapter to promote the educational, cultural, economic and general welfare of the Borough of Litchfield through the preservation and protection of buildings and places of historic interest within the borough; and to preserve and protect the architectural phases of the borough's continual growth.

§ 12-2. Purpose.

The purpose of this chapter is to carry out the provisions of Section 7-147a et seq. of the Connecticut General Statutes concerning historic districts, as may from time to time be amended, herein referred to as the "Act."

§ 12-3. Definitions.

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

ALTERED — Changed, modified, rebuilt, removed, demolished, restored, razed, moved or reconstructed.

APPROPRIATE — Not incongruous with those aspects of the Historic District which the Historic District Commission determines to be historically or architecturally significant.

BUILDING — A combination of materials forming a shelter for persons, animals or property.

ERECTED — Constructed, built, installed or enlarged.

EXTERIOR ARCHITECTURAL FEATURES — Such portion of the exterior of a structure or building as is open to view from a public street, way or place irrespective of existing landscaping.

MUNICIPALITY — Any town, city. borough, consolidated town and city or consolidated town and borough.

STRUCTURE — Any combination of materials, other than a building, which is affixed to the land, and shall include, but not be limited to, signs, fences and walls and swimming pools and other recreational facilities.

§ 12-4. Historic District Commission.

A. Establishment. A Borough of Litchfield Historic District Commission is hereby established which shall have such powers and limitations and perform such functions as shall be

prescribed under the General Statutes of Connecticut and as provided in this chapter.

B. Composition. The Commission shall consist of five (5) regular members and at least three (3) alternate members, all of whom shall be electors of the borough holding no salaried borough office. All shall serve without compensation.

C. Terms. The terms of the original members of the Commission shall be such that the term of at least one (1) regular member and one (1) alternate member shall expire each year. Their successors shall be appointed for terms respectively of five (5) years for regular members and three (3) years for alternate members, except that an appointment to fill a vacancy shall be for the duration of the unexpired term. Any member or alternate may be reappointed.

D. Officers. Within thirty (30) days after appointment of the original members of the Commission, and annually thereafter, the regular members shall meet and elect officers as specified in the Act. Alternate members shall not participate in the vote for election of officers of the Commission.

E. Appointment. Members shall be appointed within thirty (30) days of the passage of this chapter. Appointments shall be made by the Board of Warden and Burgesses.

F. Quorums. Three (3) members or designated alternates of the Commission shall constitute a quorum for the transaction of its business or performance of its functions, and the concurring vote of a majority of those constituting a quorum shall be necessary for the adoption of any recommendations, motions or other acts of the Commission, except that a consensus of at least three (3) members or designated alternates shall be necessary for action on a certificate of appropriateness.

G. Designation of alternates. When a member of the Commission is unavailable to act at a particular time due to absence, sickness, conflict of interest or other good reason, the Chairman shall designate an alternate member to act in place of such member, choosing alternates in rotation so that they shall act as nearly an equal number of times as possible. If any

alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

§ 12-5. Certificate of appropriateness required.

A. No building or structure shall be erected or altered within the Historic District until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the Historic District Commission and approved by said Commission. No building permit for erection of a building or structure or for alteration of an exterior architectural feature within the Historic District and no demolition permit for demolition or removal of a building or structure within the Historic District shall be issued by a municipality or any department, agency or official thereof until a certificate of appropriateness has been issued. A certificate of appropriateness shall be required whether or not a building permit is required. The style, material, size and location of signs and fences within the Historic District shall also be under the purview of such Commission. In addition, the Commission shall exercise such other authority granted to it by law.

B. If a building in the Historic District is to be demolished, no demolition shall occur for ninety (90) days from issuance of a demolition permit if during such time the Historic District Commission or the Connecticut Historical Commission is attempting to find a purchaser who will retain or remove such building or who will present some other reasonable alternative to demolition. During such ninety-day period the municipality may abate all real property taxes. At the conclusion of such ninety-day period, the demolition permit shall become effective and the demolition may occur. Nothing in this section shall be construed to mandate that the owner of such property sell such property or building.

C. The Historic District Commission may request such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of property after such demolition or removal, as may be reasonably deemed

necessary by the Commission to enable it to make a determination on the application. The style, material, size and location of but not limited to lighting fixtures, satellite dishes and antennae, outdoor advertising signs and bill posters within an historic district shall also be under the control of such Commission. The provisions of this section shall not be construed to regulate color unless inherent in the material used on the exterior of any building or structure.

D. No area within the Historic District shall be used for industrial, commercial, business, home industry or occupational parking, whether or not such area is zoned for such use until after an application for a certificate of appropriateness as to parking has been submitted to the Commission and approved by said Commission.

§ 12-6. Unregulated activities.

This chapter shall not be construed to regulate:

A. The color of paint on the exterior of any building or structure

B. Interior arrangements or use; or

C. The ordinary maintenance or repair of any exterior feature which does not involve a change in the appearance or design thereof nor to prevent the erection or alteration of any such feature which the Building Inspector or similar agent certifies as required by the public safety because of a condition which is unsafe or dangerous due to deterioration.

§ 12-7. Procedures.

A. Filing application. An application for a certificate of appropriateness shall be filed with the Commission through the office of the building official or the Chairman of the Commission.

B. Notice, hearings, approvals and appeals.

(1) The Historic District Commission shall hold a public hearing upon each application for a certificate of appropriateness unless the Commission determines that such application involves items not subject to approval by the Commission. The Commission shall fix a reasonable time and place for such hearing. Notice of the time and place of such hearing shall be given by publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the Town of Litchfield not more than fifteen (15) days and not less than five (5) days before such hearing.

(2) Within not more than sixty-five (65) days after the filing of an application, the Commission shall pass upon such application and shall give written notice of its decision to the applicant. Failure of the commission to act within said sixty-five (65) days shall constitute approval, and no other evidence of approval shall be needed.

(3) Evidence of approval shall be by certificate of appropriateness issued by the Commission.

(4) When a certificate of appropriateness has been denied, the Commission shall place upon its records and in the notice to the applicant the reasons for its determination.

(5) All hearings and meetings of the Commission at which decisions are made shall be open to the public. The Commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating thereon.

(6) Any person aggrieved by a decision of the Commission may appeal to the Superior Court in accordance with Section 7-147i of the Connecticut General Statutes.

C. Commission action. In its deliberations, the Commission shall act only for the purpose of controlling the erection, demolition or alteration of buildings, structures or parking areas and accessways visible from the public street, way or place which are incongruous with the historical or architectural aspects of the district.

D. Adoption of rules. The Commission shall adopt rules of procedure which it deems necessary to carry out the intent of Sections 7-147a through 7-147k of the General Statutes and the intent expressed in § 12-1 above. The Commission shall adopt regulations not inconsistent with the provisions of Sections 7-147a through 7-147k, inclusive, to provide guidance to property owners as to factors to be considered in preparing an application for a certificate of appropriateness. Such regulations shall not be such as to bind the Historic District Commission to any uniform or necessarily traditional style throughout the district, but shall look both to the protection of the old and to the interest and distinctiveness of this community.

§ 12-8. Duties.

A. Relationship to other commissions.

(1) The Commission and town commissions and offices whose areas of concern may overlap or affect each other shall maintain liaison for information and coordination in matters with which the Commission may be dealing.

(2) Jurisdiction of the Commission over any matter shall not be construed to diminish the authority of any other town agency, board or commission. In cases of overlapping jurisdiction, approval by all agencies, boards or commissions with purview over the matter shall be required.

B. Annual report. The Commission shall make an annual report of its activities to the Board of Warden and Burgesses and the Connecticut Historical Commission, including a statement of the number and nature of certificates of appropriateness issued, any changes in the membership of the Commission and any other information deemed appropriate by the Historic District Commission.

C. Cooperation and coordination. The Commission may:

(1) Accept grants and gifts, employ legal, clerical and technical assistance or consultants and incur other expenses appropriate to the carrying on of its work.

subject to appropriation by the borough or receipt of such grants or gifts and may expend the same for such purposes;

(2) Provide information to property owners and others involving the preservation of the district;

(3) Initiate planning and zoning proposals;

(4) Cooperate with other regulatory agencies and civic organizations and groups interested in historic preservation;

(5) Comment on applications for zoning variances and special exceptions where they affect the Borough of Litchfield Historic District;

(6) Render advice on sidewalk construction and repair, tree planting, street improvements and the erection or alteration of public buildings not otherwise under its control where they affect the Borough of Litchfield Historic District; and

(7) Furnish information and assistance in connection with any capital improvements program involving the Borough of Litchfield Historic District.

§ 12-9. Enforcement.

Regulations and orders of the Commission issued pursuant to the Act or to this chapter shall be enforced by an enforcement official designated by the Board of Warden and Burgesses and responsible to the Commission. The enforcement officer is thereby authorized to inspect and examine any building, structure, place or premises and in writing require the remedying of any condition found to exist therein or thereon in violation of any provision of the regulations or orders made under the authority of the Act, this chapter or the regulations of the Commission.

§ 12-10. District boundaries.

A. The boundaries of the Historic District are as stated in Special Act 132, dated May 15, 1959, establishing the Old and Historic Litchfield District and encompassing all the land and buildings situated within the Borough of Litchfield.[1]

B. The boundaries of the Historic District may be changed only by amendments to the Borough Charter.

[1] Editor's Note: A copy of the Act is on file in the office of the Borough Clerk.

Chapter 19

PLANNING AND ZONING COMMISSION

§ 19-1. Designation of town agency.

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield 7-5-1988. Amendments noted where applicable.]

§ 19-1. Designation of town agency.

The Planning and Zoning Commission of the Town of Litchfield is designated the Zoning Commission of the Borough of Litchfield;[1] retaining, however, to the Borough of Litchfield any concurrent jurisdiction arising from powers granted to it by its Charter and House Bill 2138, establishing the Old Historic District.[2]

[1] Editor's Note: Copies of the town zoning and subdivision regulations are available from the Town Clerk of the Town of Litchfield.
[2] Editor's Note: See Ch. 12, Historic District Commission.

Chapter 23

PETITIONS

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield 6-4-1991 by resolution. Amendments noted where applicable.]

§ 23-1. Number required to sign.

Pursuant to Section 7-2 of the Connecticut General Statutes, a Special Borough Meeting shall be warned by the Board of Warden and Burgesses on application of at least fifty (50) inhabitants qualified to vote at town meetings, such meeting to be held within twenty-one (21) days after such application is received by the Board.

§ 23-2. Supersession of other provisions.

This chapter shall supersede Section 7-1 of the Connecticut General Statutes and § C502 of the Borough Charter concerning petitions.

PART II

GENERAL LEGISLATION

Chapter 30

ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield 9-4-1979. Amendments noted where applicable.]

GENERAL REFERENCES

Possession in parks — See Ch. 72.

§ 30-1. Public consumption prohibited.

Except as in permitted by § 30-2 hereof, no person shall consume or possess with the intent to consume any alcoholic liquor within the limits of any public highway, park or public grounds within the Borough of Litchfield.

§ 30-2. Exemptions.

Persons may possess alcoholic liquor with the intent to consume and may consume alcoholic liquor during any public function. festival or celebration without violating this chapter, provided that the Borough Board has first given written authorization to permit sale, service or distribution or consumption of alcoholic liquor at or in connection with such function, festival or celebration.

Chapter 32

ANIMALS

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield 3-20-1922 as Sec. 1 of Ch. III of the 1922 Bylaws; amended 11-6-1990 by Ord. No. 02-1990. Other amendments noted where applicable.]

GENERAL REFERENCES

Animals in parks — See Ch. 72.

§ 32-1. Running at large prohibited.

No horses, cattle or swine shall be allowed to go at large upon or depasture any highway within the borough.

§ 32-2. Penalties for offenses.

Any owner of any animal of the kind aforesaid who shall permit, suffer or allow such animal to go at large upon or to depasture any such highway, with or without a keeper, after receiving proper notification thereof from borough officials shall, upon conviction, be subject to a fine not exceeding one hundred dollars ($100.).

It is hereby enacted and ordained by the Board of Warden and Burgesses of the Borough of Litchfield that:

I. Section 32-2 of the Borough Code shall be amended to read in its entirety:

32-2 Removal of animal feces.

A. It shall be unlawful for any person owning, keeping or walking or in control of any domestic or farm animal to permit such animal to defecate upon any private property owned by another person or public property, unless such person shall remove all feces so deposited by such animal before leaving the immediate area.

B. The provision of this section shall not apply to any person walking or in control of an animal if such person is physically unable, by reason of disability, to remove said feces.

C. The penalty for the violation of this ordinance shall be $100 dollars per offense.

(3/6/2007)

Chapter 41

CIRCUSES AND CARNIVALS

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield 3-20-1922 as Secs. 40 and 41 of Ch. II of the 1922 Bylaws; amended 11-6-1990 by Ord. No. 03-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses — See Ch. 60.
Parades and processions — See Ch. 68.

§ 41-1. Permit required.

No person shall make or knowingly aid or assist in making a public display of any carnival, circus or menagerie within the limits of said borough except when for charitable purposes, unless a permit for the same shall have been procured from the Board of Warden and Burgesses or from the licensing authority of said Board.

§ 41-2. Permit fee.

The amount of the fee for such permit shall be determined in each case by the Board of Warden and Burgesses or by said licensing authority, if any, and said permit may at any time be revoked for cause by said Board.

§ 41-3. Penalties for offenses.

Any person violating any of the provisions of this chapter shall, upon conviction, be subject to a fine not exceeding one hundred dollars ($100.). Each separate exhibition shall be a separate offense within the meaning of this chapter.

It is hereby enacted and ordained by the Board of Warden and Burgesses of the Borough of Litchfield that:

II. There shall be added to the General Legislation of the Borough a Chapter 50 entitled: Fines, Citations and Enforcement.

III. Section 50-1 is hereby enacted as an ordinance to read in its entirety:

Section 50-1. Fines for violation of ordinances.
The penalty for the violation of any ordinance, other than for traffic or parking ordinances, shall be $100 dollars per offense. Each day that a violation occurs or persists shall be a separate offense.

IV. Section 50-2 is hereby enacted as an ordinance to read in its entirety:
Section 50-2. Enforcement by Citation.

All of the ordinances of the Borough of Litchfield are hereby adopted and ratified pursuant to Section 7-148 of the General Statutes and are specifically designated for enforcement by citation. Citations may be issued by any officer or employee or the Borough of Litchfield. Any such person shall issue a written warning providing notice of the specific violation before issuing the citation.

V. Section 50-3 is hereby enacted as an ordinance to read in its entirety:

50-3. Citation Hearing Procedures. The Borough of Litchfield's citation procedure shall be that procedure set forth in Section 7-152c of the Connecticut General Statues as it shall be from time to time amended.

These ordinances shall take effect 30 days after publication in a newspaper of general circulation within the Borough.

(3/6/2007)

Chapter 60

LICENSES

§ 60-1. Liability under licenses issued by borough.

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield 3-20-1922 as Sec. 25 of Ch. II of the 1922 Bylaws. Amendments noted where applicable.]

§ 60-1. Liability under licenses issued by borough.

A. All licenses whatsoever, of the Board of Burgesses or of the Warden, when empowered to grant the same, shall be subject, in all cases, to the conditions that the person to whom the same are granted shall:

(1) Be liable to any party who shall receive actionable injury through the exercise of such license; and

(2) Also be liable to indemnify and reimburse the borough by reason of the exercise of such license.

B. Such conditions shall be obligation without other notice than that to be implied from this section upon any person who shall receive such license.

Chapter 63

LOITERING

[HISTORY: Adopted by the Board of Warden and Burgesses 11-6-1990 as Ord. No. 08-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Parks and public property — See Ch. 72.
Peace and good order — See Ch. 74.

§ 63-1. Definitions.

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

> LOITERING — Remaining idle in essentially one (1) location, and shall include the concept of spending time idly, lingering, staying, sauntering, delaying and standing around, and shall also include the colloquial expression "hanging around."
>
> PUBLIC PLACE — Any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

§ 63-2. Loitering prohibited; police order to disperse.

A. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle, either alone and/or in consort with others, in a public place in such manner so as to:

(1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.

(2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.

B. When any person causes or commits any of the conditions enumerated in Subsection A herein, any law enforcement officer may order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this chapter.

§ 63-3. Penalties for offenses.

Any person who violates any of the provisions of this chapter shall, upon conviction, be subject to a fine not exceeding one hundred dollars ($100.). Any such violation shall constitute a separate offense on each successive incident.

Chapter 68

PARADES AND PROCESSIONS

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield 11-6-1990 as Ord. No. 09-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Circuses and carnivals — See Ch. 41.
Licenses — See Ch. 60.

§ 68-1. Definitions.

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

> PARADE or PROCESSION — Any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the Borough of Litchfield.

§ 68-2. License required.

On or after the effective date of this chapter, no person shall conduct or allow to be conducted any outdoor parade or procession in the Borough of Litchfield without first obtaining a license therefor, in compliance with the terms of this chapter.

§ 68-3. License application.

A. A duly executed application in writing on a form furnished by the Board of Warden and Burgesses of the Borough of Litchfield shall be submitted to the resident state trooper of the Town of Litchfield.

B. Such application must secure the approval of the resident state trooper by his/her duly authorized signature.

C. Such application shall contain the object, time and route of such parade and/or procession. It shall also include the approximate number of persons, animals and/or vehicles which will constitute such parade or procession and the types of animals and the description of the vehicles.

§ 68-4. Conditions.

A. The time and route of such parade or procession shall be subject to the approval of the Warden or his/her designated agent.

B. If there are any costs incurred for arrangements for traffic or crowd control, such costs shall be borne entirely by the applicant.

C. Violations of the conditions of the license shall render the license null and void. constitute a violation of this chapter and subject the licensee to the penalties provided in this chapter.

§ 68-5. Exemptions and exceptions.

A. If such requested parade or procession shall be for a charitable, religious or philanthropic purpose and exemption is sought from the provisions of this chapter, upon a sworn application setting forth the name and address of the persons and/or organization, the period during which the parade or procession is to be conducted, a specific statement of the charitable, religious or philanthropic purpose and the relationship between the parade or procession and that stated purpose, and if the Warden or his or her designee is satisfied that the stated purpose is charitable, religious or philanthropic, an exemption shall be allowed and the Warden shall so notify the applicant in writing.

B. This chapter shall not apply to funeral processions.

§ 68-6. License fee.

The license fee shall be established from time to time by the Warden and Board of Burgesses.

§ 68-7. Penalties for offenses.

Each person who shall participate in a parade or procession which violates this chapter shall, upon conviction, be subject to a fine not exceeding one hundred dollars ($100.) per person.

Chapter 72

PARKS AND PUBLIC PROPERTY

ARTICLE I
Parks Established

ARTICLE II
Park Regulations

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield: Art. I, 5-11-1974 as Sec. 1 of Traffic Code; Art. 2, 11-6-1990 as Ord. No. 11-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 30.
Loitering — See Ch. 63.
Bicycles and skateboards — See Ch. 95, Art. II.

ARTICLE I
Parks Established
[Adopted 5-11-1974 as Sec. 1 of Traffic Code]

§ 72-1. Names of borough parks.

For the purpose of this Article, the public parks within the borough shall be named as follows:

A. The park on which is located the Soldier's Monument, cannon, drinking fountain and flagpole and which lies immediately to the north of the so-called "Phelps Block," where the post office and the Crutch and MacDonald drugstore are now located, shall be known as "Center Park."

B. The park lying immediately to the east of Center Park shall be known as "East Park."

C. The park lying immediately to the west of Center Park shall be known as "West Park."

ARTICLE II
Park Regulations
[Adopted 11-6-1990 as Ord. No. 11-1990]

§ 72-2. Title.

This Article shall be known and may be cited as the "Borough Park Ordinance."

§ 72-3. Definitions.

A. For the purposes of this Article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

B. As used in this Article, the following terms shall have the meanings indicated:

BOROUGH — The Borough of Litchfield.

PARK — A park, reservation, playground, common, recreation center or any other public area in the borough.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

VEHICLE — Any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term "vehicle" shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages, wheelchairs and vehicles in the service of the town.

§ 72-4. Prohibited acts.

No person in a park shall:

A. Structures and other property.

(1) Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving materials, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(2) Removal of natural resources. Dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials or make any excavation by tool, equipment, blasting or other means or agency.

(3) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, without written permission of the Warden.

(4) Camping. Camp or sleep overnight.

(5) Rest rooms and washrooms. Fail to cooperate in maintaining rest rooms and washrooms in a neat and sanitary condition.

B. Trees, shrubbery and lawns.

(1) Injury and removal. Damage. cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant. No person in a park shall dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area.

(2) Climbing trees. Climb any tree.

C. Hunting wild animals, birds, etc. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal or bird.

§ 72-5. Sanitation.

No person in a park shall:

A. Pollution of waters. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

B. Refuse and trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

§ 72-6. Traffic regulations.

No person in a park shall:

A. Motor vehicle laws. Fail to comply with all applicable provisions of the state and local motor vehicle and traffic laws in regard to equipment, speed limits and operation of vehicles, together with such regulations as are contained in this chapter and other ordinances.

B. Traffic signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and safeguarding of life and property.

C. Operation confined to roads. Drive any vehicle on any area except the paved park roads or parking areas or such other areas as may on occasion be specifically designated as temporary parking areas by the Board of Warden and Burgesses.

D. Parking in designated areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instructions of any attendant who may be present.

E. Immobile bicycles. Leave a bicycle lying on the ground or paving or set against trees or in any place or position where other persons may trip over or be injured by it.

F. Bicycles. Ride a bicycle, roller-skate or use a skateboard or rollerblades in any park other than an area specifically designated for such use by the Board of Warden and Burgesses.

§ 72-7. Recreational activities.

A. Games. No person in a park shall take part in or abet the playing of any games involving throwing or otherwise propelling objects such as balls, stones, arrows, javelins or model airplanes, except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games, such as football, baseball and horseshoes, is prohibited

except on the fields and courts or areas otherwise provided therefor.

B. Horseback riding. Horses shall be thoroughly broken and properly restrained and ridden with due care and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.

§ 72-8. Behavior.

No person in a park shall:

A. Intoxicating beverages. Possess or consume alcoholic beverages at any time without express written authority of the Board of Warden and Burgesses.

B. Alms. Solicit alms or contributions for any purpose, whether public or private.

C. Fires. Build or attempt to build a fire except in such areas and under such regulations as may be designated by the Warden. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material within any park area or on any highway, road or street abutting or contiguous thereto.

D. Closed areas. Enter an area posted as "Closed to the Public," nor shall any person use or abet the use of any area in violation of posted notices.

E. Loitering and boisterousness. Sleep or protractedly lounge on seats or benches or other areas or engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior conducive to a breach of the public peace.

F. Exhibit permits. Fail to produce and exhibit any permit from the Board of Warden and Burgesses that he claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with this chapter, any other ordinance or rule.

G. Interference with permittees. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

§ 72-9. Merchandising, advertising and signs.

A. No person in a park shall:

(1) Expose or offer for sale any article or thing, nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing.

(2) Announce, advertise or call public attention in any way to any article or service for sale or hire.

(3) Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any public lands or highways or roads adjacent to a park.

B. Nothing herein shall be construed to prohibit the sale or offering for sale of any article or thing, the placement of any stand, cart, tent, temporary structure or vehicle for the transporation, sale or display of any article or thing, the advertising of any article or service for sale or hire or the posting of any sign, placard or advertisement announcing the sale of any service or article by any regularly licensed concessionaire acting by and under the written authority and regulation of the Board of Warden and Burgesses.

§ 72-10. Penalties for offenses.

Any person, firm or corporation violating any provision of this Article shall, upon conviction, be subject to a fine not exceeding one hundred dollars ($100.).

Chapter 74

PEACE AND GOOD ORDER

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield 3-20-1922 as Secs. 37, 46 and 47 of the 1922 Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 30.
Loitering — See Ch. 63.
Conduct in parks — See Ch. 72.

§ 74-1. Vandalism and graffiti. [Amended 11-6-1990 by Ord. No. 04-1990]

Any person who shall at any time wantonly injure or deface any public or private building or inclosure of the same or remove, injure, deface or destroy any fence, railing, post, gate, streetlamp, shrub or vines or any fruit or produce of any yard, lot or garden or any other property, public or private, within said borough or shall wantonly bedaub or besmear any building, bridge, fire hydrant, fence, post, sidewalk, crosswalk, premises or vehicle in said borough with paint or any filthy substance whatever or shall commit any nuisance of any kind in or upon the same or draw or mark any indecent, obscene or filthy figures or pictures or write any indecent or obscene words thereon shall, upon conviction of each and every offense, pay a fine or penalty not to exceed one hundred dollars ($100.).

§ 74-2. Nuisances. [Amended 11-6-1990 by Ord. No. 04-1990]

The following acts are declared to be acts of nuisance:

A. The opening or continuance of any drain or conductor pipe in such a manner that the same is discharged upon any sidewalk or street within the borough or other public place therein or the use of any such drain or conductor pipe.

B. The excavation of any part of any street, sidewalk or public place of said borough or digging below the surface thereof without authority or license of said Board of Burgesses and without also protecting the public against danger therefrom by means of fences, lights and any other precautions expedient or necessary for such protection.[1]

C. Placing or causing to be placed in any street, alleyway or park within the borough any nails, spikes, screws, glass, tacks or similar substances, with intent to leave the same.

D. Injuring any grass or ornamental herbage within any public place of the borough.

E. Laying any sidewalk or gutterstone without the permit or order of the Board of Burgesses.

F. Placing or continuing any article of traffic or merchandise or of any wares or any case or box for containing the same or of any packing boxes upon any sidewalk or street of said borough, except for purposes of transit or delivery and for such time and in such manner as shall be reasonably necessary for such purposes.

G. The breaking of any sidewalk or curbstone, with mischievous intent or by negligence.

H. The making or maintaining of any bonfire in the streets, or public places of said borough without permission from the Board of Warden and Burgesses.

I. The posting of bills, placards, or notices, without legal right, upon any building, wall, fence or post within or adjoining any public street, sidewalk or thoroughfare.

[1] **Editor's Note: See also Ch. 95, Streets and Sidewalks, Art. I.**

J. The permitting of any snow to remain on the roof of any building, by the occupant or person in legal possession thereof, in such condition that the same may slide therefrom upon any street or sidewalk of the borough.[2]

K. Extinguishing the light in any public lamp or breaking or damaging such lamp.

§ 74-3. Penalties for offenses.

A. Any person who shall commit or aid, advise, abet or encourage the committing of any of the aforesaid acts of nuisance shall, upon conviction, be subject to a fine not exceeding one hundred dollars ($100.), and any such act shall be deemed malicious if repeated or continued after the person committing the same has been forbidden to repeat or continue the same. **[Amended 11-6-1990 by Ord. No. 04-1990]**

B. The continuance of any of the enumerated acts of nuisance which is of a continuing nature, for a day of twenty-four (24) hours after the day of commencement thereof, shall be deemed a separate and single offense.

[2] Editor's Note: See also Ch. 95, Streets and Sidewalks, Art. III.

Chapter 76

PEDDLING AND SOLICITING

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield 11-6-1990 as Ord. No. 10-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses — See Ch. 60.
Conduct in parks — See Ch. 72.

§ 76-1. Definitions.

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

PEDDLER — Includes hawker and huckster and shall mean any person, as defined below, selling or bartering or carrying for sale or barter or exposing therefor any goods, wares or merchandise, either on foot or from any animal, vehicle or stationary location.

PERSON — Any individual or group of individuals associated in any form, whether principal or agent, unless specifically exempted by statute from the provisions hereof.

SOLICITOR or CANVASSER — Any person traveling by foot, animal or vehicle, or by means of telephone, taking or attempting to take orders for the sale of goods, wares or merchandise for future delivery or for services to be performed in the future, whether or not such solicited sales are by sample and whether or not deposits or advance payments are collected.

WARDEN — The Warden of the borough or his or her designee.

§ 76-2. License required.

No person shall, within the Borough of Litchfield, sell of offer for sale or solicit orders for any provisions, fruits or any articles of food or goods, wares or merchandise, except milk, newspapers and bakery goods, sold within the Borough of Litchfield, nor shall any person solicit subscriptions for magazines, books, etc., unless he shall obtain a license to do so from the Warden. Said license may contain such conditions as the Warden may deem expedient and shall be revocable at his discretion upon notice. This chapter shall not apply to occupants of stores or shops within the borough.

§ 76-3. Application procedure.

Peddlers and solicitors, as defined above, shall make application for a license in person at the office of the Warden upon a required application form which shall contain the following information:

A. The name and description of the applicant.

B. The permanent home address and full local address of the applicant.

C. A brief description of the nature of the business and the goods to be sold.

D. If employed, the name and address of the employer, together with credentials establishing the exact relationship.

E. The length of time for which the right to peddle or solicit is desired.

F. A photograph of the applicant, showing the head and shoulders of the applicant in a clear and distinguishing manner.

G. A statement as to whether or not the applicant has been convicted of any crime of misdemeanor or violation of any municipal ordinance and the nature of the offense and the punishment or penalty assessed therefor.

§ 76-4. Issuance of license.

A. The granting of such license shall be under the supervision of the Warden and, in each and every case, a license shall be issued by him, if approved, within five (5) days after receipt of application therefor.

B. Such license shall contain:

(1) The signature of the issuing officer and date of issuance.

(2) The name and address of the applicant.

(3) A description of the nature of the goods to be sold.

(4) An identifying description of any vehicle used in such peddling.

(5) The amount of the fee paid.

(6) The expiration date of the license.

§ 76-5. Permitted hours of operation.

Such licensee, with or without a vehicle or vehicles, shall be licensed to do business only between sunrise and sunset, provided that ice cream vendors may operate between 8:00 a.m. and 10:00 p.m. from June 1 to September 15 of each year.

§ 76-6. Form of license; display required upon request.

Each licensee shall receive, with his license, identification bearing the name of the licensee, the license number, the expiration date of the license and the words "Licensed Peddler, Borough of Litchfield" or "Licensed Solicitor, Borough of Litchfield," as the case may be. Such identification must be available for inspection while engaged in peddling or soliciting and must be shown to any inhabitant of the borough upon request. No such identification shall be used by any person other than the licensee to whom the same was issued.

§ 76-7. Expiration of license.

Such license, unless sooner revoked, shall expire on the date set forth upon the license.

§ 76-8. Transferability.

The license shall be a personal license to the applicant and shall not be transferable.

§ 76-9. Fees.

License fees, which shall be charged by the Warden for such license, shall be twenty-five dollars ($25.) per day, seventy-five dollars ($75.) per week, one hundred dollars ($100.) per month or two hundred dollars ($200.) per year.

§ 76-10. Regulation of operations.

All persons soliciting or peddling within the Borough of Litchfield shall conform to the following regulations:

A. The solicitor or peddler shall conduct himself at all times in an orderly and lawful manner.

B. The solicitor or peddler shall give a written receipt for all orders taken within the Borough of Litchfield, which receipt shall be signed by the solicitor or peddler and shall set forth a brief description of the goods, wares or merchandise ordered, the total price thereof and the amount of the downpayment received by the solicitor or peddler from the purchaser, if any.

C. No peddler or solicitor shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location without a permit from the Planning and Zoning Commission, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public.

§ 76-11. Revocation of license.

Licenses issued under the provisions of this chapter may be revoked by the Warden for the following reasons:

A. Fraud, misrepresentation or false statements.

B. Violation of this chapter.

C. Conviction of any crime or misdemeanor.

§ 76-12. Exemptions.

A. This chapter shall not apply to salesmen selling goods to retail or wholesale stores for resale or to wholesalers selling and delivering their wares and goods to the merchants of the borough or to goods, merchandise or foodstuffs sold and delivered by the merchants of the borough or to vendors of newspapers or to the sale of goods by students of the schools of the borough, provided that such sales have been approved by the Board of Education.

B. Charitable, philanthropic, ecclesiastical and civic organizations regularly organized and/or functioning in the borough shall be exempt from the provisions of this chapter, provided that each person before peddling or soliciting on behalf of the same shall register with the Warden the name and address of the organization, the name and address of the persons intending to peddle or solicit and the purpose or object therefor. A copy of such registration shall be provided each registrant. Such registration shall serve as a means of identification.

§ 76-13. Required records.

It shall be the duty of the Warden to keep records of all licenses granted under the provisions of this chapter in a book provided for that purpose, giving the number and date of each license, the name, age and residence of each person so licensed, the amount of the license fee paid and also the date of revocation of any license. He shall keep a detailed account of all fees collected for such licenses and turn said fees over immediately to the Treasurer of the borough.

§ 76-14. Penalties for offenses.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding one hundred dollars ($100.), and each such date of violation shall constitute a separate offense.

Chapter 78

PERMITS

ARTICLE I
Denial of Permits for Nonpayment of Taxes

§ 78-1. Policy.

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Denial of Permits for Nonpayment of Taxes
[Adopted 1-5-1999]

§ 78-1. Policy.

Pursuant to C.G.S. § 7-148(c)(2)(B), as amended by Public Act No. 95-320, the Building Inspector and the Borough of Litchfield Historic District Commission shall withhold the approval of a building application and/or certificate of appropriateness by denying the issuance of a building permit and/or certificate of appropriateness or a driveway permit when the real property taxes for the property to which the application applies are delinquent on the tax lists for more than one assessment year.

Chapter 80

POLES AND WIRES

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield 3-20-1922 as Secs. 22 and 23 of Ch. III of the 1922 Bylaws; amended in its entirety 11-6-1990 by Ord. No. 05-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Posting notices on poles — See Ch. 74.

§ 80-1. Maintenance required.

All telegraph, telephone and electric light companies owning, erecting, maintaining or using poles located in the streets and public places of the borough shall keep the same maintained in a neat manner.

§ 80-2. Penalties for offenses.

Any company which shall neglect to comply with the provisions of the foregoing section shall, upon conviction, be subject to a fine not exceeding one hundred dollars ($100.), for each day of such neglect.

Chapter 87

SEWERS

[All right, title and interest in the borough sewer system was transferred to the Town of Litchfield on October 5, 1971, at the same time as the delegation to the town of the powers regarding sewers granted by the Charter to the Board of Warden and Burgesses. Current sewer use regulations are available from the Town of Litchfield.]

Chapter 89

SIGNS AND COMMERCIAL STRUCTURES

[HISTORY: Adopted by the Special Meeting of the Borough of Litchfield 10-22-1951. Amendments noted where applicable.]

GENERAL REFERENCES

Public signpost — See Ch. 3.
Signs in Historic District — See Ch. 12.
Licenses — See Ch. 60.
Posting of signs on poles — See Ch. 74.

§ 89-1. Advertising signs restricted.

No advertising sign shall hereafter be erected in the Borough of Litchfield, with the following exceptions:

A. This chapter shall not apply to any advertising sign existing on the date of this enactment.

B. The owner of any property may, on his own land, erect any advertising sign to advertise a business conducted by him on that land or to advertise products manufactured, produced or raised by him on that land or to advertise that he is marketing, from roadside structures, produce raised or goods manufactured or produced on that land.

C. This chapter shall not apply to any advertising signs located on the south side of West Street between the east side of Meadow Street and the west side of South Street, nor on the west side of South Street between the south side of West Street and the southerly side of the so-called "Beckwith Block."

D. Notwithstanding the provisions of this chapter, the Warden and Burgesses may permit the erection of any such advertising sign unless such erection would violate Section 9 of Chapter III of the Borough Bylaws,[1] upon compliance with the provisions of § 89-5 hereof.

E. Nothing herein contained shall be construed to repeal or alter the provisions of any other bylaw relating to advertising signs.

§ 89-2. Commercial and business structures.

A. No commercial or business structure or building, as defined in Subsection B hereof, shall hereafter be constructed or erected in the Borough of Litchfield, with the following exceptions:

(1) This chapter shall not apply to any commercial or business structure or building existing on the date of this enactment or to the replacement or alteration or expansion thereof.

(2) This chapter shall not apply to any structure or building constructed or erected on the south side of West Street between the Center School and the west side of South Street, nor on the west side of South Street between the south side of West Street and the southerly boundary of the so-called "Beckwith Block" property, nor on any property within the boundaries of a rectangle formed by the west side of South Street and the south side of West Street, the east side of Meadow Street and a line drawn westerly from the southerly boundary of the so-called "Beckwith Block" property, parallel to the south side of West Street, to the east side of Meadow Street, except for that part of the east side of Meadow Street lying south of the property of Martin Weir.

[1] **Editor's Note: Former Sec. 9 of Ch. III of the 1922 Bylaws prohibited the suspension of signs over sidewalks.**

B. The term "commercial and business structures and buildings" shall be defined to include those that are temporary as well as permanent and those that are accessory or incidental, and also all those designed primarily for use in one (1) or more gainful occupations, such as, without limiting the generality of the foregoing, stores, factories, hotels, theaters, banks, garages and the like, but shall not include offices maintained in conjunction with residences, or boarding and rooming houses for the accommodation of not more than three (3) families in addition to the owner.

§ 89-3. Penalties for offenses.

In the event that any advertising sign is erected in violation of the provisions of § 89-1 hereof, or any commercial or business structure or building is constructed or erected in violation of § 89-2 hereof and no license for the erection of such sign or the construction or erection of such commercial or business structure or building has been issued by the Warden and Burgesses pursuant to the provisions of § 89-5 hereof, the person so violating the provisions of this chapter shall be fined not more than one hundred dollars ($100.). and such fine shall be paid to the Treasurer of the borough. In addition to payment of such fine, the violator of any provision of this chapter shall also be liable for such damages as may be assessed against him by court action, and amenable to such order or decree as may be granted by any court having jurisdiction.

§ 89-4. Use of property.

No property shall be used in such a way as to cause unreasonable annoyance to those living or owning property in the vicinity. In the event that any such property is so used, the Warden and Burgesses, either on complaint of a person living or owning property in the vicinity or on their own motion, may notify the person, firm or corporation so using such property to show cause before them, within ten (10) days after giving such notice, why he or it should not cease and desist from such use, and upon failure to show cause, the Warden and Burgesses may apply to any court having jurisdiction for an order directing him or it to cease and desist upon penalty of paying a fine of

not more than fifty dollars ($50.) for each day of failure to comply with such order. At any hearing before the Warden and Burgesses, the Warden and Burgesses may summon witnesses and cause testimony to be recorded and transcribed.

§ 89-5. License application and hearing.

The Warden and Burgesses shall, upon application by any person, firm or corporation desiring to obtain a license for the construction or erection of any commercial or business structure or building or for the erection of any advertising sign, construction or erection of which sign, structure or building is otherwise forbidden by this chapter, hear the application of such person, firm or corporation within two (2) weeks from the time such application is made; they shall mail written notice, postage prepaid, to the applicant and to the Commissioner of Motor Vehicles and shall also publish such notice in the Litchfield Enquirer at least five (5) days before the date of such hearing. The Warden and Burgesses will, at such hearing, hear the applicant and all residents of the borough who wish to be heard and will grant to such applicant a license for such erection if, in the opinion of a majority of such Warden and Burgesses, the public convenience and necessity would be promoted by the issuance of such a license and such a license would not result in injury to the health, safety and general welfare of the other residents of the borough, nor impairment of the scenery, nor interference with highway development or safety, nor unsightliness, nor depreciation in the value of other property, nor hindrance to the general improvement of the borough, nor undue increase in fire hazard.

§ 89-6. Appeals.

Any person aggrieved by the action of any officials or court hereunder shall have such rights of appeal as are provided by the General Statutes.

Chapter 95

STREETS AND SIDEWALKS

ARTICLE I
Obstructions and Encroachments

ARTICLE II
Use of Sidewalks

ARTICLE III
Snow and Ice Removal

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield: Art. I, 3-20-1922 as Secs. 2, 3, 5, 7 and 48 of the 1922 Bylaws, amended in its entirety 11-6-1990 by Ord. No. 06-1990; Art. II, 4-19-1988; Art. III, 11-6-1990 as Ord. No. 07-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Charter provisions on sidewalks — See Charter, Art. X.
Loitering — See Ch. 63.
Parades — See Ch. 68.
Nuisances regarding streets — See Ch. 74.
Poles and wires — See Ch. 80.
Vehicles and traffic — See Ch. 106.

ARTICLE I
Obstructions and Encroachments
[Adopted 3-20-1922 as Secs. 2, 3, 5, 7 and 48 of the 1922 Bylaws; amended in its entirety 11-6-1990 by Ord. No. 06-1990]

§ 95-1. Placement of materials or obstructions prohibited.

No person shall place any rubbish, wood, stone, vehicle or other obstruction or object upon the streets or sidewalks of the Borough of Litchfield, and no owner or occupant of the land on or adjacent to which the same may have been placed shall, upon notice from the Board of Warden and Burgesses, neglect or refuse to remove the same.

§ 95-2. Use of streets for building materials.

The Warden shall, on application, prescribe what portion of any street may be occupied for building materials while any dwelling, barn or other building is being erected and shall grant a permit therefor, which permit shall specify the time such street may be so occupied. No person shall occupy any street with building materials without such permit.

§ 95-3. Removal of sidewalk encumbrances.

Whenever the free use of any sidewalk in the borough shall be obstructed by any tree, portico, steps, cellarway, fence or other encumbrance, standing or being in or encroaching on such sidewalk, it shall be lawful for the Board of Warden and Burgesses to order such encumbrance to be removed. If such encumbrance is not removed within the time ordered, said Board may remove the same, and the person maintaining or continuing said encumbrance shall be subject to the penalties prescribed by this Article.

§ 95-4. Costs of removal.

Whenever anything unlawfully placed or maintained on any street, sidewalk or public place of the borough shall be removed by the Board of Warden and Burgesses, the expense of such removal shall be a lien upon the property of the owner or occupant of the adjoining property to be collected in the same manner as provided by Article X of the Charter of the Borough of Litchfield.[1]

§ 95-5. Penalties for offenses.

Any person, firm or corporation violating any provision of the foregoing sections shall, upon conviction, be subject to a fine not exceeding one hundred dollars ($100.) for each offense.

ARTICLE II
Use of Sidewalks
[Adopted 4-19-1988]

§ 95-6. Bicyles, skateboards or scooters.

There shall be no roller skating or riding of bicycles, skateboards or scooters on sidewalks next to the stores between Meadow Street and the post office or on public walks on The Green. No ramps, jumps or obstructions shall be placed on sidewalks which will impede the regular flow of pedestrian traffic.

[1] Editor's Note: The Charter is included at the beginning of this volume.

ARTICLE III
Snow and Ice Removal
[Adopted 11-6-1990 as Ord. No. 07-1990]

§ 95-7. Removal from sidewalks required.

The owner, agent of the owner or occupant of any building or land bordering upon any street, park or public place within the Borough of Litchfield, except crosswalks and park walks, where there is a sidewalk constructed. graded, paved or planked shall cause to be removed therefrom any and all snow, sleet and ice within eight (8) hours after sunrise, when the same shall have fallen in the night, and whenever any such sidewalk or any part thereof shall be covered with ice, the owner, agent or occupant of the building or lot adjacent thereto shall, within one (1) hour thereafter during the daytime or within one (1) hour after sunrise when it falls during the night, cause such sidewalk to be made safe and convenient by removing the ice therefrom or by covering the same with sand or other suitable substance.[2]

§ 95-8. Failure to comply; removal by borough.

If the owner or occupant does not comply with this Article, sidewalks which have not been so cleaned or ice sanded over substantially the full width of the sidewalk may be cleaned or sanded by the Committee on Walks, or its representative. In that event, the borough shall charge the owner the cost of cleaning or sanding, plus a surcharge of twenty-five percent (25%), but not less than two dollars ($2.). If this surcharge is not paid within thirty (30) days, the Borough Tax Collector is authorized to effect collection thereof, pursuant to Section C1004 of the Charter of the Borough of Litchfield.[3]

§ 95-9. Removal from borough property.

It shall be the duty of the Board of Warden and Burgesses to cause to be cleaned and cared for, in accordance with the foregoing provisions, all sidewalks, crosswalks and paths properly belonging to

[2] Editor's Note: For provisions concerning snow on roofs, see § 74-2J of Ch. 74, Peace and Good Order.
[3] Editor's Note: The Charter is included at the beginning of this volume.

or under the control of the Borough of Litchfield, and it shall be the duty of said Board to cause to be cleared, in accordance with the provisions of this Article, any sidewalk fronting on land under its official charge, and the Borough of Litchfield shall be liable to the same penalties for any neglect in relation to the walks so under the Board's official charge as are private persons for a like offense.

§ 95-10. Penalties for offenses.

The owner, agent of the owner or occupant of any building or lot of land whose duty it is to clear the sidewalks adjacent thereto who shall violate any of the provisions of this Article or who shall refuse or neglect to comply therewith shall, upon conviction, be subject to a fine not exceeding one hundred dollars ($100.), and each hour of refusal or neglect to comply shall be deemed a separate offense; provided, however, that in prosecutions against owners or their agents, the defendant shall be allowed to show that the occupant of the premises has agreed to conform with the provisions of this Article and to save said owner harmless for all fines for violation thereof, and the proof of such agreement shall be a sufficient defense to such prosecution. Whenever a private corporation shall violate the provisions of this Article, the officers and directors of said corporation shall be personally liable to pay the fine herein provided for.

§ 95-11. Municipal liability.

The Borough of Litchfield hereby adopts the provisions of Section 7-163a of the Connecticut General Statutes providing that the borough shall not be liable to any person injured, in person or property, caused by the presence of ice or snow on a public sidewalk unless the borough is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street. The borough shall remain liable for its affirmative acts with respect to such sidewalk.

§ 95-12. Liability of property owner.

The owner or person in possession and control of land abutting a public sidewalk shall have the same duty to care with respect to the presence of ice or snow on such sidewalk for the portion of the sidewalk abutting his or her property as the municipality had prior to the effective date of this Article, and such owner shall be liable to persons injured, in person or property, where a breach of said duty is the proximate cause of said injury.

Chapter 97

SWIMMING POOLS

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield 9-10-1985. Amendments noted where applicable.]

§ 97-1. Fencing of in-ground pools.

Any outdoor, in-ground swimming pool capable of holding two (2) feet of water in depth at any point shall be completely enclosed by means of a secure fence or wall not less than four (4) feet above ground at any point. All points of access to the pool enclosure shall be secured by a gate or door equipped with a self-closing, self-latching mechanism placed at least four (4) feet above ground, except that this requirement shall not apply to any door leading directly from a dwelling to which the enclosure is attached.

§ 97-2. Restriction of access to aboveground pools.

Any outdoor, aboveground swimming pool capable of holding two (2) feet of water in depth at any point shall have all points of access secured by means of a swing-up or removable ladder or a gate as described in § 97-1. Any such pool which is attached to a dwelling by means of a deck or similar structure shall have all points of access to the pool secured as provided in this section or in § 97-1.

§ 97-3. Enforcement; penalties for offenses.

A. The Board of Warden and Burgesses shall designate an officer responsible for enforcement of the provisions of this chapter. Any owner of a swimming pool found to be in violation of the provisions of this chapter, who, after written warning, fails to correct the violation within thirty (30) days, shall be fined fifty dollars ($50.) for each day thereafter that the violation is allowed to continue. Any person cited hereunder may appeal the enforcement officer's decisions to the Board of Warden and Burgesses within ten (10) days thereafter.

B. The requirements and penalties of this chapter shall be in addition to those contained in the Connecticut State Building Code and shall apply to all swimming pools whenever constructed.

Chapter 106

VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield 5-11-1954 as Secs. 3 through 10 of the Traffic Code. Amendments noted where applicable.]

GENERAL REFERENCES

Parades — See Ch. 68.
Vehicles in parks — See Ch. 72.
Bicycles and skateboards — See Ch. 95, Art. II.

§ 106-1. Manner of parking.

A. North Street Extension: parking on both sides of this street shall be at an angle of forty-five degrees (45°).

B. West Street and west side of South Street: parking on both sides of West Street, subject to the exception hereinafter contained in Subsection C, and on the west side of South Street between the southerly boundary of the property on which is located the so-called "Beckwith Block," and the intersection of West Street and South Street shall be at an angle of forty-five degrees (45°).

C. West Street - Phelps Block: parking on the south side of West Street in front of the so-called "Phelps Block," being that portion of the street lying between the passway located immediately west of the post office and the intersection of South Street and West Street shall be at an angle of seventy-five degrees (75°).

D. Remainder of South Street: parking on the east side of South Street and on the east side of North Street shall be parallel to the curb.

E. Only parallel parking is allowed on the north side of Main Street between North Street Extension and Meadow Street Extension. **[Added 5-3-1966]**

F. Parking on the south side of Main Street immediately in front of Weir's Garage is to be limited to two (2) cars parked parallel to the sidewalk. **[Added 5-3-1966]**

§ 106-2. Parking limitations.

A. Parking shall be limited to one (1) hour on the following:

(1) South Street between the southerly boundary of the property on which is located the so-called "Beckwith Block," at the intersection of South Street and West Street;

(2) South side of West Street, except in front of the so-called "Phelps Block" and on the south side of Center Park, except as restricted by the terms of § 106-3E.

B. Parking shall be limited to five (5) minutes on the south side of West Street in front of the so-called "Phelps Block," being the area described in § 106-1C above.

C. The parking time limits set forth in this section shall apply only between the hours of 8:00 a.m. and 6:00 p.m. and on Mondays through Saturdays, inclusive, of each week.

D. Parking shall be limited to two (2) hours on the south side of West Park.

E. There shall be two-hour parking on the east side of South Street from Library Corner south to St. Michaels driveway. **[Added 5-8-1962; amended 6-5-1962]**

F. All parking on Main Street is limited to one (1) hour. **[Added 5-3-1966]**

§ 106-3. Parking prohibited.

No parking shall be permitted on the following:

A. Union Square.

B. The east side of Meadow Street and the west side of Meadow Street between the northerly boundary of property formerly of Anna Marley, deceased, and the intersection of Meadow Street and West Street.

C. Within twenty-five (25) feet of any corner.

D. Within twenty-five (25) feet of the driveway next east of the building of the Litchfield County Agricultural Society.

E. The north side of West Street between the Center Park crosswalk and Union Square, except for buses.

F. The west side of West Park.

G. On Meadow Street between Main Street and Woodruff Street except for an area seventy-five (75) feet long on the west side of Meadow Street adjacent to The Colonial Greenhouse, where fifteen-minute parking would be allowed. **[Added 5-6-1966]**

H. On the corner of Routes 63 and 202. **[Added 6-5-1984]**

§ 106-4. Parking spaces. [Amended 9-7-1954]

The parking distance between cars shall be designated by means of painted lines or other suitable method. Parking stalls be delineated in order to provide sufficient space to park a car and cars must be parked within the white lines of each stall.

§ 106-5. Parking of trucks. [Added 12-1-1970]

A. Effective January 4, 1971, the parking of trucks on the south side of Main Street between Meadow Street and the Court House shall be prohibited.

B. Signs shall be placed opposite the Court House and at Meadow Street prohibiting through truck traffic in that block both east and west.

C. One-hour parking restriction shall be strictly enforced.

D. The penalty for overtime parking shall be two dollars ($2.) per hour or fraction over the posted limit.

§ 106-6. Parking penalties. [Amended 9-1-1987; 7-3-1990]

The driver of any vehicle who violates the provisions of this chapter shall be liable to the following fines:

Offense	Fine
Overtime parking	$ 6.00
Obstructing sidewalks	10.00
Obstructing driveways	10.00
Obstructing a fire hydrant	20.00
Winter parking ban	30.00
Parking outside lines	6.00
Obstructing highway	12.00
Handicapped zone	30.00
No-parking zone	12.00

§ 106-7. Towing of vehicles. [Added 6-4-1985]

Authorization is hereby given to the resident trooper and/or constables to order vehicles towed at the owner's expense at the request of Chairman of any special event, including but not limited to road races and parades, if such vehicle interferes with that special event.

APPENDIX

INDEX

INDEX INSTRUCTIONS

The main **INDEX**, beginning on page 1, will guide you to the legislation contained within the Code at the time the main **INDEX** was originally prepared. As new legislation is adopted, or existing legislation is amended, the Code pages are replaced by supplementary pages which include the new material, thereby causing some **INDEX** entries to become obsolete. **INDEX** entries to the new material will be provided for in the **SUPPLEMENTAL INDEX**, beginning on page SI-1.

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INDEX

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The enclosed new and/or replacement pages should be placed in your Code volume immediately! The dateline, on the lower right corner, does not indicate the adoption date of the Code changes, but rather identifies the pages printed with this supplement. The adoption date of the most recent legislation included in this supplement is 6-4-1991.

The page numbers should always correspond with this list.

REMOVE	INSERT
Table of Contents, vii - viii	Table of Contents, vii - viii
_____	2301
_____	SI-1 (following Index Divider/Instruction Page and in front of Index, Page 1)

Legislation, by number or date of adoption, included in this supplement: 6-4-1991.

10 - 25 - 91

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———	Certification Page (following Officials Page)
101	101 - 105
10603 - 10604	10603 - 10604

Legislation, by number or date of adoption, included in this supplement: Ord. No. 01-1991.

3 - 25 - 91

Chapter 1

GENERAL PROVISIONS

ARTICLE I
Adoption of Code

[A proposed ordinance to adopt the Code of the Borough of Litchfield is currently being considered by the Board of Warden and Burgesses. Upon adoption, it will be included as Article I of this chapter.]

TABLE OF CONTENTS

THE CHARTER

THE CODE

PART I
ADMINISTRATIVE LEGISLATION

PART II
GENERAL LEGISLATION

INDEX

(Note)

TO OWNERS:

The INDEX to this Code will be published in the near future. It will be inserted here.

Changes, alterations and new legislation inevitably follow the creation of a new Code. A complete and usable Index must include this new material. Upon enactment, these additions will be Indexed with the present legislation to make a complete and easy-to-use method of finding all information.

In the interim, refer to the TABLE OF CONTENTS in the forward part of this volume for a complete listing of all legislation; then refer to the Scheme at the beginning of each chapter for reference to particular subject matter.

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