

Chapter 308

HIGHWAY MODIFICATION

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[HISTORY: Adopted by the Town Council of the Town of Monroe 12-4-2008 (Ch. 53 of the 1976 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 232.
Driveway construction — See Ch. 260.

Scenic roads — See Ch. 430.
Standard specifications — See Ch. A601.

§ 308-1. Intent and purpose.

The Town of Monroe hereby adopts the following chapter, in accordance with the powers granted by the Town Charter and the Connecticut General Statutes, as amended, in order to ensure the adequate safety and protection of the public and proper operation and maintenance of the Town's public highways, rights-of-way (ROW), easements and other public properties.

§ 308-2. Definitions.

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

CONTRACTOR — An individual, partnership or corporation licensed to perform work in an appropriate trade respective to an application for a highway modification permit. Said contractor shall be approved/accepted (by virtue of compliance with the requirements of this chapter) by the Public Works Director and/or the Town Engineer to work within the jurisdictional limits of the Town streets or other properties as detailed above.¹

DIRECTOR — The Director of Public Works of the Town of Monroe or individual, partnership or corporation duly appointed by the Town to undertake the duties and exercise the authority herein conferred upon the Director, and also the representatives of said Director when acting within and limited by particular duties and powers assigned to each.

1. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

HIGHWAY — An accepted public street, public way or public ROW, easement or other property owned by the Town of Monroe, including the entire width between the street lines or ROW lines.

INSPECTOR — Any person authorized by the Director bearing proper credentials and identification.

§ 308-3. Permit required; emergency work.

- A. No work on any portion of a public highway shall commence until a contractor (or property owner, in the case of a request for resident exemption) has obtained a permit from the Town in accordance with the provisions of this chapter.
- B. Emergency work may occur, whenever it is essential to public health or safety, without first obtaining a permit. However, immediate notice shall be given to the Police and Fire Departments by the contractor and a permit shall be obtained at the earliest possible time after an emergency excavation, noting that all other provisions of this chapter must be otherwise complied with.
- C. Work performed as a result of the issuance of a highway modification permit shall comply with all other applicable federal, state and local Town codes, ordinances, standards, regulations, notices, resolutions and requirements (including local building and plumbing codes), noting that it is solely the responsibility of the applicant to meet other applicable requirements and obligations.²

§ 308-4. Bonds and insurance.

- A. The Town will make available to the contractor the Town's specifications and standard details, the required performance bond form and liability requirements for all work to be performed, including but not limited to the following: trenching, filling, excavation, utility installation, restoration, stabilization, backfilling, temporary maintenance and resurfacing of the highway.
- B. The contractor shall be protected by and shall pay premiums for policies of insurance satisfactory to the Town. Said policies shall provide insurance for the contractor against liability in the minimum amounts of \$500,000/\$1,000,000 for personal injury and \$50,000/\$100,000 for property damage. Said policies must be issued by an insurance company licensed in the State of Connecticut, noting that verification of special coverage for blasting shall be provided when applicable/needed. All insurance policies shall designate the Town of Monroe and its agents as additional insured. The contractor shall also carry workers' compensation insurance in the amount of statutory limits. Certificates of insurance shall be provided to the Town.
- C. The contractor shall provide a performance bond in an amount to be determined by the Director for the faithful performance of the work contemplated, and said bond shall be issued by an approved surety company licensed in the State of Connecticut. It shall be for a minimum amount of \$5,000 and may be increased on larger projects in an amount

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

as required by the Director. The bond must be in force from January 1 to December 31 and shall cover any work/activities undertaken by the contractor until the expiration of the guaranty period for that project. The guaranty period shall be for six months from the completion of the temporary patch and/or initial work activities.

§ 308-5. General conditions.

- A. The contractor or his agent shall under no circumstances start work on a Town highway or Town property until the requirements of this chapter are satisfied and the required permits are obtained. Said permits are to be available for inspection by the Director or his agents at the site of the work, during its continuance.
- B. At least one-way traffic shall be maintained in the Town roads at all times. However, the Traffic Authority may, in writing, permit the temporary closing of a road, in which case the contractor shall, prior to such closing but after receiving permission from the Traffic Authority, notify the Public Works Department, Police and Fire Departments, First Selectman and the Board of Education to advise of the location and approximate duration of such closing. The same notifications shall also be provided when the road is reopened to traffic. A traffic control person or police officer, as required by the Police Department, shall be provided at the contractor's expense when fewer than two lanes of traffic are maintained or when necessary or advisable in the opinion of the Police Department. Notification to the Board of Education shall be provided when any work is in the vicinity of a public school.
- C. Adequate barricades, detour signage, lights and red flags shall be erected and maintained at the contractor's expense in the street until all work is completed.
- D. The contractor shall schedule all work for a normal workday so that the work may be inspected. Arrangements shall be made in advance with the Director when work is to be done outside of the normal workday, and the contractor shall pay for any overtime inspection costs. The contractor shall give the Director 48 hours' notice before any work is to begin, except in the case of an emergency.
- E. All work performed under the provisions of this chapter shall be subject to the inspection and approval of the inspector.
- F. The contractor shall provide safe and practical access for inspection at all times during the course of the construction.
- G. The contractor shall pay all costs to repair any and all damage to curbs, sidewalks, roadway pavement, utilities, mailboxes, driveways, trees, plantings (including seasonal growth), signs, drainage facilities and any other items within the Town highway/property, whether said items are privately owned or owned by the Town.
- H. If, in the performance of the work, any property marker, highway bound or control point is disturbed or destroyed, it shall be replaced at the contractor's expense by a land surveyor licensed to practice in the State of Connecticut. Verification of replacement or

alteration (resetting) shall be furnished to the Town in the form of an updated drawing (mylar) certified by the aforementioned surveyor.³

§ 308-6. Application for permit.

- A. The application for a permit shall be on a form provided in the Public Works Department and shall include the following information or any other information as may reasonably be required by the Director:
- (1) The exact location of the proposed work, including location in relationship to nearest streets and/or intersections.
 - (2) The purpose of the proposed work/activity.
 - (3) An estimate and sketch (including dimensions) of the anticipated area of the excavation showing the area dimensioned in square feet.
 - (4) The date and time when the work will commence and the period within which the work will be completed.
 - (5) The name, address, telephone number, fax number and e-mail address of the contractor.
 - (6) The names, addresses, telephone numbers, fax numbers and e-mail addresses of persons who may be contacted in case of emergency or after regular working hours.
- B. The application shall be accompanied by a permit fee.

§ 308-7. Rules and regulations.

- A. All permits are subject to compliance with Chapter 260, Driveway Construction, of this Code, Rules and Regulations for Highway Modification (as established by the Public Works Department), and adopted (current) Fee Schedule for Highway Modification.⁴
- B. Said rules and regulations are available in the Public Works Department and shall be regarded as additional requirements for all work subject to this chapter.

§ 308-8. Permit fee.

- A. A permit fee shall be determined prior to issuance of permit. Determination of the specific fee, which will vary contingent on the extent of the proposed work, will be based on the following categories:

3. Editor's Note: Original § 53-5.9, which immediately followed this subsection and referenced former Ch. 53, Excavations, was deleted at time of adoption of Code (see Ch. I, General Provisions, Art. II).

4. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

- (1) Off pavement: this is for all work within the Town ROW/property that does not involve direct disturbance of the roadway pavement cross section but will affect the shoulder area.
 - (2) One-half roadway width: this is for a typical utility patch anticipated to be five feet in width for a distance of up to 1/2 the existing roadway width.
 - (3) Entire roadway width: same as above, only the entire width of the existing roadway.
 - (4) Longitudinal work: this involves all other applications where work is within the existing roadway, but includes a varied disturbance to the extent of limits beyond the above-detailed categories.
- B. A schedule of permit fees, respective to the above categories, will be recommended as a fee schedule by the Town Engineer, proposed by the Director, accepted by the First Selectman and approved by the Town Council.
- C. Established fees for each of the categories are based on an average patch width required for the installation of one utility/application. Accordingly, additional utilities within the same trench and/or other conditions which are anticipated to dictate a wider patch will require additional and/or separate permits even though the end result may be one contiguous roadway patch.
- D. The permit fee is only refundable upon receipt of written notification to the Director that work has not been started and has been canceled. Future work of any kind at the same location will require a new permit and fee. Said notification shall include the permit number and location. A processing fee of \$30 will be deducted from all reimbursements.
- E. Portions of the permit fee will not be refunded in situations where the final work does not extend to the proposed limits of the issued permit.
- F. In situations where work needs to be extended beyond the originally proposed limits, the applicant/contractor shall notify the Director, in writing, and pay an additional fee that, when added to the original fee, will equal the fee required for the newly determined category respective to anticipated work. No new permits will be issued until the outstanding permit fee is paid in full.
- G. The contractor is responsible for the installation of the temporary patch and maintenance of the same in accordance with this chapter. The Town or its agent will perform all work to provide a permanent pavement patch unless a waiver from this requirement (and respective fee) is granted.

§ 308-9. Enforcement.

- A. Any contractor who violates any provision of this chapter or the rules and regulations issued by the Director shall be liable to the Town for any expense, loss or damage which may be caused to the Town highway or property by reason of such violation.

- B. The Director may refuse to issue any permits to a contractor who is in violation of any provisions of this chapter or the rules and regulations issued by the Director until such time as satisfactory compliance is obtained.
- C. All permits expire and are deemed void 30 days after the date of issuance if the contractor does not perform any work prior to that time. When a permit becomes void, it is the responsibility of the contractor to reapply and obtain a new permit before any work is performed.
- D. The cancellation of the bond or insurance shall automatically void any permit which has been issued.

§ 308-10. Waiver of requirements.

- A. The following may make a written request to the Director to waive the performance bond and permit fee (processing fee still applies), provided that they provide written verification of bonding with the Secretary of the State, as required per Connecticut General Statutes § 16-230, and agree to conform to all other requirements of this chapter and/or the rules and regulations issued by the Director in addition to any conditions imposed by the Director:
 - (1) Utility companies.
 - (2) Contractors performing work directly for utility companies (the utility company must cosign the application).
 - (3) Contractors performing work directly for the Town (Town projects and/or contracts).
 - (4) Contractors or developers working on subdivisions or other developments approved and bonded by the Town Planning and Zoning Commission (PZC) and/or the Town Inland Wetlands Commission (IWC).
 - (5) Individual Town resident, working without any assistance from a separate entity, through the "Property Owner Waiver Arrangement" (form available in the Public Works Department). A Property Owner Waiver Arrangement allows for work to be performed by a resident, as long as the work does not include the use of labor and/or equipment not specifically/solely owned, operated and maintained by said resident (property owner and occupant of the house to which the location of the work/permit applies). A waiver shall not apply if the equipment or provided labor is part of a commercial business, whether owned by the property owner or not.
- B. Utility companies are required to maintain temporary patches and, within six months of the installation of the temporary patch and after a proper settling period, install the permanent patch to conform to requirements of this chapter and/or the rules and regulations issued by the Director.
- C. A processing fee of \$30 will be charged for all permits utilizing this section.⁵

5. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

§ 308-11. Exemptions.

The following shall be exempted from the provisions of this chapter, contingent on acceptance by the Director:

- A. Work duly authorized by the Town officials and performed by Town employees as a function of their assigned duties and responsibilities.
- B. Aboveground work performed by public utility companies to install, maintain, repair or replace service lines and/or utility poles.
- C. Work involving adjustment of valves, hand holds, manholes and other structures or devices which in the opinion of the Director require no significant amount of excavation or disturbance.
- D. Work performed under the control and supervision of the State of Connecticut.
- E. Minor repairs by respective property owners to curbing, planting areas, sidewalks, mailboxes, driveways or other small areas within the ROW but off the roadway pavement.

§ 308-12. Existing permits.

Provisions of this chapter in effect at the time of issuance of a permit will remain in force until such time that all outstanding requirements have been adequately addressed.

§ 308-13. Driveways.

- A. The installation of driveways (including driveway aprons) within the Town ROW requires the posting of a cash deposit of \$500 for each location, in addition to a nonrefundable processing fee of \$30. Said cash deposit shall be in the form of cash or check made payable to the Town of Monroe.
- B. Cash deposits will be reimbursed (with no interest) to the applicant upon written request once work has been adequately completed.
- C. In the case where a certificate of occupancy is being requested and conditions do not allow for completion of the driveway apron, an additional deposit of \$1,000 for each location shall be provided.
- D. The posting of cash deposits is in addition to all other requirements relative to bonding and insurance as set forth in this chapter.
- E. All work shall be in accordance with Chapter 260, Driveway Construction, §§ 260-1 through 260-10 of this Code.
- F. A processing fee is required for the purpose of driveway construction.

- G. The highway modification permit bonding is not required for the repaving of existing driveways. However, all other insurance and permit fees (processing fee) shall apply.⁶

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Chapter 310
HISTORIC DISTRICTS

ARTICLE I
Monroe Center Historic District

§ 310-2. Location.

§ 310-1. Creation; purpose; statutory authority.

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

GENERAL REFERENCES

Building construction — See Ch. 232.

Demolition of buildings — See Ch. 237.

ARTICLE I
Monroe Center Historic District
[Adopted 1-13-1977 (Ch. 65 of the 1976 Code)]

§ 310-1. Creation; purpose; statutory authority. ¹

In order to promote the educational, cultural, economic and general welfare of the Town of Monroe and others through the preservation and protection of buildings and places of historic interest and through the development of appropriate settings for such buildings and places, a Monroe Center Historic District, as shown on the map referred to in § 310-2 of this article, is hereby established pursuant to §§ 7-147a through 7-147k, inclusive, of the Connecticut General Statutes, as amended.

§ 310-2. Location.

The boundaries of the Monroe Center Historic District shall be as shown on a map titled "Map Showing Proposed Boundaries of the Monroe Center Historic District," attached hereto and incorporated and made a part of this article.²

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
 2. Editor's Note: The map is on file in the Town Clerk's office.

Chapter 334
JUNK DEALERS

§ 334-1. License required; application for license.

§ 334-4. Promulgation of rules and conditions.

§ 334-2. Issuance of license; fee.

§ 334-5. Penalties for offenses.

§ 334-3. Considerations for licensing.

[HISTORY: Adopted by the Town Council of the Town of Monroe 10-14-1976 (Ch. 68, Art. I of the 1976 Code). Amendments noted where applicable.]

§ 334-1. License required; application for license. [Amended 4-13-1992]

No person shall engage in business as a dealer and trader in junk or metals, scrap, rags, wastepaper or other secondhand articles without first making application in writing to the First Selectman for a license to conduct such business. Such application shall set forth such information as the First Selectman shall reasonably require, including a description of the premises where said business is to be conducted and where the junk is to be stored, and shall be accompanied by the registration certificate of the Motor Vehicle Department of the State of Connecticut as required by Title 21, Chapter 405, of the Connecticut General Statutes, as amended.

§ 334-2. Issuance of license; fee. [Amended 12-10-1990; 4-13-1992]

Upon the approval of such application by the First Selectman, he shall issue a license for the conduct of such business by the applicant at the designated location for a period of one year from the date of issuance, and the applicant shall pay to the Town a license fee of \$10 for each team or vehicle used in connection with such business. The applicant shall pay a like fee for each renewal of such license.

§ 334-3. Considerations for licensing. [Amended 4-13-1992]

The First Selectman may revoke or refuse to renew any such license for cause, and in considering the granting, revoking or renewing of any such license he shall take into account:

- A. The financial ability of the applicant to establish, maintain or operate such business.
- B. The suitability of the location of such business in relation to the nature and development of the surrounding property.
- C. The proximity of churches, schools, hospitals, public buildings or other places of public gathering.
- D. The visibility and screening from any public road or highway.

1. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

- E. The sufficiency and number of other such businesses in the vicinity.
- F. The health, safety and general welfare of the public.

§ 334-4. Promulgation of rules and conditions. [Amended 4-13-1992]

The First Selectman may make and impose such reasonable rules and conditions as he may deem necessary to carry out the purposes of this chapter and of Title 21, Chapter 405, of the Connecticut General Statutes, as from time to time may be amended.

§ 334-5. Penalties for offenses. ²

Any person violating this chapter shall be subject, for each violation, to such fines and jail sentences, or both, as provided by § 21-13 of the Connecticut General Statutes, as amended.

2. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

Chapter 349

LITTERING

§ 349-1. Littering prohibited.

§ 349-3. Penalties for offenses.

§ 349-2. Securing of loads.

[HISTORY: Adopted by the Town Council of the Town of Monroe 6-15-1959 (Ch. 72 of the 1976 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 405.

Solid waste — See Ch. 452.

§ 349-1. Littering prohibited.

No person shall discard or throw any trash, rubbish, litter, etc., upon any public highway, road, street or way or upon any public park, green or grounds within the Town of Monroe.

§ 349-2. Securing of loads. [Added 2-22-1982]

No vehicle carrying a dust-producing load shall be driven or moved on any street or highway within the Town of Monroe without protection or covering sufficient to prevent such load or dust therefrom from dropping, sifting, leaking, blowing or otherwise escaping therefrom into the air or upon any public or private property or upon any street or highway within the Town. The term "dust-producing load" as used in this section shall mean coal, charcoal, coke, sand, gravel, dirt or any other substance composed of, mixed with, producing or otherwise capable of spreading or disseminating dust.

§ 349-3. Penalties for offenses. ¹

Any person violating this chapter shall be punished by a fine not to exceed \$250.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Chapter 390

PARKING

§ 390-1. Authority to regulate parking.

§ 390-4. Removal of vehicles.

§ 390-2. Definitions.

§ 390-5. Penalties for offenses.

§ 390-3. Fines for parking violations.

[**HISTORY: Adopted by the Town Council of the Town of Monroe 11-22-1960 (Ch. 102, Art. I of the 1976 Code). Amendments noted where applicable.**]

GENERAL REFERENCES

Fire zones — See Ch. 284.

§ 390-1. Authority to regulate parking. [Amended 6-5-1974]

The Board of Police Commissioners is hereby authorized and empowered, as the volume and conditions of traffic on the streets and land of the Town may require, to establish zones along said streets and on said land in which parking is prohibited or regulated as to length, to post signs advising the general public of said zones and to fix penalties, not to exceed those designated in § 390-3.

§ 390-2. Definitions.

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

PARKING — The standing of a vehicle, whether occupied or not, upon a highway or upon land of the Town otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations or traffic signs and signals. [Amended 6-5-1974]

§ 390-3. Fines for parking violations. [Amended 6-5-1974]

- A. The members of the Police Department shall be authorized to affix to each vehicle parked in violation of said regulations a ticket directing the owner to report to the Police Department. Each owner shall, within 14 days of the time when such notice was attached to such vehicle, pay or cause to be paid to the Police Department, as a penalty for and in full satisfaction of such violation, the following sums: [Amended 4-9-1981; 1-12-1987; 4-23-1990]

Violation	Penalty
Parking time limit	\$20

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Violation	Penalty
Parking in no-parking area	\$20
Parking in crosswalk	\$20
Parking within 10 feet of fire hydrant	\$50
Parking within 25 feet of intersection	\$20
Parking in front of driveway	\$20
Parking in Town park	\$20
Parking in restricted area	\$30
Parking in handicapped zone	See § 390-3B
Other violations	\$20

- B. Any person parking in a handicapped zone except as authorized by § 14-253a of the Connecticut General Statutes shall be subject to a fine as provided in Subsection (l) of 14-253a.²
- C. In the event that such owner fails to make such payment as aforesaid within 14 days, the penalty due shall be doubled, and in 14 days thereafter such owner shall be liable for the penalty hereinafter provided for violations of the provisions of this chapter.

§ 390-4. Removal of vehicles. [Amended 6-5-1974]

The Board of Police Commissioners or, in an emergency situation, the Chief of Police is hereby authorized to direct the removal from the public highways or land of the Town of any vehicles parked in violation of said regulations. Upon such removal the owner of such vehicle shall, in addition to any fines or penalties imposed, be required to pay the cost of said removal.

§ 390-5. Penalties for offenses. ³

Unless otherwise provided, every person who shall violate this chapter shall be punished by a fine not exceeding \$250.

2. Editor's Note: Added at time of adoption of Code (see Ch. I, General Provisions, Art. II).

3. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

Chapter 397

PEDDLERS AND TRANSIENT SELLERS

ARTICLE I Peddling

- § 397-1. License required.
- § 397-2. Definitions.
- § 397-3. Classes of licenses.
- § 397-4. Applicability.
- § 397-5. Application for license.
- § 397-6. Issuance or denial of license.
- § 397-7. Fees.
- § 397-8. Display of badge and sign.
- § 397-9. Peddling from vehicles or other conveyances.

- § 397-10. Noisemaking devices.
- § 397-11. Penalties for offenses.

ARTICLE II Transient Sellers

- § 397-12. License required.
- § 397-13. Definitions.
- § 397-14. Application for license.
- § 397-15. Issuance and term of license; badge or sign to be displayed.
- § 397-16. License fee.
- § 397-17. Penalties for offenses.

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

GENERAL REFERENCES

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| Amusements — See Ch. 213. | Health and sanitation — See Ch. 305. |
| Auctions — See Ch. 220. | Junk dealers — See Ch. 334. |
| Cigarettes and tobacco products — See Ch. 246. | Littering — See Ch. 349. |
| Food-handling establishments — See Ch. 291. | |

ARTICLE I Peddling

[Adopted 1-11-1960 (Ch. 80 of the 1976 Code)]

§ 397-1. License required.

No person shall engage in business as a peddler within the Town unless he shall have a peddler's license of the proper class issued by the Chief of Police.

§ 397-2. Definitions.

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

PEDDLER — A person who goes from place to place within the Town, either as principal or agent, selling or bartering, or carrying for sale or barter, or exposing therefor, any goods,

wares or merchandise, either on foot or in or upon a vehicle, or offering to perform or performing a service for remuneration. [Amended 12-27-1972; 5-13-1976¹]

§ 397-3. Classes of licenses.

For the purpose of these regulations, peddlers' licenses shall be classified as follows:

- A. Class A, which shall authorize peddling without the use of a vehicle.
- B. Class B, which shall authorize peddling with a vehicle.

§ 397-4. Applicability.

- A. No license shall be required for an agent or employee of a licensed peddler holding a Class B peddler's license, provided that a separate license shall be issued for each vehicle used within the Town by such licensed peddler.
- B. This article shall not apply to sales by farmers and gardeners of the produce of their farms, gardens and greenhouses, including fruit, vegetables and flowers, or to the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods, to sales on approval, to conditional sales of merchandise, or to the taking of orders for merchandise for future delivery when full payment is not required at the time of solicitation.²

§ 397-5. Application for license.

Any person desiring a peddler's license shall make application to the Chief of Police in writing on a form provided by such officer. Each application shall state the class of license desired, shall contain such information as the Chief of Police may require and shall be sworn to by the applicant. The Chief of Police may require an applicant to furnish a photograph of himself and to permit an impression to be taken of his fingerprints.

§ 397-6. Issuance or denial of license.

- A. Where it appears from the application that the applicant is entitled to a license, the Chief of Police shall issue such license upon the payment of any required fee; provided, however, that the Chief of Police may decline to issue such license for a period not exceeding 30 days after the submission of the application for the purpose of making an investigation if he deems such investigation is required in the interest of public safety or if he has reasonable grounds to believe any information contained in the application is false or misleading. If such investigation should reveal that the issuance of a license is not in the interest of public safety or if there are reasonable grounds to believe any information contained in the application is false or misleading, the Chief of Police may decline to issue such license. When an application for a license is refused or declined, the

1. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

2. Editor's Note: Added at time of adoption of Code (see Ch. I, General Provisions, Art. II).

application will be returned to the applicant stating, in writing, the reason for refusal.
[Amended 8-23-1979]

- B. Peddlers' licenses shall expire on December 31 of the year in which issued, except temporary peddlers' licenses, which may be issued by the Chief of Police for periods not exceeding seven days.
- C. The Chief of Police shall furnish with each license a suitable badge or sign to be worn by the peddler or affixed to the vehicle as hereinafter provided.

§ 397-7. Fees. [Amended 5-13-1976; 1-28-1991³]

- A. Except as hereinafter provided, the following fees shall be charged for peddlers' licenses:
 - (1) For each peddler's license, \$200, such license to expire December 31 in the year of issue.
 - (2) For each temporary peddler's license, \$50, such license to expire in seven calendar days, maximum of two licenses in any calendar year.
- B. A veteran meeting the criteria established in § 21-37 of the Connecticut General Statutes shall not be required to pay a license fee.

§ 397-8. Display of badge and sign. [Amended 1-28-1991]

- A. Each person holding a license shall, when engaged in peddling, wear conspicuously on his outer clothing a suitable badge furnished by the Chief of Police indicating that such person is a licensed peddler. Such badge shall contain the peddler's license number and the date of expiration of such license.
- B. Each person holding a license shall, when engaged in peddling from the vehicle for which such license is issued, plainly display on each side of such vehicle a sign issued by the Chief of Police indicating that such person is a licensed peddler. Such sign shall contain the peddler's license number and the date of expiration of such license.

§ 397-9. Peddling from vehicles or other conveyances. [Amended 5-13-1976; 8-23-1979]

No person while engaging in the business of peddling from a vehicle or other conveyance shall permit such vehicle to remain in any one location for a continuous period exceeding 10 minutes. Any vehicle which remains within the property lines of real property owned by one owner or group of owners for a period exceeding 10 minutes, even if said person changes location within said boundaries, shall be deemed to have remained standing in one location for purposes of this article. Furthermore, no person, including an associate, agent or employee, operating under the same peddler's license, once having stood in a location, may return to said location or any location previously used for a second time within 24 hours. No vehicle will be permitted to locate at or on private property without written consent from the owner thereof,

3. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

which consent must state the specified time of permission. No vehicle or other conveyance shall be allowed to stop at a location that is not in the public interest or constitutes a hazard or compromise of public safety.

§ 397-10. Noisemaking devices.

No peddler shall use or employ others to use any noisemaking device for the purpose of attracting patronage between the hours of 7:00 p.m. and 8:00 a.m.

§ 397-11. Penalties for offenses. [Amended 1-28-1991⁴]

Any person who violates any of the provisions of this article shall receive a citation, said violation to carry a cost of \$199.

ARTICLE II
Transient Sellers
[Adopted 6-14-1982 (Ch. 81 of the 1976 Code)]

§ 397-12. License required.

No person shall engage in business as a transient seller within the Town unless he shall have a transient seller's license issued by the Chief of Police.

§ 397-13. Definitions.

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

TRANSIENT SELLER — A person, principal or agent, who remains at one or more locations within the Town, which are upon real property or within the permanent structures, selling or bartering or carrying for sale or barter or exposing therefor any goods, wares or merchandise or offering to perform or performing a service for remuneration. The term "transient seller" shall not include farmers or gardeners selling the produce of their own farms or gardens located within the Town of Monroe nor persons owning the real property upon which said transactions occur nor persons renting said real property for a period of one year or more. Public and private schools, charitable, religious or civic organizations and volunteer fire companies shall be exempt from this article.

§ 397-14. Application for license.

Any person desiring a transient seller's license shall make application to the Chief of Police in writing on a form provided by such officer. Each application shall contain such information as the Chief of Police may require and shall be sworn to by the applicant. The Chief of Police may require an applicant to furnish a photograph of himself and to permit an impression to be taken of his fingerprints.

4. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

§ 397-15. Issuance and term of license; badge or sign to be displayed.

- A. Where it appears from the application that the applicant is entitled to a license, the Chief of Police shall issue such license upon the payment of the required fee; provided, however, that the Chief of Police may decline to issue such license for a period not exceeding 30 days after the submission of the application for the purpose of making an investigation if he deems such investigation is required in the interest of public safety or if he has reasonable grounds to believe any information contained in the application is false or misleading.
- B. Transient sellers' licenses shall expire on December 31 of the year in which issued. If, after a license is issued, any violation, such as false or misleading information on the application, is found, the Chief of Police may revoke the license, and all fees will be forfeited by the applicant. The applicant will pay any other penalties that may be imposed.⁵
- C. The Chief of Police shall furnish, with each license, a suitable badge or sign to be displayed in a conspicuous place at all times.

§ 397-16. License fee.

The following licensing fee shall be charged said transient sellers: \$250.

§ 397-17. Penalties for offenses.

Any person who violates any of the provisions of this article shall be fined not more than \$250.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Chapter 405

PROPERTY MAINTENANCE

ARTICLE I Storage of Junk

- § 405-1. Definitions and word usage.
- § 405-2. Findings.
- § 405-3. Restrictions.
- § 405-4. Notice of violation.
- § 405-5. Penalties for offenses.

ARTICLE II Blighted Premises

- § 405-6. Authority and purpose.

- § 405-7. Definitions.
- § 405-8. Blighted premises prohibited.
- § 405-9. Designated enforcement officer.
- § 405-10. Notice of violation.
- § 405-11. Enforcement citation.
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- § 405-13. Citation procedures.
- § 405-14. Recording of lien.
- § 405-15. Correction of violation by Town; recovery of costs.
- § 405-16. Exception for pending applications.

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

GENERAL REFERENCES

Building construction — See Ch. 232.
Demolition of buildings — See Ch. 237.
Health and sanitation — See Ch. 305.
Junk dealers — See Ch. 334.

Littering — See Ch. 349.
Snow and ice removal — See Ch. 447.
Solid waste — See Ch. 452.

ARTICLE I Storage of Junk

[Adopted 9-27-1971 (Ch. 68, Art. II of the 1976 Code)]

§ 405-1. Definitions and word usage.

- A. When used in this article, the following terms shall have the following meanings:

ENFORCEMENT OFFICER — The Zoning Enforcement Officer or his designated agent or deputy.¹

JUNK — Any old, used or secondhand materials of any kind, including cloth, clothing, rags, bags, papers, rubbish, bottles, glassware, crockery, rubber, iron, brass, copper, other ferrous and nonferrous metals, furniture, fixtures, plumbing materials, waste materials, or

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

any other article or thing which from its worn condition renders it practically useless for the purpose for which it was made and which is commonly classed as junk.²

JUNK APPLIANCE — Washing machine, drying machine, stove, refrigerator, freezer, air-conditioning device and machine, water heater and water cooler and device for the storage of hot water or cold water, dishwasher, television receiver, furniture, office equipment, and machine or implement for business, manufacturing or farming purposes and any other similar thing or part thereof in an inoperative or discarded condition.

JUNK VEHICLE — Any motor vehicle or part thereof which is not in condition for lawful operation on the public highways of this state and is in a rusted, wrecked, discarded, partly dismantled, inoperative or abandoned condition.³

OPERATOR — Any person who has apparent charge, custody, care or control, possession or occupancy of land.

OWNER — Any person who has any legal title to or beneficial interest in any land, with or without actual possession or occupancy thereof, or who has charge, custody, care or control of any land as an owner or as an agent of an owner, or as an officer, director or employee of a corporation or other business entity which is an owner or an agent of an owner, or as an executor, administrator, trustee, conservator or guardian of an owner or the estate of an owner.

PERSON — Any individual person, firm, partnership, corporation or other legal entity.

- B. Words of the male gender shall include the female gender, and words of the singular number shall include the plural number, as the context and the circumstances require.

§ 405-2. Findings.

It is hereby found and declared that junk, junk vehicles and junk appliances upon any property within the Town of Monroe are nuisances and also are detrimental to the public safety, health, convenience and welfare; that they constitute a nuisance and particularly imperil the health and safety of children, constitute a potential source of fire and explosion, are and may become harborage for rodents and breeding places for insects and threaten and depreciate neighboring properties; that the preservation of public health, the elimination of such public peril and the general protection of property and maintenance of property values are proper concerns of the Town of Monroe; and that enactment of this article is necessary for the protection and preservation of the public safety, health, convenience and welfare and of property and property values.

2. Editor's Note: Added at time of adoption of Code (see Ch. I, General Provisions, Art. II).

3. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

§ 405-3. Restrictions. [Amended 9-22-1977⁴]

No owner or operator of any parcel of land wholly or partially within the Town of Monroe shall deposit or cause or permit to be deposited, or retain or cause or permit to be retained, any junk, junk vehicle or vehicles or junk appliances on such land, except when all such storage is visually screened to a height of at least six feet from the street and all adjoining properties, and except when all such storage areas are maintained in a neat and orderly fashion so as not to create health hazards, insect breeding places or rodent harborage, and except when all such exterior storage areas are securely locked and physically inaccessible to any person not authorized or legally entitled to be on the premises or not employed or engaged in the business if a business is located on said premises. All presently existing areas wherein junk, junk vehicles or junk appliances are stored, kept or situated shall comply with this section within six months from the effective date hereof.

§ 405-4. Notice of violation. [Amended 10-14-1976]

On information or complaint of any violation of § 405-3, the enforcement officer shall cause to be served written notice, either personally or by mail, upon the owner or operator of the land on which said violation is found or complained of, setting forth the nature of said violation and ordering correction thereof. Said notice shall be in the form prescribed by the Town Council of the Town of Monroe from time to time as it may determine.

§ 405-5. Penalties for offenses. [Amended 10-14-1976⁵]

Any person who, as owner or operator of any parcel of land, fails, neglects or refuses to comply with the provisions of this article after notice served in accordance with § 405-4 hereof shall be fined not more than \$250, and each day of noncompliance with said notice shall constitute a separate and distinct violation and may be prosecuted as such. Any person who resists, obstructs or interferes with any agent, servant or officer of the Town of Monroe engaged in the enforcement or execution of any provision of this article shall be fined not more than \$250. The penalties provided in this section shall be in addition to any other relief or remedy provided by this article or the Connecticut General Statutes, as amended.

ARTICLE II**Blighted Premises**

[Adopted 1-14-2002 (Ch. 71 of the 1976 Code)]

§ 405-6. Authority and purpose.

- A. This article is enacted pursuant to the authority granted to the Town of Monroe under Connecticut General Statutes § 7-148(c)(7)(H)(xv).

4. Editor's Note: This ordinance also repealed original § 68-10, Enforcement of notice; costs, and § 68-13, Nonapplicability, of this article.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. This article prohibits any owner, agent, tenant or person in control of real property located in the Town of Monroe from allowing, creating, maintaining or causing to be created or maintained a blighted premises. This article also establishes penalties for violations of this article.

§ 405-7. Definitions.

For the purpose of this article, the following words, terms and phrases shall have the following meanings ascribed to them:

BLIGHTED PREMISES — Any building or structure or parcel of land, proximate to other residential properties, commercial structures, or road, in a state of disrepair, dilapidation or abandonment.

- A. "State of disrepair or dilapidation" shall mean in a physically deteriorating condition causing unsafe or unsanitary conditions and a nuisance to the general public and shall be evidenced by one or more of the following conditions:
- (1) Persistent missing, broken or boarded up windows and doors, otherwise not required by order of any other Town official acting within the scope of his or her authority;
 - (2) Collapsing or missing exterior walls or roof;
 - (3) Seriously damaged or missing siding;
 - (4) Unrepaired fire, wind or water damage;
 - (5) Persistent rodent harborage and/or infestation that may pose a significant public health or safety risk;
 - (6) Persistent garbage or trash on the property;
 - (7) Seriously overgrown brush, shrubs and weeds, at least one foot in length, that may pose a significant public health or safety risk;
 - (8) Felled or damaged trees that may pose a significant public health or safety risk;
 - (9) Sinkholes that may pose a significant public health or safety risk;
 - (10) Significant and persistent accumulations of debris bordering on adjacent properties;
 - (11) Parking lots left in a persistent state of disrepair or abandonment; and
 - (12) Seriously damaged or deteriorating structures, including but not limited to barns, sheds, swing sets, and jungle gyms, that may pose a significant public health or safety risk or be termed an attractive nuisance.
- B. In determining whether a premises is "blighted," as defined in this article, mitigating factors to be considered include:

- (1) The nature and use of the premises as farmland and/or open space acreage;
- (2) The transient seasonal presence of snow, water, ice, and/or animal harborage, due to the natural topography of the property, and the feasibility of remediation of such conditions; and
- (3) The status of the premises as a recognized historic structure.

PLAN OF ACTION — Any written plan submitted by a responsible party, in response to an enforcement citation as defined in this article, that sets forth a definite schedule for the remediation of all items set forth in the enforcement citation.

RESPONSIBLE PARTY — The party who owns the real property in question, as well as any tenant, occupant or person who resides at or controls the real property at issue or who is contractually obligated to maintain the property by virtue of such tenancy or occupancy. In no event shall a contractual obligation protect or absolve the owner of the property of the duty to comply with the terms of this article. "Responsible party," as used in this article, shall not be limited to the singular.

§ 405-8. Blighted premises prohibited.

No responsible party shall allow, maintain or cause to be maintained a blighted premises in the Town of Monroe.

§ 405-9. Designated enforcement officer.

The designated enforcement officer and/or other individuals designated by the First Selectman are charged with the enforcement of this article. The designated enforcement officer is hereby authorized to take such enforcement actions as are specified in this article.

§ 405-10. Notice of violation.

- A. The Town of Monroe, through its designated enforcement officer, shall serve written notice of violation to the responsible party. The notice may be hand delivered or mailed by certified mail, return receipt requested, to the last known address of the responsible party named in the notice. Such notice shall state the violation(s) and demand the abatement thereof within 14 business days of the date of the notice. The notice shall also set forth and explain the various time limits set forth in this article for preparing and submitting a plan of action and responding to an enforcement citation, if one is issued. The designated enforcement officer shall file and retain an original or certified copy of the notice.
- B. If the responsible party fails to correct the violation(s) or to prepare and submit a plan of action to the designated enforcement officer, he/she may issue an enforcement citation as specified in this article. If the responsible party submits such a plan of action, the designated enforcement officer may, in his or her discretion:

- (1) Accept or reject the plan as prepared in writing within 10 days of its submission.
- (2) Accept the plan subject to conditions recommended by the enforcement officer within 10 days of the plan's submission, which conditional plan of action must be acknowledged in writing by the responsible party as acceptable within 10 days of the conditional acceptance.

§ 405-11. Enforcement citation.

If any violation remains unabated, or if a plan of action is not submitted and accepted, after the fourteen-business-day notice period has elapsed, the designated enforcement officer is hereby authorized to serve an enforcement citation upon a responsible party. Service shall be in the manner provided for a notice of violation. If an enforcement citation is not issued within 30 days of the elapsing of the fourteen-business-day notice period, the notice of violation shall expire and a new notice of violation must be issued, which will begin a new fourteen-business-day notice period.

§ 405-12. Penalties for offenses.

Violations of the provisions of this article shall be punishable by a fine of \$100 for each day any and all violations remain unabated following service of an enforcement citation. Penalties shall be stayed during the consideration of a plan of action by the enforcement officer and shall only begin to accrue:

- A. The day after a plan of action is rejected by the enforcement officer; or
- B. The day after the time period for acknowledgement of the acceptance of a conditional plan by the responsible party has elapsed.

§ 405-13. Citation procedures.

- A. After issuance of an enforcement citation, fines will accrue until the responsible party submits to the enforcement officer a statement in writing that the conditions have been rectified. Submission of the statement will stay further accrual of fines until the enforcement officer ascertains whether the conditions have abated. If the conditions have not been rectified satisfactorily, the enforcement officer shall notify the responsible party in writing, which shall have the effect of lifting the stay of the accrual of fines until notice has been received from the responsible party that the condition has once again been rectified. Fines shall stop accruing when the enforcement officer issues to the responsible party, in writing, a notice that the conditions have been satisfactorily addressed. Payment of accrued fines is due 30 days after the notice from the enforcement officer that the conditions have been rectified is received by the responsible party.
- B. The final period for contesting an enforcement citation under this article shall be 30 days after the mailing or delivery of the citation itself or, in the event of the filing of a plan of action, 30 days after such plan of action is rejected or the ten-day period has elapsed during which a responsible party must acknowledge acceptance of a conditional plan. A responsible party may file with the enforcement officer, in writing, a petition to contest

the enforcement citation. The procedures for hearing, disposition and enforcement shall be as set forth in § 7-152c of the Connecticut General Statutes, as the same may be amended from time to time. Filing of a petition shall stay payment but not accrual of fines under this article.

- C. Upon the filing of such a petition, the designated enforcement officer shall present the case before a three-person Anti-Blight Appeal Board, which persons shall be appointed pursuant to Chapter IV, § 2 of the Town Charter. The responsible party shall also be heard. Neither the designated enforcement officer nor any regular members of the Planning and Zoning Commission or the Zoning Board of Appeals nor any employee of the Town of Monroe may be appointed to the Anti-Blight Appeal Board. If the Anti-Blight Appeal Board finds in favor of the responsible party, all fines accrued to the date of decision shall be waived. If the Anti-Blight Appeal Board upholds the enforcement citation, the fines that have accrued will then become due and payable, and additional fines may accrue if the conditions remain unabated.

§ 405-14. Recording of lien.

Any unpaid fine imposed shall constitute a lien upon the real estate in accordance with Connecticut General Statutes § 7-148aa. Each such lien shall be continued, recorded and released as provided for in § 7-148aa.

§ 405-15. Correction of violation by Town; recovery of costs.

In the event that any responsible party shall fail to abate or correct any violation specified in any notice, after the issuance of an enforcement citation for such failure, which citation has become final through the failure of such party to contest the citation before the Anti-Blight Appeal Board, or by such appeal being unsuccessful, the Town of Monroe, acting through its designated enforcement officer, issuing such notice of violation, may cause or take such action as is necessary to correct such violation. The cost to take such action shall be recovered under the applicable provisions of Connecticut General Statutes § 7-148(c)(7)(E).

§ 405-16. Exception for pending applications.

Any blighted premises for which an application for a special permit, site plan or other improvements to the blighted premises is pending prior to or submitted within 10 days of the issuance of an enforcement citation in the Town Planning and Zoning Commission, the Zoning Board of Appeals, and/or the Inland Wetlands Commission shall be exempt from the provisions of this article until a decision is reached on the same, but in any event not longer than a period of 130 days from the date of submittal of a complete application. The responsible party must notify the designated enforcement officer in writing that he or she has already filed, or submit a complete copy of any application to the enforcement officer in the event that the responsible party files a special permit or site plan application within 10 days of the issuance of an enforcement citation, which notice or submission will maintain the property's exempt status until a hearing is concluded and a decision is reached. No fines shall accrue until a decision has been issued by the applicable board or commission.