



TOWN OF LEDYARD CONNECTICUT

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Land Use/Planning/Public Works Committee

~ AGENDA ~

Chairman S. Naomi
Rodriguez

Regular Meeting

Monday, November 4, 2024

6:00 PM

Town Hall Annex - Hybrid Format

In -Person: Annex Meeting Room - Town Hall Annex Building

Remote Participation: Information Noted Below:

Join Zoom Meeting from your Computer, Smart Phone or Tablet:

<https://us06web.zoom.us/j/87046188232?pwd=v8WSMRahIvvh5wataByiyIteAivGpz.1>

Or by Audio Only: Telephone: +1 646 558 8656; Meeting ID: 870 4618 8232; Passcode: 508725

- I. CALL TO ORDER
- II. ROLL CALL
- III. RESIDENTS & PROPERTY OWNERS COMMENTS
- IV. PRESENTATIONS / INFORMATIONAL ITEMS
- V. APPROVAL OF MINUTES

MOTION to approve the Land Use/Planning/Public Works Committee Meeting Minutes of October 7, 2024.

Attachments: [LUPPW-MIN-2024-10-07](#)

- VI. OLD BUSINESS
 - 1. Continued discussion regarding the progress of enforcing regulations to address blight issues.

Attachments: [Blight activity report Sept- October 2024](#)

[ORD-300-012-rev-1-Blight-Ordinance-and-Public-Nuisance-for-the-Town-of-Ledyard.pdf](#)

[BLIGHT CITATION FLOW CHART-TREASTER-2024-10-07](#)

[ZONING CITATION FLOW CHART-TREASTER-2024-10-07](#)

- 2. Spicer Homestead Ruins - Historical Research and Photos.

Attachments: [Spicer Homestead Ruins Timmeline- Parkson-2024-Parkinson Spicer Homestead - 4.4 acres](#)
[Spicer Runis Screenshot \(2\)](#)
[Spicer Runis Screenshot \(1\)](#)
[Spicer Homestead Ruins- Next Steps for Historic Designation-Dombrowski email-2024-06-03.pdf](#)
[Spicer Homestead Report -Hiistoric Research Sarah Holmes 2022.pdf](#)
[Spicerr Ruins- Photos.pdf](#)
[Historic District Commission Minutes-2023-12-18.docx](#)

3. Discussion to consider drafting an Ordinance to address Noise Issues, as requested in Ms. Johnston's August 12, 2024 email.

Attachments: [Police Chief - Noise & Illegal Dumping email-2024-10-30](#)
[MAP-LINDON LANE](#)
[Noise Ordinance - Johnston email-2024-08-13-R](#)
[Noise Ordinance - Johnston email-2024-08-13](#)
[Noise Ordinance--Police Recommendation-2018-11-29](#)
[Department of Agriculture Sec 1-1q](#)
[Sec 22a-73 Noise Regulation](#)
[CGS 78-5 Operations of Construcitaon Equipment](#)
[CHAPTER 442-Section 22a-67 - 22a-73- Noise Pollution Control](#)
[CGS-Sec-53a & Sec 14-80a](#)
[Noise Ordinance-Draft 2018-07-05-Council-Admin-PC](#)
[Saybrook Noise Ordinance](#)

4. Discussion to consider provisions to address Illegal Dumping.

Attachments: [Police Chief - Noise & Illegal Dumping email-2024-10-30](#)
[Police Chief-Land Use Director-Illegal Dumping email-2024-10](#)
[ORD-ILLEGAL DUUMPING-2024-09-03-DRAFT](#)
[CGS-22a-250-Illegal Dumpting](#)
[Dumping Laws-OLR-2002-0733.doc](#)
[Section 22a-Explained](#)
[TORRIGNTON-LITTERING-DUMPIING.doc](#)

5. Any other Old Business proper to come before the Committee.

VII. NEW BUSINESS

1. Any other New Business proper to come before the Committee.

IV ADJOURNMENT

DISCLAIMER: Although we try to be timely and accurate these are not official records of the Town.



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 24-0952

Agenda Date: 11/4/2024

Agenda #:

MINUTES

Minutes:

MOTION to approve the Land Use/Planning/Public Works Committee Meeting Minutes of October 7, 2024.



TOWN OF LEDYARD
CONNECTICUT
TOWN COUNCIL
HYBRID FORMAT

741 Colonel Ledyard Highway
Ledyard, CT 06339

860 464-3203
Roxanne Maher
Administrative Assistant

Chairman S. Naomi Rodriguez

MINUTES
LAND USE/PLANNING/PUBLIC WORKS COMMITTEE –
REGULAR MEETING

Monday, October 7, 2024

6:00 PM

Annex Meeting Room, Town Hall Annex

DRAFT

- I. CALL TO ORDER – The meeting was called to order by Councilor St. Vil at 6:00 p.m. at the Town Hall Annex Building.

Councilor St. Vil welcomed all to the Hybrid Meeting. He stated for the Town Council Land Use/Planning/Public Works Committee and members of the Public who were participating via video conference that the remote meeting information was available on the Agenda that was posted on the Town’s Website – Granicus-Legistar Meeting Portal.

- II. ROLL CALL –

Attendee Name	Title	Status	Location	Arrived	Departed
Jessica Buhle	Town Councilor	Present	In-Person	6:00 pm	6:51pm
Kevin Dombrowski	Town Councilor	Excused			
Gary St. Vil	Committee Chairman	Present	In-Person	6:00 pm	6:51pm
S. Naomi Rodriguez	Town Council Chairman	Present	In-Person	6:00 pm	6:51pm
Elizabeth Burdick	Land Use Director/Town Planner	Present	In-Person	6:00 pm	6:51pm
Mike Cherry	Resident	Present	In-Person	6:00 pm	6:51 pm
Eric Treaster	Resident	Present	In-Person	6:00 pm	6:13 pm
Roxanne Maher	Administrative Assistant	Present	Remote	6:00 pm	6:51pm

- III. CITIZENS' PETITIONS – None.

- IV. PRESENTATIONS/INFORMATIONAL ITEMS - None.

- V. REVIEW AND APPROVAL OF PRIOR MEETING MINUTES

MOTION to approve the Regular Meeting Minutes of September 9, 2024
Moved by Councilor Buhle, seconded by Councilor St. Vil

VOTE: 2 - 0 Approved and so declared

- IV. OLD BUSINESS

1. Progress regarding the enforcement of regulations to address blight issues.

Councilor St. Vil stated with the departure of former Zoning/Wetland/Blight Enforcement Officer Alex Samalot that an updated Blight Report was not provided for tonight’s meeting. He questioned whether the new Enforcement Officer has started in the Land Use Office.

Land Use Director/Town Planner Elizabeth Burdick stated that Ms. Hannah Gienau joined the Land Use Department about three-weeks ago. She stated Ms. Gienau has been busy going through the boxes of files that Mr. Samalot left to determine which files required immediate attention, noting that she has been working with Ms. Gienau to review each of the cases.

Mr. Eric Treaster, 10 Huntington Way, Ledyard, noted that Mayor Allyn, III, appointed him to serve as the Blight Citation Officer and Zoning Citation Officer, noting that he also serves on the Zoning Board of Appeals. He stated based on their governing Ordinances (Ordinance #300-012 (rev 1) “*An Ordinance Concerning Blight and Public Nuisance for the Town of Ledyard*” and Ordinance #300-009 (rev.1) “*An Ordinance Establishing Procedures For Citations For Zoning Violations*”) that he created Flow Charts regarding the processes and to provide the tools, procedures, and forms to be included in with the case files. He provided a packet regarding the materials he described and asked that the LUPPW Committee review the materials. He noted that the Flow Charts were comprehensive, and that the process for Blight Citations and Zoning Citations were different from each other.

Land Use Director/Town Planner Elizabeth Burdick noted that she has been doing Zoning Enforcement since 1999. She explained that the intent of Ordinance #300-012 (rev 1) “*An Ordinance Concerning Blight and Public Nuisance for the Town of Ledyard*” was to have property owners comply, and not necessarily impose punitive fines or take them to court. She explained in many cases a telephone call or a visit from the Blight Enforcement Officer was all that was required for some property owners to come into compliance, noting in many cases the property owner was not aware that they were violating anything.

Councilor Buhle addressed the importance for the Blight Enforcement process to be consistent. She noted as an example who would receive multiple telephone calls and who would not receive telephone calls, before the town would proceed to impose a fine.

Ms. Burdick asked Mr. Treaster to call the Land Use Office to make an appointment with her to discuss the materials he has put together.

Councilor St. Vil provided a recap noting the following:

- The Department Head would oversee the process, noting if necessary, the LUPPW Committee could ask questions.

RESULT: DISCUSSED

Next Meeting: 11/04/2024 6:00 p.m.

2. Process to designate the Spicer Homestead Ruins, within the Clark Farm property, as a Registered Historical Site. – No Action.

RESULT: CONTINUE

Next Meeting: 11/04/2024 6:00 p.m.

3. Continued discussion to consider drafting an Ordinance to address Noise Issues, as requested in Ms. Johnston’s August 12, 2024 email.

Mr. Mike Cherry, 5 Whippoorwill Drive, Gales Ferry, stated over the years the LUPPW Committee has discussed the subject of a Noise Ordinance a few times; and each time they decided not to proceed with an Ordinance. He stated that he agreed with Police Chief John Rich’s November 29, 2018 letter in which he explained that state statute provided the Police Department with the ability to respond to noise issues.

Mr. Cherry continued by addressing the “*Right to Farm*” state statutes which addressed odors, dust, noise, etc. He also noted in accordance with CGS Section 22a-73 that Municipal Noise Regulation Ordinances were subject to the State Commissioner's approval. He recommended in considering a Noise Ordinance that use caution explaining that CGS Section 1-1q speaks to “agriculture” and “farming” as noted below:

Connecticut General Statutes, Sec. 1-1 (q)

Except as otherwise specifically defined, the words “agriculture” and “farming” shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, the production of honey, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term “aquaculture” means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farmlands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

Mr. Cherry noted the Lindon Lane resident's noise concerns, and he suggested that the Commercial Farm's Business Permit be reviewed noting that perhaps the town not allow chainsaws or other loud machinery to be used before and after a certain time; such as not before 8:00 a.m. or after 5:00 p.m. He also suggested that the town post signs to prohibit large commercial trucks to travel on Lindon Lane, noting for business purposes vehicles could access the Commercial Farm from Shewville Road.

Land Use Director/Town Planner Elizabeth Burdick stated after the LUPPW Committee's September 9, 2024 meeting that she looked up the property that Ms. Johnston had expressed concerns about in her August 16, 2024 email. She stated Prides Corner was a Farm, explaining that they obtained a Commercial Use Zoning Permit in 2021. She stated at that time the property was 3-acres or less. She stated in reviewing the GIS maps that it also appeared that they have added additional greenhouses from the number that had been approved in the 2021 Permit. She stated that she would review the file to see if they applied for additional permits. She also noted that Ms. Johnston has not contacted since the September 9, 2024 LUPPW Committee meeting to discuss the matter.

Councilor Buhle stated in running "Google GPS" that the directions Google was providing to Prides Corner was sending them down Lindon Lane. She stated that she would support posting "*No Commercial Trucks Thru*" signs; however, at this time that she would not support a Noise Ordinance.

Councilor St. Vil provided a recap of their discussion noting the following:

- Review State Statutes pertaining to Farming.
- Land Use Director/Town Planner Elizabeth Burdick would investigate whether Permits were filled/approved for Prides Corner to expand their use.
- Investigate the ability to post "*No Commercial Trucks Thru*" signs on Lindon Lane.
- The LUPPW Committee would look to the Land Use Director to provide a recommendation on how the town should proceed regarding noise issues.

Councilor St. Vil suggested they take these steps to see what they could do to help the residents on Lindon Lane.

RESULT: CONTINUE

Next Meeting: 11/04/2024 6:00 p.m.

4. Continued discussion to consider provisions to address Illegal Dumping.

Land Use Director/Town Planner Elizabeth stated that she was currently reviewing the file regarding Lakeside Drive, noting that it was quite extensive, and that it dates back to 2017. She went on to explain in reviewing the Town of Torrington's Illegal Dumping Ordinance that there was a lot involved. She also explained before Ledyard could consider adopting a similar Ordinance that they would want to obtain a legal opinion/review noting the number of state statutes that were cited in Torrington's Ordinance.

Ms. Burdick went on to question whether they believed illegal dumping was a widespread issue in Ledyard or whether this was an isolated case.

The LUPPW Committee questioned if someone had a video or photographs of an individual in the act of “*illegal dumping*” whether the Penal Code would allow the Police to take some action.

Councilor St. Vil stated in talking with Mayor Allyn, III, regarding this issue that the Mayor noted that he has seen a sign posted in town prohibiting “*illegal dumping*” and that it referenced an Ordinance. However, he stated in reviewing all of the town’s Ordinances that the Mayor did not find an “*Illegal Dumping Ordinance*”. Administrative Assistant Roxanne Maher stated the Town Council conducted an Ordinance Update Project in 2017 – 2019 in which they updated and renumbered the Ordinances. She stated that this exercise also cancelled older ordinances. She stated that she could look through the old Ordinances to see if there was an “*Illegal Dumping Ordinance*” that was not carried forward.

Councilor St. Vil provided a recap of their discussion noting the following:

- Talk with Police Chief Rich to ask if someone had a video or photographs of an individual in the act of “*illegal dumping*” whether the Penal Code would allow the Police to take some action.
- Review old Ordinances to research if the town previously had an Illegal Dumping Ordinance; and the reason it was cancelled.

RESULT: CONTINUE

Next Meeting: 11/04/2024 6:00 p.m.

5. Any other Old Business proper to come before the Committee. – None.

V. NEW BUSINESS

1. MOTION to recommend the Town Council extend Archery Hunting on Certain Town Owned Lands and Certain Open Space Properties for one-year in accordance with provisions in Ordinance#100-018 (rev. 1) "*An Ordinance Providing Archery Hunting on Certain Town Owned Lands and Certain Open Space Properties*".

Moved by Councilor Buhle, seconded by Councilor St. Vil

Discussion: Councilor St. Vil provided some background explaining in 2018 the Town Council adopted Ordinance #100-018 “*An Ordinance Providing for Archery Hunting on Certain Town Owned Lands*”. He stated the two properties that would be used for archery hunting were: (1) Clark Farm located on Route 117 on the north end of town; and (2) Founders Preserve (Paint Mill) Property located between Colonel Ledyard Highway and Pumpkin Hill Road on the south end of town (both properties were about 100 acres). He went on to explain at a Special Town Meeting held on October 28, 2020 the townspeople approved to transfer the Founders Preserve (also formerly known as: Quakertown Preserve/Paint Mill) to Avalonia Land Conservancy. He noted one of the terms for the land transfer was that Avalonia Land Conservancy would continue to allow archery hunting on the Founders Preserve property. He stated because the Founders Preserve would no longer be town-owned property that on April 25, 2021 Ordinance #100-108 (rev. 1) and its accompanying Appendix was amended to include provisions for “*non-town owned properties/certain open space properties*”.

Councilor St. Vil stated the archery hunting program was a Lottery System in which six people would win a lottery for each property to bow hunt, for a total of twelve people. He stated tonight’s action to extend the Program for one year was an Administrative Action, noting in accordance with Section 4. “*Annual Expiration*” the Ordinance would expire annually at the end of the calendar year, unless a vote of the Town Council was taken to approve to extend it for one year.

VOTE: 2 - 0 Approved and so declared.

RESULT: 2 – 0 APPROVED [UNANIMOUS]
MOVER: Jessica Buhle, Town Councilor
SECONDER: Gary St. Vil, Town Councilor
AYES: Jessica Buhle, Gary St. Vil
EXCUSED: Kevin Dombrowski

2. MOTION to set the Land Use/Planning/Public Works Committee’s 2025 Regular Meeting schedule to be the first Monday of each month at 6:00 p.m. as follows:

Land Use/Planning/Public Works Committee (1st Monday, Annex Building 6:00 p.m.)

January 6	February 3	March 3	April 7
May 5	June 2	July 7	August 4
September 8*	October 6	November 3	December 1
January 5, 2026			

Moved by Councilor Buhle , seconded by Councilor St. Vil

VOTE: 2 - 0 Approved and so declared.

RESULT: 2 – 0 APPROVED [UNANIMOUS]
MOVER: Jessica Buhle, Town Councilor
SECONDER: Gary St. Vil, Town Councilor
AYES: Jessica Buhle, Gary St. Vil
EXCUSED: Kevin Dombrowski

3. Any other New Business proper to come before the Committee. - None

IX. ADJOURNMENT-

Councilor Buhle moved the meeting be adjourned, seconded by Councilor St. Vil
2 - 0 Approved and so declared, the meeting was adjourned at 6:51 p.m.

VOTE:

Respectfully submitted,

Gary St. Vil
 Committee Chairman
 Land Use/Planning/Public Works Committee



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 23-1953

Agenda Date: 11/4/2024

Agenda #: 1.

LAND USE

Subject/Application:

Continued discussion regarding the progress of enforcing regulations to address blight issues.

Background:

The purpose for the LUPPW Committee to review the status of Blight issues was to monitor how effective Ordinance #300-012 (rev 1) 300-012 "*An Ordinance Concerning Blight and Public Nuisance for the Town of Ledyard*" was and to see if the Ordinance needed to be adjusted.

Ledyard was one of the first towns in the area to adopt an Ordinance to address blighted properties. Since the Ordinance was initially adopted in 2013, it was revised in 2019 to include some language that Groton had in their Ordinance. Groton's Ordinance has been tested in court and held up.

The intent of Ordinance #300-012 (rev 1) "*An Ordinance Concerning Blight and Public Nuisance for the Town of Ledyard*" was to have property owners comply, and not necessarily impose punitive fines or take them to court. To-date they have had success with getting most properties owners to comply.

The Town Council only had authority to change the Ordinance, the enforcement authority lied with the Blight Officer.

TOWN OF LEDYARD
Zoning Wetlands Official's Office
Blight Activity Report Sept-October 2024

New (N)	Ongoing (O)	COMPLAINT DATE	STREET ADDRESS	STREET NUMBER	UNIT NUMBER	LOCATION DISTRICT	ADDRESS ZIP	DESCRIPTION	VIOLATION	STATUS	NOTES
	O	3/20/2024	Allyn Ln	11	-	R20	06335	Junk left in the driveway	Blight	Open	To be reviewed by Land Use Director
	O	3/21/2024	Mull Berry	1	-	R20	06335	Unregistered motor vehicle appeared to be abandoned	Blight	Open	Follow up with owner as to who owns the vehicle and must be removed
	O	4/14/2024	Sunset Avenue	4	-	R40	6339	Vegetation overgrown	Blight	Closed	RVC sent 4/17/24 for improper storage of garbage. Site inspection 9/9/24 showed compliance.
	O	4/17/2024	Sunset Avenue	11	-	R40	06339	Vegetation overgrown	Blight	Open	RVC to be sent by Certified mail and will do Site inspection 10/31/24
	O	7/3/2024	Route 12	1711	-	I	03665	overgrown vegetation and junk in the front lawn	Blight	Open	Home is being handled by Ms. Sabila the lawyer overseeing the sale of the property. Land Use Director spoke with her 10/16/24
	O	7/17/2024	Royal Oaks	11	-	R40	06339	Unregistered motor vehicle on public roadway	Blight	Open	New owner of property to begin clean up will continue to monitor
	O	8/19/2024	Avery Hill Road	229	-	R40	06339	Overgrown vegetation	Blight	Open	Follow up drive by inspection needed.
N		9/10/2024	Richard Road	31	-	R40	6339	Rooster on property	Zoning	Open	RVC sent 10/18/24 and NOV with Intent to Cite sent 10/28/24 by
N		10/8/2024	Gallup Hill Rd	161	-	R40	06339	Fence overgrown and neighbor won't trim any vegetation or replace fence	Blight	Open	To be reviewed by Land Use Director
	O	10/16/2024	Gallup Hill Rd	143	-	R40	06339	Overgrown vegetation	Blight	Open	RVC to be reviewed by Land Use Director.
	O	10/16/2024	Maple Terrace	20	-	R60	06339	Complaint of junk on front lawn	Blight	Closed	company will continue to monitor
	O	3/6/2023	Route 12	1644	-	GFDD	06335	Abandoned go cart track	Blight	Open	Ongoing blight case. ZEO called real estate agent 08/19/24 and listing in formation was provided and market analysis to be
	O	6/20/2023	River Drive	5 and 7	-	R40	06335	Abandoned buildings/ improper storage of junk/ overgrown vegetation/ abandoned vehicles	Blight	Open	New property owner stopped in 10/25/24 to discuss what can be done. Meeting to be determined with Land Use Director and ZEO to see available options for clean up and any development of
	O	7/29/2013	Colonel Ledyard Highway	528	-	R40	06339	Ongoing blight case in the court system	Blight	Open	Case is in court at this time. No final ruling has been made.

RECEIVED FOR RECORD

2019 OCT 28 AM 11: 10

Ordinance #300-012 (rev-1)

AN ORDINANCE
CONCERNING BLIGHT AND PUBLIC NUISANCE
FOR THE TOWN OF LEDYARD

Section 1. Purpose/Declaration

It is hereby found and declared that there exist in the Town of Ledyard a number of blighted properties and that continued existence of blighted properties constitutes a continuing nuisance and contributes to the decline of our neighborhoods. Existence of blighted properties adversely affects the economic well-being of the Town of Ledyard.

Section 2. Authority

This Ordinance is enacted pursuant to the Connecticut General Statutes (C.G.S.), Section 7-148(c)(7) and Section 14-150a. This Ordinance is to be enforced as a blight ordinance, pursuant to Section 7-148(c)(7)(H)(xv), and as a nuisance ordinance, pursuant to C.G.S. Section 7-148(c)(7)(E).

Section 3. Scope of Provisions

Many of the blighted properties may be rehabilitated, reconstructed, demolished, cleaned up, groomed, maintained, returned to satisfactory condition or reused to provide decent, safe, sanitary housing or commercial facilities. Such rehabilitation, reconstruction, demolition, cleanup or reuse of the blighted and nuisance properties would eliminate, remedy and prevent adverse conditions.

This Ordinance shall apply to the maintenance of all properties now in existence or hereafter constructed, maintained, or modified but shall exclude: agricultural lands as defined in Section 22-3(b) of the Connecticut General Statutes, land preserved in its natural state through conservation easements, or areas designated as inland wetlands and watercourses.

Section 4. Definitions

For the purpose of this Ordinance, the following words, terms and phrases shall have the following meanings, unless the context indicates otherwise:

- A. Legal Occupancy - Occupancy in accordance with state building, state fire, local zoning, or all other pertinent codes and Connecticut General Statutes.
- B. New Owner Or New Occupant - Per PA 12-146(3)(b) , "new owner" means any person or entity who has taken title to a property, and "new occupant" means any person who has taken occupancy of a property, within thirty days of the notice, of violation and reasonable opportunity to remediate required by C.G.S. 7-148 (c) (7)(h)(xv).
- C. Dilapidated - Any building or structure or part thereof that would not qualify for a Certificate of Occupancy or which is deemed an unsafe structure as defined in the Connecticut State Building Code, or any dwelling or unit which is designated as unfit or unsafe for human habitation as defined by the Connecticut Health Code.
- D. Abandoned Motor Vehicle or Marine Vessel - Any motor vehicle or marine vessel which has the appearance that the owner has relinquished control without the intent of reclaiming it including but not limited to, a vehicle or marine vessel with no marker plates, or one

E. Abandoned Property - Any real property on which there is a vacant structure and on which (1) real property taxes have been delinquent for one year or more and orders have been issued by the Fire Marshal, Building and Zoning Official or Health District and there has been no compliance with these orders within the prescribed time given by such official or within 90 days, whichever is longer, (2) the owner has declared in writing to the Building and Zoning Official that the property is abandoned or (3) there has been a determination by the Zoning Official, in accordance with this Ordinance, that the vacant structure contributes to blight.

F. Blighted Property -Any building, structure or parcel of land in or on which at least one of the following conditions exists:

1. It is dilapidated as documented by the Building and Zoning Official.
2. It is being used for or used as storage or harbor for illegal activity as documented by the Police Department, including criminal activities per investigations, arrest warrant applications and actual arrest convictions.
3. It is a fire hazard as determined by the Fire Marshal or as documented by the Fire Department.
4. The condition of the building, structure or parcel of land constitutes an unsafe structure as defined by the Connecticut Building Code and poses a serious or immediate danger to the safety, health or general welfare of the community as documented by the Building and Zoning Official or by the Health District.
5. It is not being adequately maintained, as determined by the following factors:
 - a. missing or boarded windows or doors, collapsing or missing walls, roof or floors,
 - b. seriously damaged or missing siding, or the building is otherwise dilapidated,
 - c. a structurally faulty foundation, fire damage, or physical hazards,
 - d. rodent harborage and infestation, improper storage of garbage, trash, rubbish, discarded household appliance or furniture, tires, discarded motor vehicle parts,
 - e. an overgrown plot of grass, customarily tended or mowed, adjacent to and/or part of a residence, business, commercial entity, or estate, wherein the grass has not been mowed and has grown to at least nine inches in length,
 - f. peeling or chipping paint exceeding thirty-three percent (33%) of the structure's total exposed surface area.
6. Any unregistered, abandoned or inoperable motor vehicle or marine vessel located on a parcel of land for a period exceeding 30 days.

Exceptions:

- a. Vehicles or marine vessels under cover. One unregistered motor vehicle or marine vessel being offered for sale by the owner or tenant provided said motor vehicle or vessel does not remain on the same property for a period exceeding 60 days.
- b. Motor vehicles located on a property of a business enterprise lawfully licensed by the Town of Ledyard and Connecticut Department of Motor Vehicles.
- c. Any motor vehicle, which is in operable condition specifically adapted or

- i. Only two such vehicles or vessels shall be allowed at one time on the property in question.
 - ii. Parts used in the restoration must be stored in the vehicle or marine vessel or in a structure.
 - iii. Such motor vehicles or marine vessels shall be covered and secured with a cover or tarp, provided the tarp is securely attached whenever work is not being done on them.
 - iv. The brush and growth under and around the motor vehicle(s) or marine vessel(s) shall be controlled and mowed.
- 7. It creates substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the neighborhood as documented by neighborhood complaints, which complaints have been independently substantiated.
 - 8. Its inadequate maintenance or dilapidated condition has led to the cancellation of insurance on proximate properties.
 - 9. Its inadequate maintenance or dilapidated condition has materially contributed to a decline or diminution in property values on proximate properties.
 - 10. It is adjacent to a sidewalk, for which the property's owner, agent, tenant or responsible person is responsible for maintaining safe conditions for the use of the public pursuant to ordinances and regulations of the Town of Ledyard, and its sidewalk is in any way obstructed by or littered with any substance, including trees, bushes, overgrowth, leaves, gravel, dirt, rubbish, garbage, bulky waste or trash, which would in any way impede or imperil public travel upon said sidewalk or render it unsafe.
 - 11. It attracts or harbors rodents, insects, vermin or disease-carrying animals.
- G. Building and Zoning Official - Building Official as defined in C.G.S., Section 29-260.
 - H. Citation Hearing Committee - The Mayor shall appoint one or more Citation Hearing Officer(s), as defined in and pursuant to C.G.S., Section 7-152c to serve on the Citation Hearing Committee.
 - I. Enforcement Officer - The Enforcement Officer(s) are those authorized by the Mayor to take such enforcement actions and to issue citations as specified in this Ordinance.
 - J. Exempt Property - Any property acquired by the Town of Ledyard through foreclosure, eminent domain, or by a deed in lieu of foreclosure would be exempt from the provisions of this Ordinance only during the first six (6) months following the date of the foreclosure, and any building or structure undergoing remodeling being diligently conducted and pursued under an active building permit would only be exempt during such remodeling period.
 - K. Inoperable Motor Vehicle or Marine Vessel - Any motor vehicle or marine vessel that is incapable of performing the function for which it was designed by virtue of missing parts or broken or severely damaged components.
 - L. Marine Vessel - A ship, boat or other craft used in water navigation
 - M. Motor Vehicle - Any device propelled by any power other than human power that is or was

- N. Neighborhood - An area of the Town of Ledyard comprised of premises or parcels of land any part of which is within a radius of 800 feet of any part of another parcel or lot within the Town of Ledyard.
- O. Public View - Visible from any public right of way or neighboring property.
- P. Sidewalk. Any public way adjacent to streets, highways and those public rights of ways used for vehicular traffic that are used for pedestrian traffic.
- Q. Under Cover Completely enclosed in a garage or other building serving the same purpose of a garage.
- R. Unregistered Motor Vehicle or Marine Vessel Any motor vehicle or marine vessel that in its present condition is able to be registered but does not have a valid registration.
- S. Vacant - A period of sixty (60) days or longer during which a building subject to this Ordinance is not legally occupied. Vacant status in and of itself does not constitute a blighted building.

Section 5. Designation of Blighted Property

- A. The Enforcement Officer(s) shall be responsible for determining whether a property which comes to the attention of the Town, whether through written complaint or through the normal operations of the Town, is blighted according to the definitions in this Ordinance.
- B. The Enforcement Officer(s) shall investigate and document conditions of blight, if any, and file a written report with the Mayor or his/her designee. The Enforcement Officer's report shall state whether or not the property is a blighted property within the meaning of this Ordinance. Such report shall be kept by the Town and may be available to the property owner upon request.

Section 6. Property Owner Notification

- 1. Whenever the Town of Ledyard identifies a blighted premises, written notice of the violation shall be given to the owner and/or the occupant of the property, by posting a notice of the violation in a conspicuous location at the blighted premises, and delivering a copy of the notice of the violation to an owner, either by hand delivery or by mail. Said notice shall specify that the owner or occupant has seven days, from the date notice was posted and mailed, to remediate the blighted conditions, or the Town will take enforcement action. In the case of an unidentified owner or one whose address is unknown, the Enforcement Officer shall publish a notice in a local newspaper stating the property is cited for blight and, if applicable, whether the property has been determined to be abandoned.

The notice shall contain the following information:

- a. The address of the affected property.
- b. The exact nature of the violation.
- c. The time allowed for corrective action shall be in accordance with CGS 7-148.
- d. The penalty for continued violation of this Ordinance.
- e. The availability of a hearing procedure before the Blight Appeals Committee pursuant to CGS 7-152c; and
- f. The penalty for violation of this ordinance shall be \$100 for each day that a violation continues.

3. After the expiration of the seven-day period specified in subsection (A) of this section and without the alternate timetable specified in subsection (B) above, the Town of Ledyard, through its designated agents, may enter blighted premises during reasonable hours for the purposes of remediating blighted conditions, provided neither the Town of Ledyard, nor its designated agents, enter any dwelling house or structure on such property. Costs associated with the remediation of blight may be recovered by the Town in accordance with C.G.S. Section 49-73(b).

Section 7. Creation or Continuation of Blighted Property Prohibited

No person, firm or corporation, no owner, agent, tenant, operator, possessor of real property, and no other person responsible for the care, maintenance and/or condition of real property, shall cause or allow any blighted property, as defined in Section II of this Ordinance, to be created or continued.

Section 8. Enforcement: Criminal Violations And Civil Penalties

- A. Criminal Violations: Pursuant to C.G.S. 7-148 (c) (7) (H) (xv), any person or entity who, after written notice and a reasonable opportunity to remediate blighted conditions as specified in Section 6(A) of this Ordinance, willfully violates Section 4 of this Ordinance, may be fined by the State of Connecticut not more than two hundred and fifty dollars (\$250.00) for each day for which it can be shown, based upon an actual inspection of the property on each such day, the blighted conditions continued to exist after written notice to the owner or occupant, as provided in Section 6 (A). This section is designated as a violation pursuant to C.G.S. 53a-27.
 1. No person or entity shall be found guilty of a violation pursuant to Section 7 (A) and a civil penalty pursuant to Section 7 (B) of this Ordinance for the same occurrence.
 2. Any person who is a new owner or occupant shall, upon request, be granted a thirty-day extension of the notice and opportunity to remediate, provided pursuant to Section 6(A), prior to imposition of a fine; if the blight is remediated during said extension, the case shall be dismissed.
- B. Civil Penalties: Any person or entity who fails to comply with Section 4 of this ordinance, and, thereafter, fails to remediate the blighted conditions within five days of the notice provided pursuant to Section 6 (A) may be assessed a civil penalty for each building, structure or parcel of land in violation of this Ordinance. The amount of the civil penalty shall be one hundred dollars (\$100.00) per day. Each day a building, structure or parcel of land remains in violation of this Ordinance shall constitute grounds for the assessment of a separate civil penalty. The issuing officer shall deliver written notice of the civil penalty, either by hand delivery or by mail, to the owner or occupant responsible for the blighted premises. Said notice will include the nature of the violation and the penalty being assessed.
 1. Penalties assessed pursuant to subsection (B) of this section shall be enforceable by citation pursuant to C.G.S. Section 7-152c.
 2. Persons or entities assessed a penalty pursuant to subsection (B) of this section shall remit fines for said violation within ten (10) days of the mailing of notice thereof. The fine imposed shall be payable to the Town of Ledyard. Uncontested payments received pursuant to this subsection shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the person or entity making the payment.

Section 9. Civil Penalty Citation Hearing Procedure

- A. Notification of right to hearing. At the time that the civil penalty is assessed, the person

1. that the owner may request a hearing to contest the determination of blight and/or the assessed penalty,
2. that the owner must provide a written request for such a hearing within ten days of the date of notification,
3. that if the property owner does not demand such a hearing, an assessment and judgment shall be entered against the property owner
4. that the judgment may be issued without further notice.

B. Rights of the Respondent

1. Admission of Liability. If the property owner who is sent notice pursuant to subsection (A) above wishes to admit liability for any alleged violation, the owner may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail in accordance with Section 7 (A) (2) above and remediate the blighted property. Payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the property owner making the payment.
 2. Constructive Admission of Liability. Any person or entity who fails to deliver or mail written demand for a hearing within ten days of the date of the first notice provided for in subsection A above shall be deemed to have admitted liability, and the Citation Hearing Board shall certify the property owner's failure to respond to the Citation Hearing Board. The Citation Hearing Board shall thereupon enter and assess the fines, penalties, costs or fees provided for in this ordinance including per diem penalties retroactive to the original date of expected remediation as specified in Section 6(A) and shall follow the procedures set forth in Section 8 (C) of this ordinance.
 3. Right to Hearing. Any person or entity who requests a hearing shall be given written notice of the date, time and place for the hearing. The hearing shall be held not less than fifteen days, nor more than thirty days, from the date of the mailing of notice, provided, the Citation Hearing Board may grant, upon good cause shown, any reasonable request by any interested party for continuance.
- C. Formal Hearing Procedure. The Citation Hearing Officer shall preside over a hearing which shall be held in the manner outlined in Connecticut General Statutes, Section 7-152c. The Citation Hearing Officer shall render the decision in writing and file it within five days with the Enforcement Officer, the Mayor, and send it by certified mail, return receipt requested, to the property owner or other responsible person and to all parties in the proceedings. The Citation Hearing Officer may decide one of the following:
1. Dismissal. If the Citation Hearing Officer determines that the respondent is not liable, the Citation Hearing Officer shall dismiss the matter, and enter the determination in writing.
 2. Finding of Liability: Assessment. If the Citation Hearing Officer determines that the respondent is liable for the violation, the Citation Hearing Officer shall enter and assess the fines, penalties, costs or fees against the respondent, as provided by the Section 7 (A) including per diem penalties retroactive to the expected date of remediation as set forth in Section 5 (A).

D. Notice of Assessment; Effect.

1. Assessments must be paid to the Town of Ledyard within 10 days of receipt of the Citation Hearing Officer's determination.

judicial district civil courthouse), together with the appropriate entry fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within the twelve-month period, assessments against the same person may be accrued and filed as one record of assessment.

- a. Entry of judgment. The court clerk shall enter judgment in the amount of the record of assessment, and court costs, allowed by the General Statutes, in favor of the Town pursuant to C.G.S. 7152(c).
 - b. Effect of judgment; levy of execution permitted. Notwithstanding any provision of the General Statutes, the Citation Hearing Officer's assessment, when so entered as a judgment, shall have effect of a civil monetary judgment, and a levy of execution on the judgment may issue without further notice, to the respondent.
- E. A decision of the Citation Hearing Officer may be appealed to Superior Court in accordance with the provisions of C.G.S., Section 7-152c(g).

Section 10. Failure to Respond to Citation

- A. If the property owner, agent, tenant or responsible person fails to respond to the citation of blight or is unwilling or unable to rehabilitate, demolish, groom, or maintain the blighted property according to the provisions of this Ordinance, the Town may:
1. Take the necessary steps to acquire blighted properties, which have been certified by the Building and Zoning Official to be abandoned pursuant to the Urban Homestead Act of the Connecticut General Statutes.
 2. Take the necessary steps to acquire and rehabilitate the blighted premises in accordance with the Town of Ledyard Plan of Conservation and Development.
 3. Take the necessary steps to acquire blighted properties using other state or federal means as they may be available.

Section 11. Removal of Abandoned, Inoperable or Unregistered Motor Vehicles

For all properties declared blighted properties within the meaning of this Ordinance as a result of the presence of an abandoned, inoperable or unregistered motor vehicle, which blighted condition has remained in effect for thirty (30) days or which motor vehicle has remained abandoned, inoperable or unregistered on site for thirty (30) days after:

1. Notice by hand delivery or by certified mail, return receipt requested, to the last known address of the owner of the property on which such motor vehicle remains, or the owner of the abandoned motor vehicle, if different from the owner of the property requesting the removal of such motor vehicle; and
2. Notice in a newspaper having a general circulation in the Town of Ledyard.

The Chief of Police may provide for the removal and storage of said motor vehicle or parts thereof. The costs of the removal and storage of said motor vehicle or parts thereof and the costs of notices shall be borne by the owner of the property from which the motor vehicle or parts thereof are removed or, if the owner of the property is not the owner of the abandoned motor vehicle, by the owner of the abandoned motor vehicle.

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

If the costs of the removal and storage of the motor vehicle remain unpaid for a period of thirty (30) days, the Chief of Police may and shall remove the vehicle.

Ledyard at least ten (10) days prior to said auction date. The proceeds of such sale will be used by the Chief of Police to defray the costs of removal, storage and notice. If there should be any money left over after the payment of said costs, the excess proceeds shall be turned over to the owner of the property involved, or if the owner of the property is different from the owner of the abandoned motor vehicle, or if neither property is known, said funds shall be deposited in the General Fund of the municipality.

Any person aggrieved by a notice requesting the removal of a motor vehicle or by the removal of same may, within 15 days of receipt of notice, appeal said ruling to the Citation Hearing Officer. Said appeal shall be heard and appeals may be taken from any such hearing in accordance with the procedures as set forth in the C.G.S., Section 7152c.

Section 12. Collection of Fines Imposed and Costs Incurred

- A. All fines imposed for violation of this Ordinance shall be payable to the Town of Ledyard and deposited in the General Fund.
- B. Upon petition of the property owner, the Town Council may waive and release the penalties and liens (excluding motor vehicle violations) if:
 - 1. The Town of Ledyard acquires the property; or
 - 2. At the time of the sale of the blighted property, in the Town Council's opinion, the buyer has the financial ability and intention and has indicated in writing to the Town Council his, her, or its intent to immediately rehabilitate the blighted property. Failure to rehabilitate the blighted property, within the agreed upon timeframe will result in reinstatement of the previous penalties and liens as well as accrual of additional penalties and liens from the date of the waiver.
- C. Pursuant to C.G.S., Section 7-148aa, any unpaid fine imposed pursuant to this Ordinance shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. In addition, pursuant to C.G.S. 49-73, any expenses incurred by the Town pursuant to this Ordinance shall be subject to a lien. Said lien may be foreclosed upon and enforced in the same manner as property tax liens. The Town of Ledyard Tax Collector is hereby empowered to place a lien on the land records in the manner as specified by Connecticut General Statutes provided a copy of said lien is mailed by first class mail to the owner as set forth on the most recent tax assessment list.

Section 13. Municipal Abatement

In any action to enforce this Ordinance or to enforce any violation hereof, including the failure to pay a fine or penalty, the Town of Ledyard may recover its costs, any and all fines provided for herein, equitable and legal relief, along with any reasonable attorney fees and its witness fees and such other relief as permitted by law.

Section 14. Administrative Responsibility

The Enforcement Officer(s) may prescribe administrative procedures necessary for the purpose of effectuating this Ordinance, which procedure shall be approved by the Town Council.

Section 15. Severability

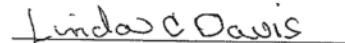
If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.


Section 16. Violation

Section 17. Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

Amended, Adopted and by the Ledyard Town Council on: October 23, 2019

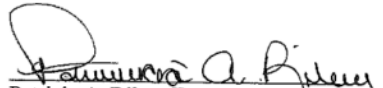

Linda C. Davis, Chairman


Fred Allyn, III, Mayor

Approved/Disapproved on: 10/24/2019

Published on: October 31, 2019

Effective Date: November 21, 2019


Patricia A. Riley, Town Clerk

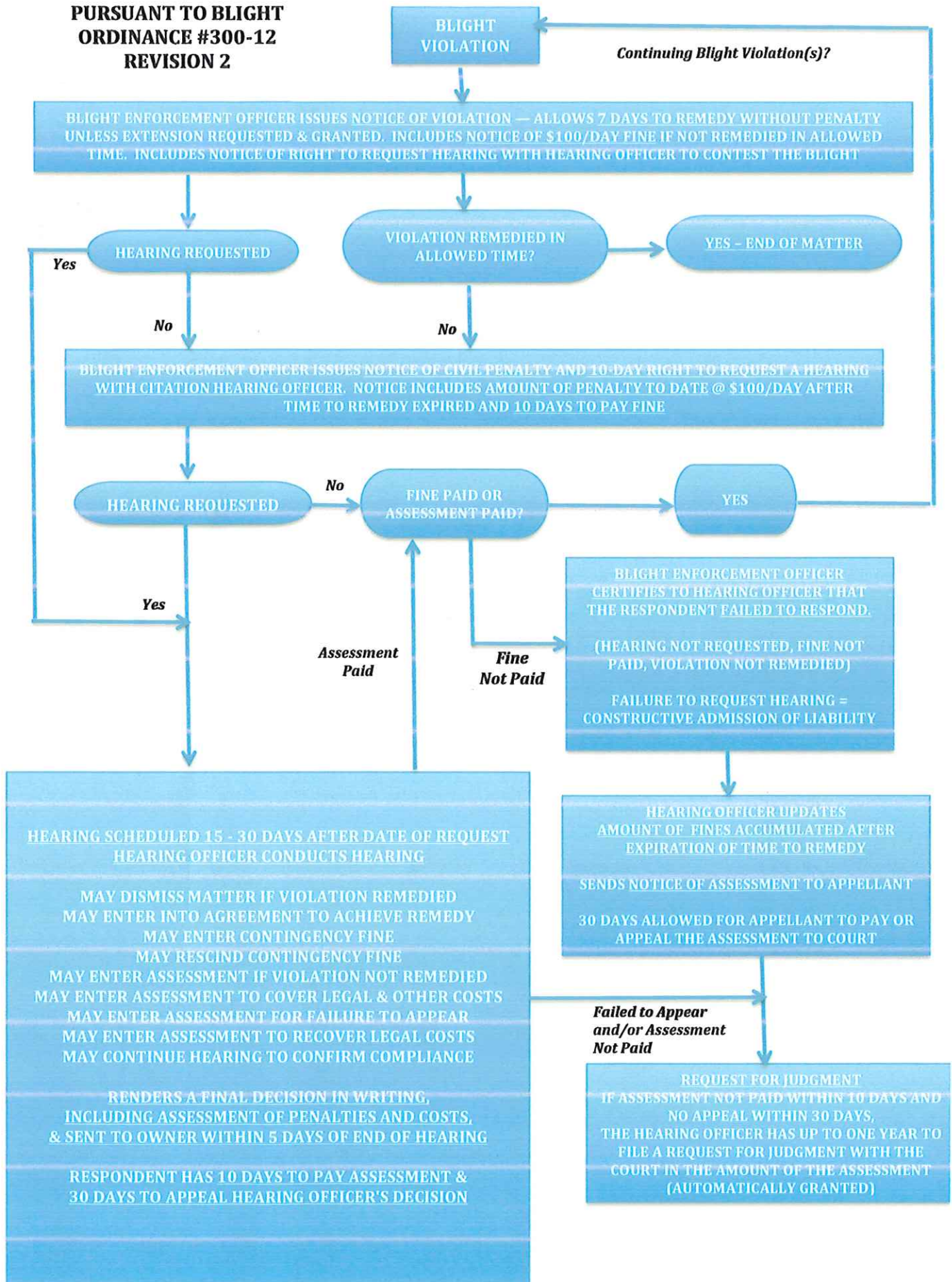
Revision: Ordinance #130 "*Town of Ledyard Blight Ordinance*" Adopted March 12, 2013.

History: The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #130 "*Town of Ledyard Blight Ordinance*" to Ordinance #300-012. No changes were made to the Ordinance (Town Council September 25, 2019 meeting).

2013: Ordinance #130 "*Town of Ledyard Blight Ordinance*" was adopted after several years of work and debate. The intent of the Ordinance is to protect property values by providing the town with another tool to deal with problem properties in town, such as foreclosed properties/bank owned properties that have not been maintained for years. The Ordinance provides the town with a tool to request the bank mow the grass, trim the hedges, etc., because the neighbors are affected by the unmaintained property. The Ordinance also enabled the Town to request certain commercial and industrial properties be cleaned up and be maintained. The intent of the Ordinance is not intended to cause conflict between neighbors.

2019: The "*An Ordinance Concerning Blight and Public Nuisance for the Town of Ledyard*" was a complete rewrite of the Town of "*Ledyard Blight Ordinance*", to more clearly define the intent.

**PURSUANT TO BLIGHT
ORDINANCE #300-12
REVISION 2**



PURSUANT TO ZONING CITATION ORDINANCE #300-009

ZONING VIOLATION

Continuing Zoning Violation(s)?

ZEO ISSUES NOTICE OF VIOLATION AND INTENT TO CITE (*) - ALLOWS 30 OR MORE DAYS TO REMEDY WITHOUT PENALTY - INCLUDES NOTICE OF \$150 DAILY FINE IF NOT REMEDIED IN ALLOWED AMOUNT OF TIME.

() 15 days to appeal ZEO decision to ZBA (Unlikely — and will not stay the \$150/day fine beginning when time-to-remedy ends.)*

VIOLATION REMEDIED IN ALLOWED TIME?

YES - END OF MATTER

ZEO ISSUES ZONING CITATION (*) INCLUDES AMOUNT OF FINE DUE AFTER TIME TO REMEDY EXPIRED — ALLOWS 10 DAYS TO PAY INCLUDES OPTIONAL NOTICE OF RIGHT TO HEARING

NO

FINE PAID?

YES

AFTER 10 DAYS AND WITHIN 12 MONTHS THE ZEO ISSUES NOTICE OF RIGHT TO HEARING INCLUDES UPDATED AMOUNT OF FINES NOW DUE AFTER TIME TO REMEDY EXPIRED 10 DAYS TO PAY UPDATED FINE - OR - 10 DAYS TO REQUEST HEARING

Fine Not Paid & Hearing Not Requested

ZEO CERTIFIES TO HEARING OFFICER OF VIOLATOR'S FAILURE TO RESPOND HEARING NOT REQUESTED, FINE NOT PAID VIOLATION NOT REMEDIED

HEARING REQUESTED

HEARING OFFICER UPDATES AMOUNT OF FINES NOW DUE AFTER TIME TO REMEDY EXPIRED SENDS NOTICE OF ASSESSMENT TO VIOLATOR 30 DAYS ALLOWED FOR APPELLANT TO PAY OR APPEAL THE ASSESSMENT IN COURT

YES HEARING SCHEDULED 15 - 30 DAYS AFTER DATE OF REQUEST HEARING OFFICER CONDUCTS HEARING MAY DISMISS MATTER IF VIOLATION REMEDIED MAY ENTER INTO AGREEMENT TO ACHIEVE REMEDY MAY ENTER CONTINGENCY FINE MAY RESCIND CONTINGENCY FINE MAY ENTER ASSESSMENT IF VIOLATION NOT REMEDIED MAY ENTER ASSESSMENT TO COVER LEGAL & OTHER COSTS MAY CONTINUE HEARING TO CONFIRM COMPLIANCE RENDERS A FINAL DECISION AT END OF HEARING SENDS FINAL DECISION & NOTICE OF ASSESSMENT TO APPELLANT 30 DAYS ALLOWED FOR APPELLANT TO PAY ASSESSMENT OR APPEAL HEARING OFFICER'S FINAL DECISION

Assessment Not Paid

REQUEST FOR JUDGMENT IF ASSESSMENT NOT PAID WITHIN 30 DAYS — THE HEARING OFFICER HAS UP TO ONE YEAR TO FILE A REQUEST FOR JUDGMENT WITH THE COURT IN THE AMOUNT OF THE ASSESSMENT (AUTOMATICALLY GRANTED)



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 23-2143

Agenda Date: 11/4/2024

Agenda #: 2.

AGENDA REQUEST
INFORMATIONAL ITEM

Subject:

Spicer Homestead Ruins - Historical Research and Photos.

Background:

(type text here)

Department Comment/Recommendation:

(type text here)

TIMELINE OF SPICER RUINS “DISCOVERY” AND PURSUIT OF PRESERVATION, 4.4 ACRES WITHIN BOUNDARY OF 1025 COL. LEDYARD HWY, (CLARK FARM) UPPER SECTION, FORESTED.

Tri Town Trail conceptualized by David Holdridge prior to 2008

2008 Tri Town Trail Master Plan developed with SCCOG \$ 5,000 grant from Millstone

2016 first DEEP grant to Town of Ledyard

2019 permission given by Town of Ledyard to begin trail-blazing/trail building for Phase I, on Town owned property 1087 Col Ledyard Hwy (open space) and two easements

2020 permission given to trail blaze across town owned Clark Farm (by Mayor Allyn, adm control) The “Clark Farm” is 101 acres farmed by the Clark family for over 100 years. Became Town-owned property via exchange of property with Mashantucket Tribal Nation (2007)

2020 while blazing trail, “discovery” of remains of well and foundation (oldsters said may be Spicer)

2021 extensive research done by Karen Parkinson on Spicer family. Community Foundation grant written and granted for building bridges and archeology research of land records to verify ruins. Ruins are significantly “undisturbed” and stone walls/foundations undisturbed. Spicer Homestead dates to approximately 1670. Peter and Mary Spicer, first settlers, are the ancestors of many Mystic whaling captains (Spicer Marina), founders of Spicer oil, “Parke” Spicer (Preston’s long -serving selectman) and many Town of Ledyard and Preston early leaders. The Homestead was occupied for five generations and became over 200 acres. John and Cyrus each inherited half the farm in 1769; Cyrus sold east half to Isaac Geer in 1788; John and successors farmed west half for another hundred years. The original dwelling is referenced as “the mansion” in 1769 will of John (4). Its demise is not known and would need to be researched in land records.

2022 Completion of contracted archeology research by Sara Holmes, PhD. Verifying that site is Spicer Homestead settled circa 1670. Study was funded by Community Foundation grant to Tri Town Trail Association. Report shared with Town officials and copies donated to Bill Library and Preston Library. Ledyard Rotary granted TTT \$ 1,000 for signage and fencing of Homestead.

2022 study shared with State of CT Archeology. “site number” obtained.

2023-present. Continued working relationship with Town officials to develop plan for preservation, suggesting the Historic District Commission be assigned administrative control. Two site walks conducted with Land Use Commission (2023, 2024), Historic District Commission agreed to accept administrative control of site

Map of proposed “Spicer Homestead Ruins” constructed with the assistance of Chad Frost. There are no existing buildings. There is evidence of a dug well, twin cellar pits, corner foundations of dwelling, extensive stone wall system, foundation of small barn, and large erratic boulder, known as “Spicer Rock” referenced in Spicer genealogy books. The proposed 4.4 acres is outlined by existing stone walls, the unnamed brook, and the Eversource easement boundary. There is a wooden crossing (no foundations) of the brook built by Tri Town Trail volunteers. The crossing is referenced as “Spicer Bridge” and the unnamed brook is referenced as “Mary Spicer Brook.”

Submitted to Land Use Committee, Sept 9, 2024 by Karen Parkinson, Historic District Comm.

TRI TOWN TRAIL PHASE 2

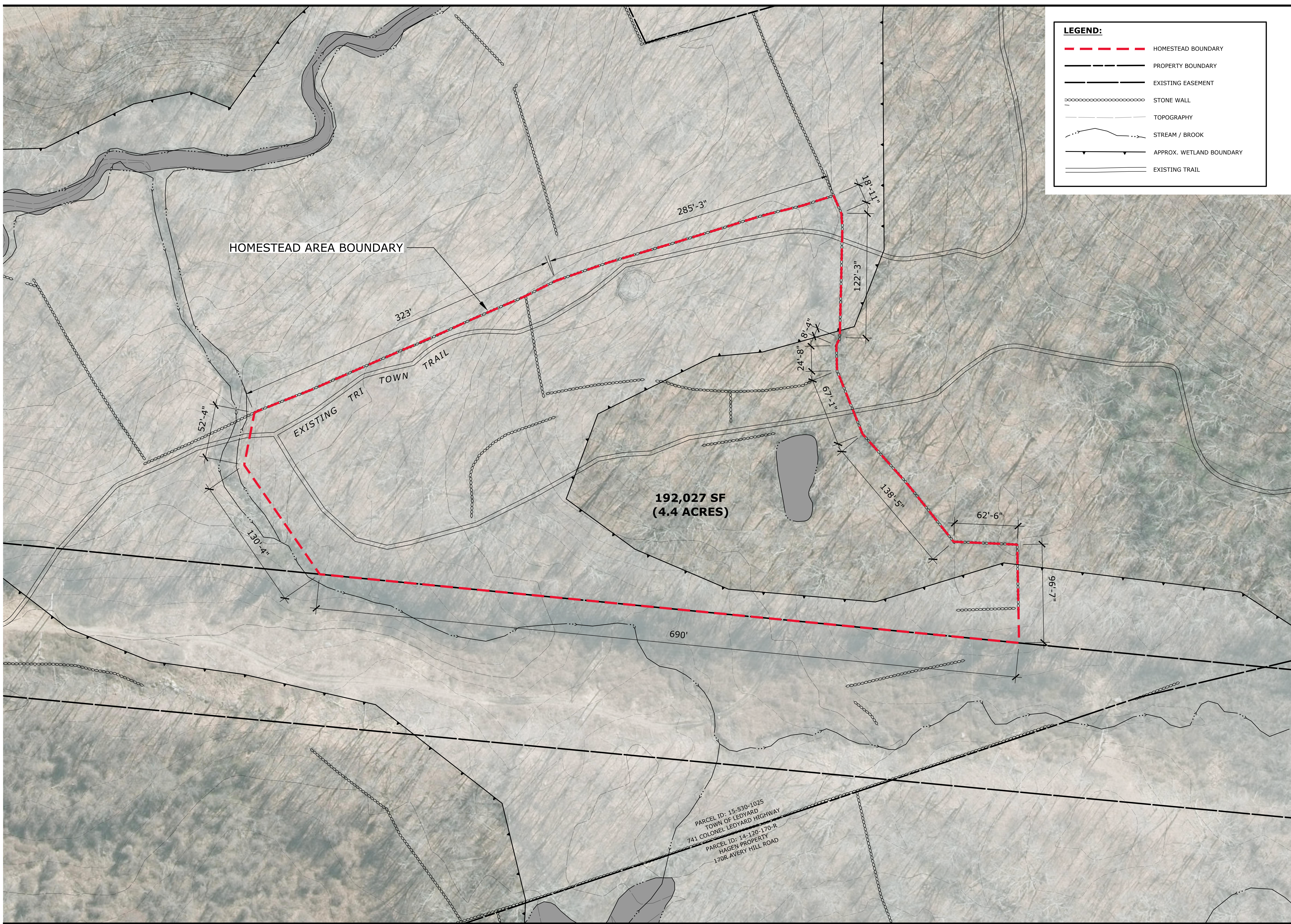
Ledyard, CT

**LANDSCAPE
KENT+FROST
ARCHITECTURE**

1 HIGH STREET
MYSTIC, CT 06355
860.572.0784
kentfrost.com

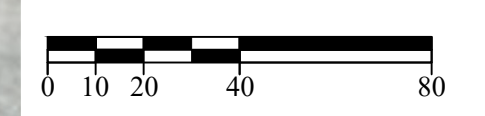
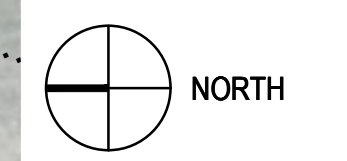
LEGEND:

- - - - - HOMESTEAD BOUNDARY
- PROPERTY BOUNDARY
- EXISTING EASEMENT
- STONE WALL
- TOPOGRAPHY
- STREAM / BROOK
- APPROX. WETLAND BOUNDARY
- EXISTING TRAIL



**PRELIMINARY
REVIEW**

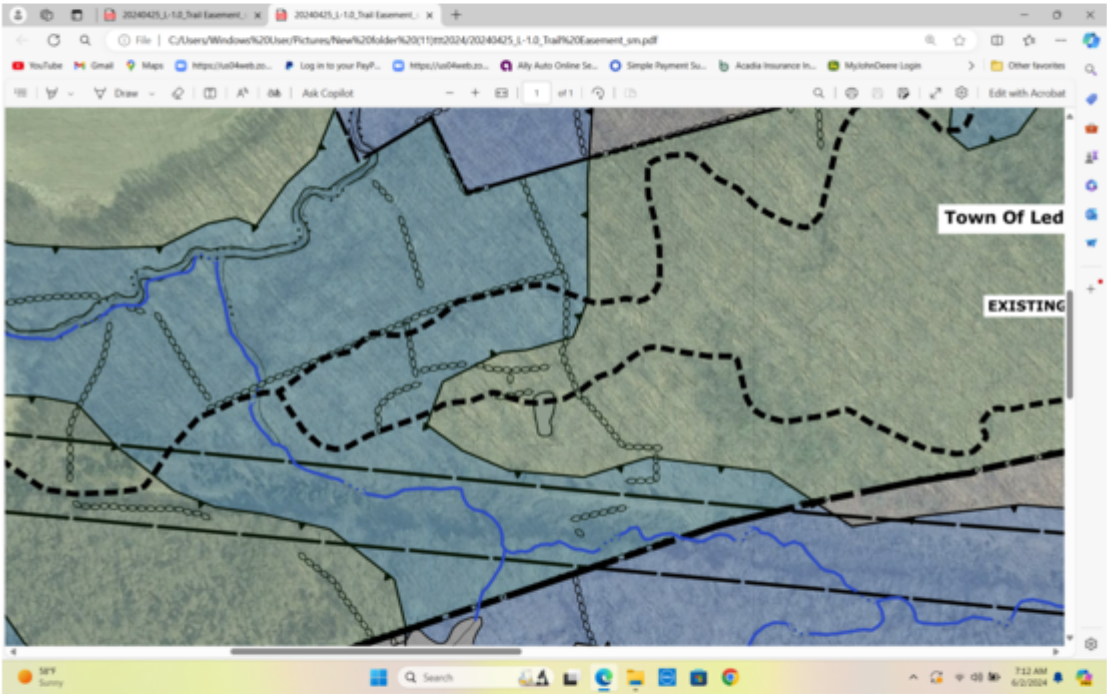
Revisions	Date



**HISTORIC
HOMESTEAD AREA**

Scale	1" = 40'
Date	June 17, 2024
K-F Project No.	2023001
Drawing No.	

L-1.0



Pequot Trail - Hellgate Hiking | x

trailforks.com/trails/pequot-trail-hellgate/

United States > Connecticut > New London County > Preston

Pequot Trail - Hellgate BlueBlazes / hike trail

Overview Photos (0) Videos (0) Reports (0) Comments (0) Ride Logs Leaderboard Stats 3D Tour [Add Photo](#)

3.6 miles Distance 258 ft Climb -343 ft Descent 281 ft High Point

Status no votes yet completed check-in save

Details

Activities: [Hike](#) [Trail Running](#)

Riding Area: [Eston](#), [Connecticut](#)

Blaze Number: [BlueBlazes](#)

Difficulty Rating: [Blue](#) easy

Hiking SAC Scale: [T1 Hiking](#)

Trail Type: [Singletrack](#)

Direction: [Both Directions](#)

Little-used blue trail. The northern section follows power lines and a helpful neighbor mows a section of that otherwise would be choked with briars. The high point of the trail is on part of the parcel devoted to the Mohegan Sachem Uncas. The old road that passes through a rocky slot has been known as Hellgate since Colonial times. Please respect areas that are posted by staying on the trail.

Directions to pequot-trail-hellgate trailhead (41.536400, -72.030390)

Pequot Trail -... Trail Reports

[write trail status or condition](#)

no reports have been added for Pequot Trail - Hellgate yet. [add a trail report](#)

77°F Mostly cloudy 11:16 AM 5/28/2024

Roxanne Maher

From: Kevin J. Dombrowski
Sent: Monday, June 03, 2024 8:26 AM
To: Gary St. Vil; Roxanne Maher
Subject: Spicer Ruins/next steps

Gary, looking at the statutes, I believe these would be the next steps to move forward.

Next Steps

IAW CGS Chapter 97, Sec. 7-147b

1. The legislative body shall appoint or authorize the chief elected official of the municipality to appoint an historic district study committee for the purpose of making an investigation of a proposed historic district or districts.
2. The historic district study committee shall:
 - a. Perform an analysis of the historic significance and architectural merit of the buildings, structures, places or surroundings to be included in the proposed historic district or districts and the significance of the district as a whole
 - b. Provide a general description of the area to be included within the district or districts, including the total number of buildings in each such district or districts listed according to their known or estimated ages
 - c. Create a map showing the exact boundaries of the area to be included within the district or districts
 - d. Develop a proposed ordinance or proposed ordinances designed to create and provide for the operation of an historic district or districts
 - e. Determine such other matters as the committee may deem necessary or advisable
3. The historic district study committee shall transmit copies of its report to the Department of Economic and Community Development, the planning commission and zoning commission, or the combined planning and zoning commission, of the municipality, if any, and, in the absence of such a planning commission, zoning commission or combined planning and zoning commission, to the chief elected official of the municipality for their comments and recommendations.
 - a. Each such commission, board or individual shall deliver comments and recommendations to the committee within sixty-five days of the date of transmission of such report.
4. The historic district study committee shall hold a public hearing on the establishment of a proposed historic district or districts not less than sixty-five nor more than one hundred thirty days after the transmission of the report to each party listed above
 - a. except that, if all such parties have delivered their comments and recommendations to the committee, such hearing may be held less than sixty-five days after the transmittal of the report.
 - b. The comments and recommendations received pursuant from the above listed, shall be read in full at the public hearing
5. The historic district study committee shall submit its report with any changes made following the public hearing, along with any comments or recommendations received, and such other materials as the committee may deem necessary or advisable to the legislative body and the clerk of the municipality within sixty-five days after the public hearing.
6. The clerk or his designee shall, not later than sixty-five days from receipt of such report, mail ballots to each owner of record of real property to be included in the proposed district or districts on the question of creation of an historic district or districts, as provided for in CGS sections 7-147a to 7-147k, inclusive.

7. The form of the ballot to be mailed to each owner shall be consistent with the model ballot prepared by the Historic Preservation Council of the Department of Economic and Community Development established pursuant to CGS section 10-409. The ballot shall be a secret ballot and shall set the date by which such ballots shall be received by the clerk of the municipality. The ballots shall be mailed by first class mail to each owner eligible to vote in such balloting at least fifteen days in advance of the day on which ballots must be returned.
8. If two-thirds of all property owners voting cast votes in the affirmative, the legislative body of the municipality shall by majority vote take one of the following steps:
 - a. Accept the report of the committee and enact an ordinance or ordinances to create and provide for the operation of an historic district or districts in accordance with the provisions of this part;
 - b. reject the report of the committee, stating its reasons for such rejection;
 - c. return the report to the historic district study committee with such amendments and revisions thereto as it may deem advisable, for consideration by the committee. The committee shall submit an amended report to the legislative body within sixty-five days of such return.
9. Any ordinance, or amendment thereof, enacted pursuant to this part, which creates or alters district boundaries, shall contain a legal description of the area to be included within the historic district. The legislative body, when it passes such an ordinance, or amendment thereof, shall transmit to the municipal clerk a copy of the ordinance or amendment thereof. Such ordinance, or amendment thereof, shall be recorded in the land records of the municipality in which such real property is located and indexed by the municipal clerk in the grantor index under the names of the owners of record of such property.

Thanks
Kevin

Sarah Holmes, PhD
Archaeology Consultant
860 501-1446 slh@att.net

Tri Town Trail Association
Karen Parkinson, President
860 464-1559
karen@thepaddockinc.com

November 21, 2022

Annotated Report on Land Deed Research for the Spicer Homestead in Ledyard, CT.

The earliest 17th century land deeds granted to Peter Spicer from New London only provide a vague description of the actual metes and bounds and in many instances are incomplete.

Initially, Peter Spicer's lands were bounded with a swamp on the west and south. Other early land records identify a brook on the northern bound. Although it was not definitively proven through title search where Peter Spicer's first dwelling was located, the landscape in the vicinity of the "Spicer Rock" contains extensive field systems enclosed within stonewalls, along with a well and cellar holes that suggest great time depth.

Peter Spicer's descendants, Edward (2) and John (3) Spicer lived in separate residences in 1723

John Spicer's (4) farm included the land recently purchased by John Spicer (4) from Daniel Whipple of approximately 16 acres 11 rods.

The Whipple purchase became the north line of the Spicer farm measuring 115 rods in width (east to west) and provided the location of the northeast corner bound at the brook and highway (located near to the newly installed footbridge on the northwestern side of the large field at 1025 Colonel Ledyard Highway).

John Spicer's (4) last will and testament, dated May 6, 1769, stated he left his two sons, John Spicer (5) and Cyrus Spicer (5), his farm. The estate was equally divided, although John (4) left Cyrus the house.

The division of John Spicer's (4) in 1772 describes a 146 acre farm.

John Spicer (5) also receives one half of the orchard lying east of the dwelling house on the eastern side of the 146 acres.

Survey of division agreement/line:

- to begin the division line at a heap of stones in the north line of said farm 55 (52?)¹ rods westerly from northeast corner
- running south from said heap of stones 11 degrees east 150 rods to a **heap of stones south of the barn**
- south 7 degrees east 95 ½ (15 ½?) rods to an heap of stones
- south 5 degrees west 22 rods to an heap of stones
- south 7 degrees east 14-1/2 rods to heap of stones on **north line of Capt. Robert Geer land**

Survey of John's orchard:

- **one half of orchard lying east of dwelling house**
- beginning at southwest corner of George Geer land
- running south 13 degrees east across said orchard to heap of stones by a wall
- east 22 degrees north 11 ½ rods to George Geer's land
- with said George Geer's land to the first mentioned bound
- containing 1 acre 20 rods

The title search indicated the abutters on the Spicer property remain constant over time in regard to Cyrus Spicer's inheritance from his father John Spicer (4) in 1769. Benjamin Geer and George Geer's property abutted the Spicer land on the east, often with a brook as a boundary.

To review, the clearest survey regarding the location of any appurtenances including the Spicer dwelling is from the last will and testament of John Spicer's (4) in 1769 and the division of his estate totaling 146 acres inherited by his sons Cyrus and John Spicer in 1772.

Suggestions:

If the Town is interested, a request for an archaeological site number and an archaeological site form could be filed with the Office of State Archaeology. The site form would describe, at a minimum, the immediate area to the south of the bridge near "Spicer Rock", the possible cellar holes and the stone-well. The archaeological site description could also include the field system in this area.

¹ The ink is faded on this page and difficult to decipher, the dimension could be 52 rods, although 55 rods is the more likely candidate

Maps related to Spicer landholdings.

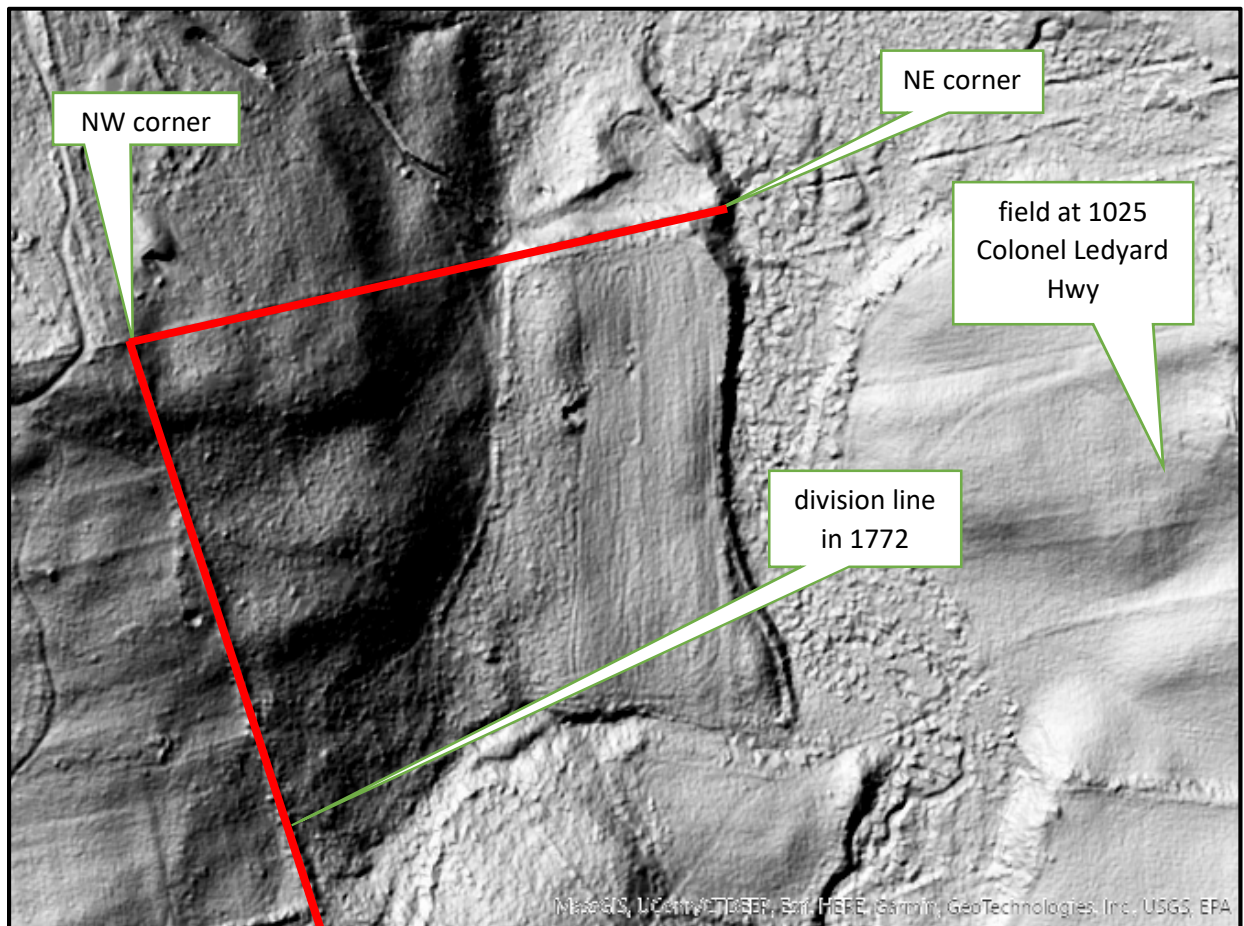


Fig 1. LIDAR of northern bound established for Cyrus Spicer's division of his father Hon. M. John Spicer's estate in 1772 measuring 55 rods in length beginning at the northeast corner at the brook just above or at the newly installed TTT bridge. Also note two anomalies or depressions visible in the middle of the field. (<https://cteco.maps.arcgis.com/>)

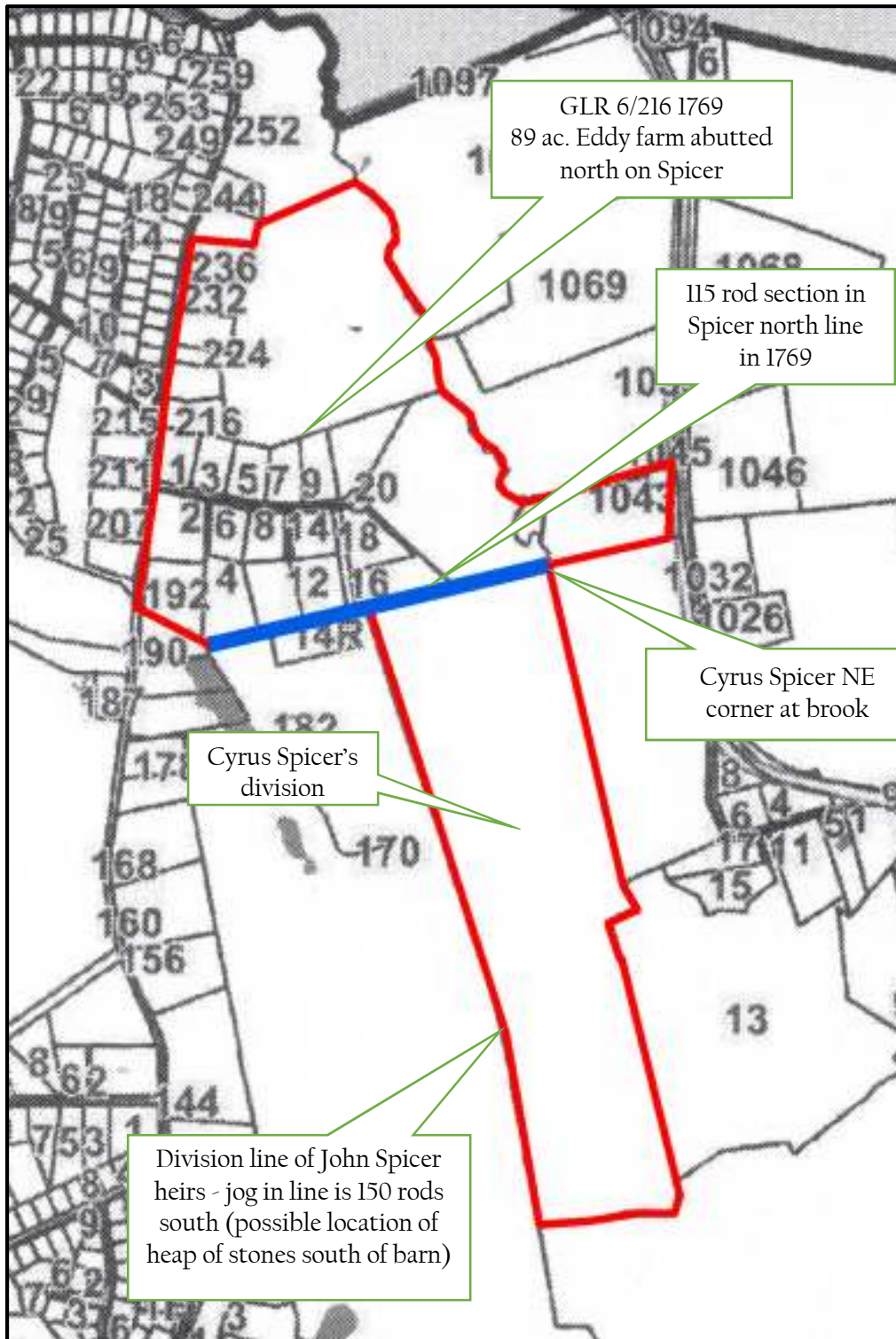


Fig. 2 Mark-up of Ledyard GIS property map. (<https://www.mapsonline.net/ledyardct/>)

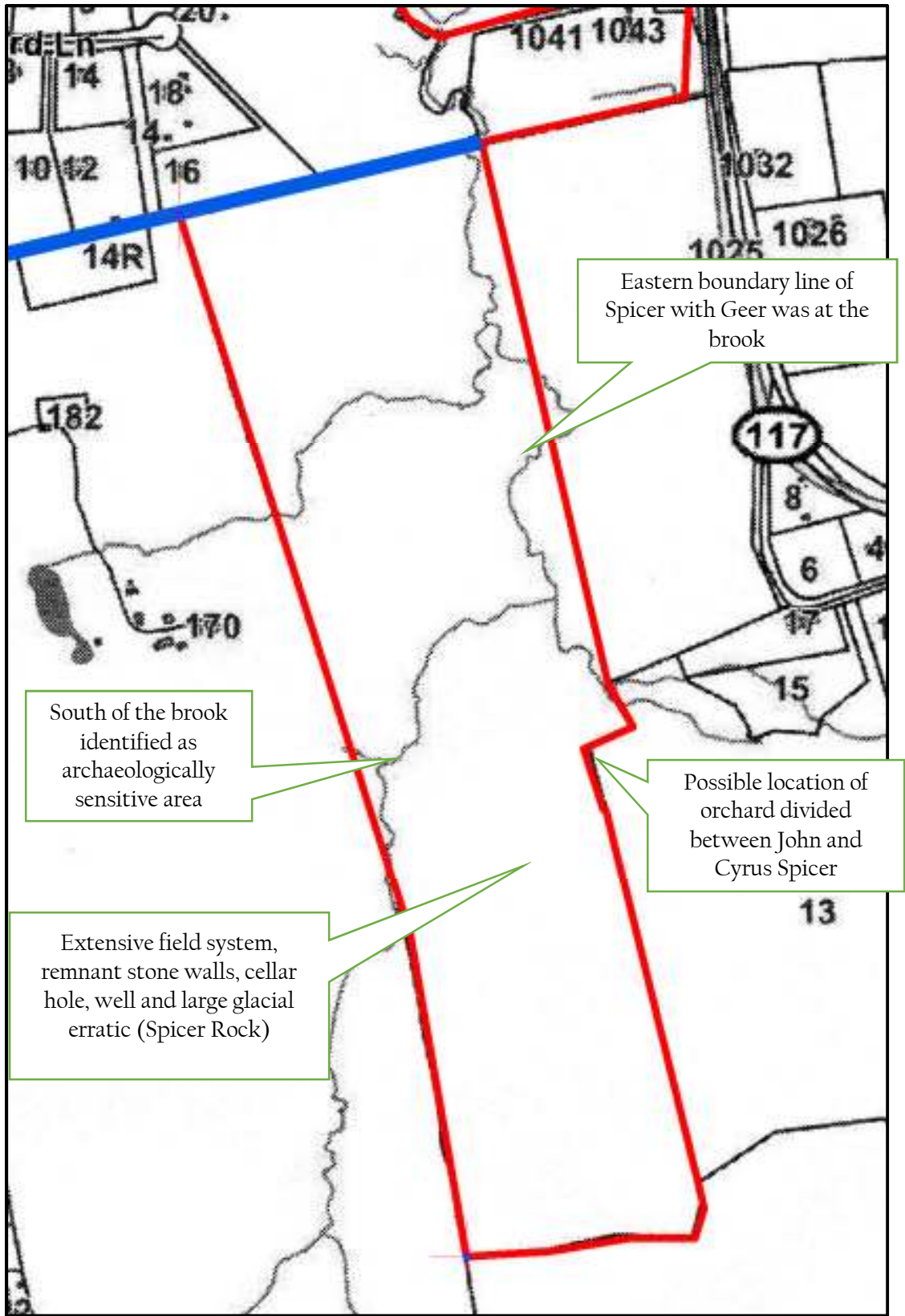


Fig. 3 Mark-up of Ledyard GIS map (<https://www.mapsonline.net/ledyardct/>)



Fig. 4 TTT map marks location of “Spicer Rock”. Note wall east of the rock that zigs and zags with approximately a 10 rod sections of wall, possibly the location of John Spicer’s orchard.

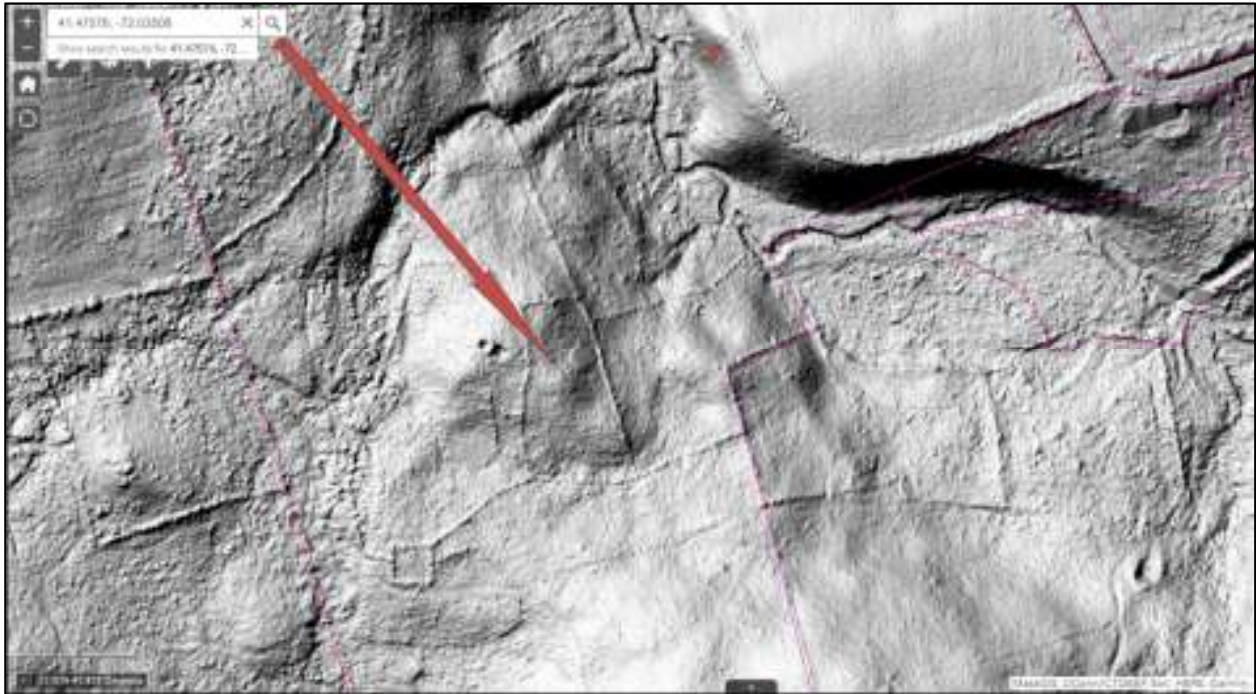


Fig. 5 TTT LIDAR image mark-up of location of “Spicer Rock”, with visible section of zig zagging wall to the east and identifies extensive walled in field system.

"SPICER BRIDGE" 2021

built by volunteers, funded by
THE COMMUNITY FOUNDATION OF EASTERN CONNECTICUT



Spicer Ruins
Site Access Bridge
Actual Photos of:
Existing Foundations
Rock Wall Pens
Old Orchard



Spicer Ruins

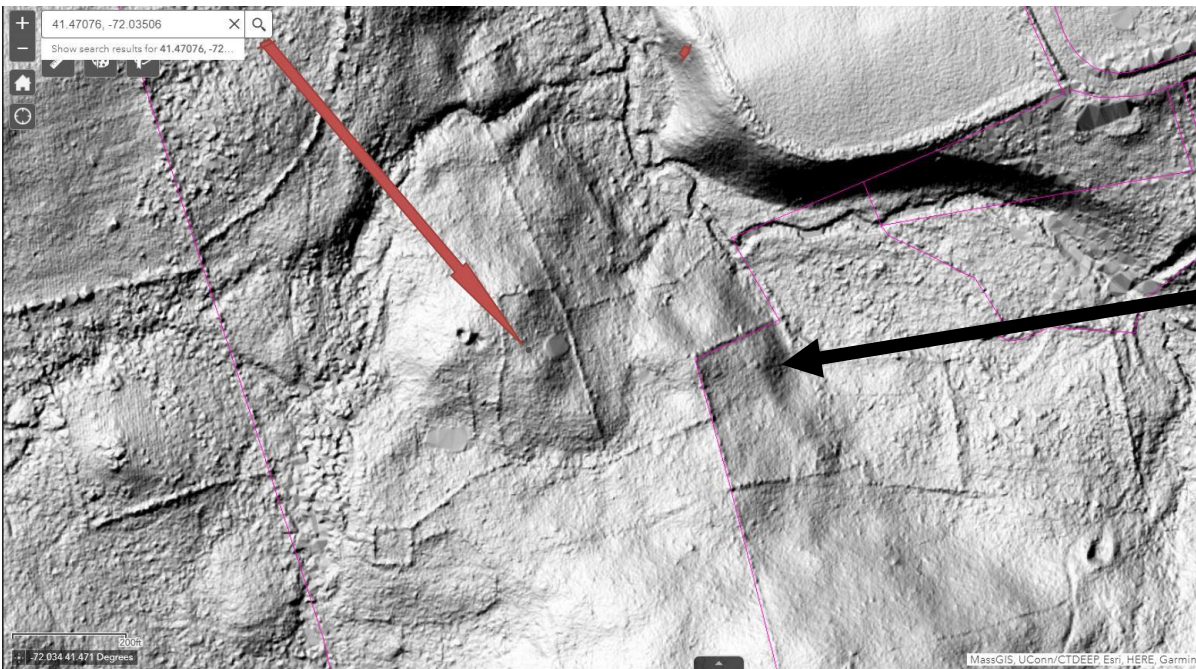
Lidar showing Rock Wall Pens, Foundations and well

Actual Photos of:

Existing walls

Spicer Rock

Spicer Well



Town of Ledyard Historic District Commission Meeting Minutes

12/18/23

Present:

Chairman Vincent Godino, Commissioners-Ty Lamb, William Barnes. Alternate Member Kelly Lamb.

Also in Attendance: Town Council Liasson: Tim Ryan

Members not in attendance: Commissioners: Douglas Kelley & Alternate Kenneth Geer.

Commissioner Melissa Dyson commission has expired and will not be coming back.

Review and approval of minutes Mover William Barnes and 2nd approver Ty Lamb. AYE all present

Fiscal Reports:

Saw Mill: \$1,180 spent, \$447 remaining

Nathan Lester House: \$2,740 spent, \$6960 remaining

Capital Account: \$36,036

ARPA Funds: \$125,800 includes recent contract/cut PO

Donations:

Saw Mill: \$7,424

Nathan Lester House: \$11,337

Misc Center School/Preservation & Research: \$1,500

Status of ARPA Funds:

Town has time limits for funds to be contracted by end of 2024 and spent by end of 2026

Vincent Godino sent out a Status of Historic ARPA funds estimates to Sheila Godino on 12/18/23

With Tim Ryan present conversations regarding the Saw Mill's projects-

William Barnes and Vin Godino: That the Line Penstock is a priority. He is looking for 3-5 qualified quotes. There is a need for expert advise to help write and evaluate the bids. There is a possibility of a company Stan Tech who has written similar RFP's. Bill referred to the town's ordinance purchasing guidelines.

Tim Ryan suggested reaching out to the Finance manager Matt Bonin or Steve Masalin from public works.

Continuing to discuss the projects for the Saw Mill that pose difficulty to quote out: The concrete pipes and pipes leading inside may need two approaches to repair estimate of 40-50k.

The Saw Mill is basically 3 parts for repair work: Mechanical, Water Flow and Intake pipes. The structure of the material needs to be water tight and last. Pipes go from Concrete to Steel. They are basically showing leakage at the connections between the two. They do not want to dig up the concrete. Plus, we need to be mindful of continuing to be Historically accurate.

Old Sturbridge Village has a similar mill and a member from the Village visits on occasion to discuss the mills.

Discussion to send the ARPA estimates to Matt tomorrow the ARPA estimates.

Committee Reports:

Sawmill:

Supplemental Assessments being done. Utilizing the CT website of Vendors, we can use or can be submitted.

Discussed the Penstock Tyier. Alan was watching the water levels with all the rain we had recently. Very happy to report water levels did not affect the mill.

This month the Saw Mill has shut down for the season.

There was a brief discussion on the Black Smith house and Chris who is a volunteer.

Nathan Lester House:

Vin presented tonight as Doug was absent from our meeting and Melissa's commission has expired and was also not in attendance.

Renovation on the East Side's RFP will be ready in Jan for submission. We are trying to find a contractor who is knowledgeable and dependable. The scope of this renovation is siding and trim replacement due to rot. Window also need attention. All repairs are mindful of being historically accurate.

There was a brief discussion of the Movie release. To date there is no update.

Preservation & Research:

Ty Lamb presented need for vote on the authorization of the Research and Preservation Group to pursue the development of a roadmap in conjunction with LU to establish the Spicer Sites as Historic sites and gain admin control of this new site. This was put off till we were discussing new business.

Land use: Ty has been working with others (Karen, Victoria, Alyssa & Amiee) on site walks, goals on mapping out areas to be included with the Spicer location.

Signs: Working on 3 more signs presently- Latham House, 9-mile Spicer, and Watson House.

Park & Pollination Garden: Missed a meeting due to illness with the GOSHA to get authorization. Continued work is being done with the help of Victoria (walk thru, developing a mapping of the area, Sign)

Donation Account specific to Preservation & Research: This was brought up due to people asking Ty to donate. Vin to talk to Matt about opening a separate account.

Gales Ferry Sign: Vin-completion of the replacement approx. \$750.

Center School: Ken was absent

Social Media: Kelly Lamb has taken on the social media. Missy is working with her with the face book and Instagram pages.

Old Business none

New Business

Annual Review of Rules of Procedure: the Procedure was emails to all the commissioners on 11/27/23 to be reviewed by the commission. Vin discussed if there are any changes, we need a month before a vote. In the past the financial position was eliminated that we may possibly want to re-establish this.

Next month is the election of Officers. Vin has let us all know he will not be seeking the chair position again. He would like to possibly stay on as an alternative and help the new Chair settle into the new position.

Decatur Letter: Doug sent a letter to Director of land Use and Planning regarding the proposed destruction of Mt Decatur. Discussion of its significance: 5 revolutionary war veterans within the cemetery that resides there.

Roadmap vote for Research/Preservation: Motion to Authorize the research and Preservation group to pursue the development of a "Roadmap" in conjunction with the Land use committee of the town, to establish the "Spicer Historic District" and to place under administrative control of the Historic District Commission.

Motion made by Ty Lamb; it was seconded by Bill Barnes. Result: 4-0, Motion to authorize was approved.

Adjournment: motion and unanimous agreement to adjourn.



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 24-0778

Agenda Date: 11/4/2024

Agenda #: 3.

ORDINANCE

Motion/Request:

Discussion to consider drafting an Ordinance to address Noise Issues, as requested in Ms. Johnston's August 12, 2024 email.

Background:

See attached.

Department Comment/Recommendation:

(type text here)

Mayor Comment/Recommendation:

(type text here)

Body:

(type text here)

Roxanne Maher

From: John Rich
Sent: Wednesday, October 30, 2024 1:12 PM
To: Roxanne Maher
Cc: Alan Muench; Kenneth R. Creutz
Subject: RE: LUPPW Cmt - Noise Issues & Illegal Dumping

Roxanne,

Regarding the issue of illegal dumping, I'll do my best to chronicle the situation at 26 Lake Street, with an eye toward mitigation of the issue that's impacting the neighbors. I've noted that you included the state statute for littering and illegal dumping. Here's the definition of "litter" from a 2002 Office of Legislative Research Report:

CONNECTICUT LITTERING LAW

The law prohibits people from throwing, scattering, spilling, placing or causing to be blown, scattered, spilled, thrown or placed, litter upon any public property, private property belonging to another, or any state waters (CGS § 22a-250).

Litter is any discarded, used, or unconsumed substance or waste material, including bottles, cans, jars, and their detachable tops; unlit cigarettes, cigars, and matches; any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings, lawn or garden waste, newspapers, magazines, or glass, metal, plastic or paper containers, or other packaging or construction material (CGS §22a-248(4)).

Littering does not occur if a person is authorized to dispose of waste on property the state or a municipality has designated for such use, or if someone properly deposits waste in a receptacle.

It should be noted that the standard for illegal dumping includes a unit of measurement of one cubic foot. Therefore, it's my opinion that a trash bag of leaves, grass clippings, etc, placed on someone's property without permission would constitute littering/illegal dumping under the statute.

State of Connecticut DEEP offers the following on their website with regard to illegal dumping:

There are penalties for illegal dumping:

- *State law imposes a fine of \$219 for dumping anything bigger than one cubic foot.*
- *If you are caught dumping with your vehicle it will be confiscated, you will pay a fine and you are also subject to arrest.*
- *You can also be sued for clean-up costs and the collection of bigger fines – up to \$25,000 per day.*
- *Dumping can be punishable under federal law.*

Report illegal dumping to:

- **Your Local Police Department:** *If the dumping is ongoing and/or you know who did the dumping, call the local police. If a vehicle is involved, get the license plate number and a description of the vehicle doing the dumping --- vehicles can be seized.*

- **DEEP's Emergency Response Unit:** Only if the dumping poses an immediate threat to public health or the environment. [Reporting Environmental Emergencies](#)
- **Your Town/City Hall:** If the dumping has already taken place, call your Town or City Hall to report the incident. Usually, the contact at the Town Hall is your [local Health Department](#) or Public Works Department.

Recent Ledyard Police Call History regarding 26 Lake Street and 19 Marla Ave.

April 22, 2023—Walk-in complaint at LPD from resident of 19 Marla regarding neighbor throwing tree branches over a fence onto her property. Complainant advised she put the branches back onto the neighbor's property but did not confront them. Officer Buechel spoke to the reporting party, who states she would call back if there were further issues. There is no additional report in our systems regarding the issue.

October 5, 2023—Resident of 26 Lake Street called LPD for advice on a camera pointed toward her property from Marla Ave, Call number 23-31074

May 24, 2023 and August 13, 2023—Medical calls regarding elderly resident at 26 Lake Street

October 8, 2024—Untimely Death of the same elderly resident at 26 Lake Street

Suggestions for mitigation:

- 1) Determine the location of the property lines between the affected properties.
- 2) If littering or dumping occurs, contact the Ledyard Police Department. In this particular case, I'd encourage the complainant (s) to contact me by email at Chief.rich@ledyardct.org so I can assign and brief an officer on the history of the situation.
- 3) Depending on the officer's results in working with the parties, enforcement of the state statute is an option.
- 4) I do not believe there is sufficient cause for the town to enact an ordinance for a situation with a remedy that exists in state statute.

Issue #2—Noise from Prides Corner Farms at 691 Shewville Road

Summary:

This property appears to be an off-site growing location for Prides Corner Farms of 122 Waterman Road in Lebanon, CT, Phone (860) 437-5168.

From the minutes, it appears a resident is concerned with noise from construction of greenhouses and structures, as well as workers playing music on the property. It also appears the resident has spoken with workers about the music, and they have been cooperative in lowering the volume when asked.

Assuming the farming business is conforming with regulations and the hours of operation on their permit, it may be helpful to contact the main office in Lebanon to determine how much additional construction, if any, is planned, and the timeline for the construction. If this is communicated to the resident, at least they have some information.

Recent Ledyard Police Responses to 691 Shewville Road include routine patrol checks, traffic enforcement, and a report of low hanging wires.

Recent responses to 10 Linden Lane include a fire department call for smoke in the house due to an oven fire in 2022.

There is no record of any noise complaints to LPD regarding these properties.

As noted in other interactions with Land Use pertaining to noise complaints, there are many variables in play that make these situations somewhat complicated at times. It is my hope that this situation is temporary and can be mitigated with effective communication with the involved parties. If there is any way I can further support the committee's efforts, or if my presence at a meeting is desired, please let me know.

Sincerely,

Chief John Rich

From: Roxanne Maher <council@ledyardct.org>
Sent: Tuesday, October 29, 2024 3:12 PM
To: John Rich <chief.rich@ledyardct.org>
Cc: Roxanne Maher <council@ledyardct.org>; Gary St. Vil <GSVil@ledyardct.org>
Subject: LUPPW Cmt - Noise Issues & Illegal Dumping

Good Afternoon Chief Rich:

As a follow-up to my voice message, the LUPPW Committee has been discussing resident's concerns regarding the following issues:

- Noise Issue – 10 Linden Lane – a Business has been operating loud equipment in the early morning hours.
- Illegal Dumping – Resident on Lake Street has a neighbor who continues to dump debris over the fence onto their property.

The LUPPW Committee is looking for guidance as to the best approach for the Town to help these residents with their concerns (i.e. rely on state statute or draft an Ordinance).

I have attached the LUPPW Cmt Minutes as follows:
August 5, 2024 – Residents Comments

September 9, 2024 – New Business Item #1

Please contact me if you have any questions regarding this request.

Thank you for your help,
Roxanne

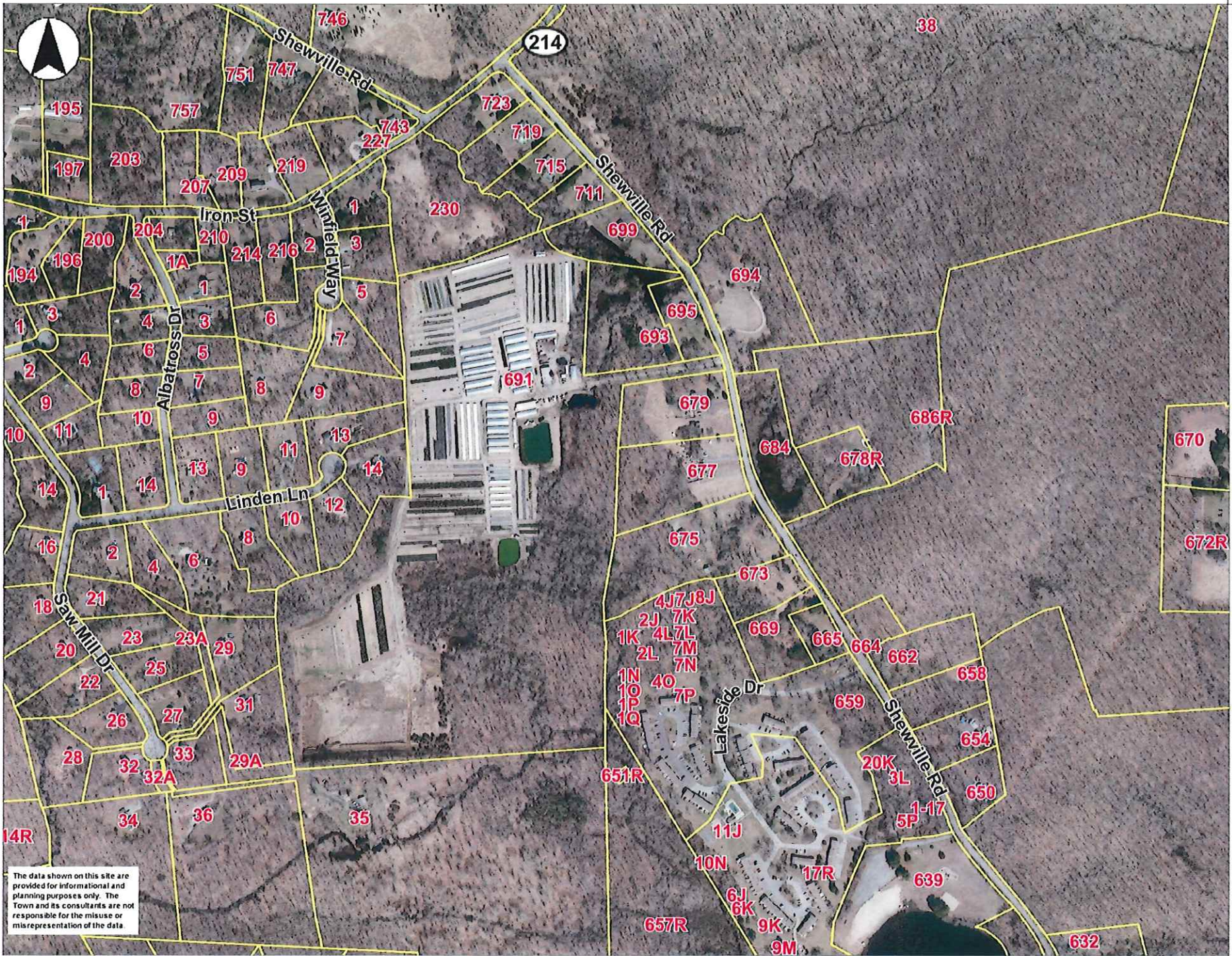
Roxanne M. Maher
Administrative Assistant to
The Ledyard Town Council
(860) 464-3203
council@ledyardct.org

Town Hall Hours:
Monday – Thursday 7:45 a.m. – 4:45 p.m.
Closed on Friday





- Parcels w/Orthos
- Leader Line
- CT Highways
 - Interstate
 - US Highway
 - State Highway
- Town Boundary



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



Roxanne Maher

From: SUSAN JOHNSTON <sailrsu@aol.com>
Sent: Tuesday, August 13, 2024 9:25 AM
To: Roxanne Maher
Subject: Prides corner farms

[You don't often get email from sailrsu@aol.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hello,

I live on 10 Linden Lane in Ledyard and prides corner farms is located in my neighborhood. I have gone over to the farm office a few times and called the business several times complaining about the noise that is being made in the farm.

My biggest issue is that they make a lot of noise early in the day, for example running a chainsaw on a Saturday at 7:00 am. There is frequently a lot of noise and work going on from 7 AM on Saturday and Sunday and of course on weekdays. I do not think they should be able to start their workday until at least 8 AM and I would like to know why I have to listen to noise on the weekend, especially when it wakes me up, one of the things that is done over at the farm is that they play very loud music and a lot of times the workers are hooting and hollering especially on Fridays. On the other end of things, a lot of times there's noise much after 5 o'clock, even on the weekends. It is obvious that this is not just a small farm or nursery. It is an industrialized zone. I'm wondering what this business is zoned for, especially since it is in a neighborhood.

Another noise issue is that there are so many greenhouses and the fans are really loud and a constant source of noise.

Another issue from this business is that they have huge 18 wheelers coming to their address and very frequently we get 18 wheelers driving through our neighborhood, right on Linden lane. This has been a problem for years and you would think by now they could've let the people know how to get to their farm or made sure that the GPS system understood how to get to the farm. Because it's obvious the GPS directs them through Linden Lane.

I have always loved living here, I moved here in 1999, I am very frustrated with having my home that I bought to spend the rest of my life in being thrown into the middle of an industrial zone. I choose to live here and pay high taxes because of the rural setting and the peace and quiet. My home is no longer a peaceful quiet place when I can relax due to the noise from this business.

I was informed that the state has noise ordinances, but that the town does not, I think this is something that needs to be remedied. Please reply to me with what this business is zoned for and let me know if you are willing to help by getting a noise ordinance in town.

Sincerely,

Sue Johnston

10 Linden lane
Ledyard CT
860-287-7444
Sailrsu@aol.com
Sent from my iPhone

Roxanne Maher

From: SUSAN JOHNSTON <sailrsu@aol.com>
Sent: Friday, August 16, 2024 9:38 AM
To: Naomi Rodriguez
Cc: Roxanne Maher
Subject: Re: Letter - Noise Ordinance

You don't often get email from sailrsu@aol.com. [Learn why this is important](#)

Hello, I will be able to come to your meeting from 6 to 6:30. I am a musician and I have a rehearsal at 7 o'clock that I cannot miss. Is it possible to put this in the beginning of the agenda so that I can be there when it's talked about and contribute if necessary.

Thank you very much,
Susan Johnston
Sent from my iPhone

On Aug 13, 2024, at 12:03 PM, Naomi Rodriguez <NaomiR@ledyardct.org> wrote:

Hello Ms. Johnston,

I have read your letter and I thank you for writing to the Town Council. We truly appreciate to hear from town residents. Regarding your letter referencing a Noise Ordinance, I have forwarded your letter to the Land Use/Planning/Public Works Committee so they can discuss this matter. It will be on their agenda for the September 9, 2024 meeting at 6:00 pm in the Town Hall Annex Council Chambers. I do hope you would attend, if you so choose. Please do not hesitate to contact me if you have any questions. Again, thank you for your letter and your time on this matter.

Respectfully,

Naomi Rodriguez, Chairman
Ledyard Town Council



John J. Rich
Chief of Police

Ledyard Police Department



LT. Ken Creutz
Executive Officer

November 29, 2018

Chairman Kevin Dombrowski
Town of Ledyard
Land Use/Planning/Public Works Committee
741 Colonel Ledyard Highway
Ledyard, CT 06339

Re: Proposed Noise Ordinance

Dear Chairman Dombrowski,

I am in receipt of your letter dated November 15, 2018 in which you requested my recommendations on noise control for our community.

For purpose of historical perspective, Ledyard Police Department has investigated 65 noise complaints in 2018. Noise complaints can take several forms, including suspicious gunfire, fireworks, loud parties, loud music, and in cases of apartment complexes, sometimes loud televisions or conversations can generate complaints.

As you are aware, the current discussion which led to the proposed ordinance involves a single residence in Ledyard to which the department has responded 15 times since January 1, 2017. Nine of these responses were for incidents involving animals, and five were noise complaints.

I am on record and continue to hold the opinion that there is sufficient remedy in existing state statutes to allow the police department to effectively deal with the types of complaints we historically receive. Further, that in order to prove a violation of the proposed ordinance, specialized measuring equipment may be needed which further complicates the process and will require some training. I am also concerned about the mechanism for due process to contest a violation of the proposed ordinance. An appeals process for any violation of state statute already exists within the courts.

I believe the type of service in these matters currently provided by the Ledyard Police Department is consistent with the values of the department and the character of our community. Our officers generally make contact at the source of the noise, investigate, and attempt to resolve the situation with courtesy and diplomacy. If the person making the noise is not compliant, enforcement action may be taken at the responding officer's discretion.

Finally, I do not believe that the creation of an ordinance will be an effective deterrent in the situation which created this entire discussion. Please let me know if I can be of additional assistance in this matter.

Sincerely,

John J. Rich
Chief of Police

1 Attachment

Sec. 53a-181a. Creating a public disturbance: Infraction. (a) A person is guilty of creating a public disturbance when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he (1) engages in fighting or in violent, tumultuous or threatening behavior; or (2) annoys or interferes with another person by offensive conduct; or (3) makes unreasonable noise.

(b) Creating a public disturbance is an infraction.

Sec. 14-80a. Maximum noise levels. (a) No person shall operate a vehicle or combination of vehicles, nor shall the owner of any vehicle allow the vehicle to be operated, at any time or under any condition of grade, surface, speed, load, acceleration, deceleration or weather condition in such a manner as to exceed the decibel levels established under subsection (c) of this section. This subsection applies to the total noise generated by a vehicle and shall not be construed as limiting or precluding the enforcement of any other motor vehicle noise provisions of this title.

(b) No person shall sell or offer for sale a new vehicle which produces a maximum decibel level which exceeds the decibel levels established under subsection (c) of this section.

(c) The Commissioner of Motor Vehicles shall, with the advice of the Commissioner of Energy and Environmental Protection, adopt regulations in accordance with the provisions of chapter 54 establishing the maximum decibel levels permissible for motor vehicles, which shall not exceed the maximum decibel levels established for motor vehicles by federal law or regulation. The Commissioner of Motor Vehicles shall establish the procedure for checking maximum decibel levels. The decibel level shall be measured fifty feet from the centerline of the vehicle. The Commissioner of Motor Vehicles may provide for measuring at distances closer than fifty feet from the centerline of the vehicle. In such a case, the measuring devices shall be calibrated to provide for measurements equivalent to the noise limit established by this section measured at fifty feet.

(d) Violation of the provisions of this section shall be an infraction

Connecticut

Department of Agriculture

Connecticut General Statutes, Sec. 1-1 (g)

Except as otherwise specifically defined, the words “agriculture” and “farming” shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, the production of honey, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term “aquaculture” means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

Sec. 22a-73. Municipal noise regulation programs; ordinances subject to commissioner's approval. (a) To carry out and effectuate the purposes and policies of this chapter it is the public policy of the state to encourage municipal participation by means of regulation of activities causing noise pollution within the territorial limits of the various municipalities. To that end, any municipality may develop and establish a comprehensive program of noise regulation. Such program may include a study of the noise problems resulting from uses and activities within its jurisdiction and its development and adoption of a noise control ordinance.

(b) Any municipality may adopt, amend and enforce a noise control ordinance which may include the following: (1) Noise levels which will not be exceeded in specified zones or other designated areas; (2) designation of a noise control officer and the designation of an existing board or commission, or the establishment of a new board or commission to direct such program; (3) implementation procedures of such program and the relation of such program to other plans within the jurisdiction of the municipality; (4) procedures for assuring compliance with state and federal noise regulations; (5) noise level restrictions applicable to construction activities, including limitation on on-site hours of operation.

(c) No ordinance shall be effective until such ordinance has been approved by the commissioner. No ordinance shall be approved unless it is in conformity with any state noise control plan, including ambient noise standards, adopted pursuant to section 22a-69 or any standards or regulations adopted by the administrator of the United States Environmental Protection Agency pursuant to the Noise Control Act of 1972 (P.L. 92-574) or any amendment thereto. Notwithstanding the provisions of this subsection, any municipality may adopt more stringent noise standards than those adopted by the commissioner, provided such standards are approved by the commissioner.

(P.A. 74-328, S. 7, 12.)

All Images News Shopping Videos Forums Web More Tools

Showing results for [State of **Connecticut** hours to Operate Construction Equipment](#)

Search instead for [State of Connecticut hours to Operate Construction Equipment](#)

Construction equipment shall mean any equipment or device operated by fuel or electric power, used in construction or demolition work. Day shall mean the hours **between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.**

Municode Library
<https://library.municode.com/hartford/codes/code...>

[Chapter 23 - NOISE | Code of Ordinances | Hartford, CT](#)

About featured snippets Feedback

People also ask

How early can construction start in CT?

Construction, demolition, power tools and home maintenance tools operated between the hours of **7:00 a.m. and 7:00 p.m. on weekdays, and between 9:00 a.m. and 5:00 p.m. on weekends or state/federal holidays.** At all other times, these activities shall be subject to the nighttime noise level standards specified in § 78-5.

Fairfield Police Department
https://fpdet.com/noise_ordinance

[Noise Ordinance Information - Fairfield Police Department](#)

Search for: [How early can construction start in CT?](#)

What time is the noise ordinance in Connecticut?

What is Section 22a 73 of the CT General statutes?

What time can construction start in Stamford, CT?

What is the earliest time construction can start?

What is the earliest time builders can start work?

Feedback

CT.GOV-Connecticut's Official State Website (.gov)
<https://portal.ct.gov/StamfordNoiseOrdinancepdf>

[CHAPTER 164. - NOISE\[1\] Footnotes - CT.gov](#)

Jun 1, 2015 — of this provision to prohibit the use of **construction equipment** and machinery before the **hour** of. 7:00 a.m. on Monday through Friday, 8:00 ...

8 pages

General Conditions - Town of West Hartford

Construction activity shall be limited to Monday through Friday, and to the hours of **7:00AM to one hour after sunset**. The Town has the right to restrict work ...



workzonesafety.org
<https://workzonesafety.org> › Practices

Time frame allowed for lane closure setup (e.g., 9:00am to 3 ...

In Connecticut, lane closure times are typically set based on traffic volumes. For daytime operations, the allowable hours on most roadways are **9 am to 3 pm**.



ecode360.com
<https://ecode360.com> › ...

Town of Ridgefield, CT Noise - eCode360

Construction equipment while engaged in premises construction, **between 7:00 a.m. and 6:00 p.m. from Monday through Friday** and between 9:00 a.m. and 5:00 p.m. on ...



Rocky Hill, CT (.gov)
<https://www.rockyhillct.gov> › View › Noise-Ordin... PDF

Noise Ordinance (PDF)

10Noise from **equipment** of the Town or **State** constructing or ... or regulations of the **State** of Connecticut or to **use or operate** said noise source after such.



Coventry, CT (.gov)
<https://www.coventry-ct.gov> › ViewFile › Item PDF

Avon Code of Ordinance

CONSTRUCTION EQUIPMENT. Any equipment or device operated by any fuel or electric power used in construction or demolition work. **DAYTIME HOURS**. The hours between ...



Town of Tolland CT | (.gov)
<https://www.tollandct.gov> › planning-zoning › pages › n...

Noise & Permitted Hours

Permitted Day Time Noise Generation Monday - Saturday, 7:00 a.m. to 10:00 p.m. Sunday 9:00 a.m. to 10 p.m. Exclusions & Exemptions apply, see below.



North Stonington CT | (.gov)
<https://www.northstoningtonct.gov> › home › pages › hea...

Heavy Equipment Operator Position | North Stonington CT

North Stonington, CT 06359. Hours of Operation **Mon - Fri 8AM - 4PM**, (except holidays). Phone: (860) 535-2877. Fax: (860) 535-4554. Website Disclaimer



Town of Windsor Locks
<https://windsorlocksct.org> › uploads › 2021/01 PDF

TOWN OF WINDSOR LOCKS Noise Control Ordinance

(1) noise generated by any **construction equipment** which is **operated** between the **hours** of 7:00. a.m. and 9:00 p.m. on Mondays through Saturdays, and 9:00 a.m. ...

11 pages

People also ask

What time can construction start in Greenwich CT?

What are quiet hours in Norwich CT?

What are the quiet hours in New Haven?

What is the earliest construction can start in NYC?

- | | |
|---------------------------------------|---|
| CT noise ordinance times | Noise ordinance New Haven, ct |
| Stamford noise ordinance hours | East Haven noise ordinance times |
| Noise complaint CT number | Norwich ct noise ordinance |
| Noise complaint Stamford, CT | Noise ordinance Shelton, ct |

1 2 3 4 5 6 7 8 9 10 [Next](#)

06335, Ledyard, CT - [From your IP address](#) - [Update location](#)

CHAPTER 442

NOISE POLLUTION CONTROL

Sec. 22a-67. State policy regarding noise. (a) The legislature finds and declares that: (1) Excessive noise is a serious hazard to the health, welfare and quality of life of the citizens of the state of Connecticut; (2) exposure to certain levels of noise can result in physiological, psychological and economic damage; (3) a substantial body of science and technology exists by which excessive noise may be substantially abated; (4) the primary responsibility for control of noise rests with the state and the political subdivisions thereof; (5) each person has a right to an environment free from noise that may jeopardize his health, safety or welfare.

(b) The policy of the state is to promote an environment free from noise that jeopardizes the health and welfare of the citizens of the state of Connecticut. To that end, the purpose of this chapter is to establish a means for effective coordination of research and activities in noise control, to authorize the establishment of state noise emission standards and the enforcement of such standards, and to provide information to the public respecting noise pollution.

(P.A. 74-328, S. 1, 12.)

Legislature has undertaken to preempt field of legislation re noise pollution control in Sec. 22a-67 et seq. and to require that local efforts aimed at noise pollution control comply with requirements it has enumerated by statute. 76 CA 199.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 22a-68. Definitions. As used in this chapter:

(a) “Commissioner” means the Commissioner of Energy and Environmental Protection or his designated agent as defined in subsection (a) of section 22a-2.

(b) “Department” means the Department of Energy and Environmental Protection.

(c) “Local government” means any metropolitan district, town, consolidated town and borough, city, borough, village or any subdivision thereof.

(d) “Person” means “person” as defined in subsection (b) of section 22a-2.

(e) “Noise” means the intensity, frequency, duration and character of sounds from a source or number of sources, and includes vibrations of subaudible or superaudible frequency.

(f) “Ambient noise” or “environmental noise” means noise from all stationary sources.

(g) “Stationary noise source” means any building, structure, facility or installation which emits or may emit noise, beyond the property line on which such source is located, except any on-site recreational or sporting activity which is sanctioned by the state or local government or farming equipment or farming activity. A recreational or sporting activity shall be deemed sanctioned by a local government if (1) the activity has received all approvals or permits required by the local zoning authority, (2) a resolution sanctioning the activity has been adopted by the legislative body of the local government, or (3) the activity is owned or operated by the local government.

(P.A. 74-328, S. 2, 12; P.A. 89-277, S. 3, 4; P.A. 11-80, S. 1; P.A. 14-122, S. 133.)

History: P.A. 89-277 redefined “stationary noise source” to specify the circumstances when a recreational or sporting activity shall be deemed to be sanctioned by a local government; pursuant to P.A. 11-80, “Commissioner of Environmental Protection” and “Department of Environmental Protection” were changed editorially by the Revisors to “Commissioner of Energy and Environmental Protection” and “Department of Energy and Environmental Protection”, respectively, effective July 1, 2011; P.A. 14-122 made technical changes in Subdivs. (e) and (f).

[\(Return to Chapter](#) [\(Return to Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 22a-69. State-wide program of noise regulation. (a) The commissioner may develop, adopt, maintain and enforce a comprehensive state-wide program of noise regulation which may include, but need not be limited to the following: (1) Controls on environmental noise through the regulation and restriction of the use and operation of any stationary noise source; (2) ambient noise standards for stationary noise sources which in the commissioner's judgment are major sources of noise when measured from beyond the property line of such source and such standards shall be feasible and requisite to protect the public health, safety and welfare; such standards may include, but need not be limited to, adoption by reference of standards or regulations adopted by the administrator of the United States Environmental Protection Agency pursuant to the Noise Control Act of 1972 (P.L. 92-574) or any amendment thereto; (3) consultation with state and local governmental agencies when such agencies adopt and enforce codes, standards and regulations dealing with noise insulation and abatement for any occupancy or class of occupancy; (4) controls on airport and aircraft noise to the extent not preempted by federal law; nor shall the state preempt power of local governments, in their capacity as proprietors of airports or under police powers.

(b) (1) Any regulation promulgated pursuant to this chapter shall be adopted pursuant to chapter 54 and shall be one which, in the judgment of the commissioner, is requisite to protect the public health, safety and welfare, taking into account the magnitude and conditions of use or operation of the stationary noise source involved, alone or in combination with other such sources, the degree of noise reduction achievable through the application of the best available and practical technology, taking into consideration technology which may be available at the time the regulation becomes effective.

(2) Regulations promulgated pursuant to the authority of this chapter may be applicable throughout the state or to such parts or regions thereof specifically designated in such regulations.

(3) The commissioner shall adopt regulations providing for the granting of individual variances from the provisions of this chapter, whenever it is found, upon presentation by the petitioner of adequate proof, that compliance with any provision of this chapter, any regulation promulgated under it or an order of the commissioner would impose an arbitrary or unreasonable hardship.

(P.A. 74-328, S. 4, 12; June Sp. Sess. P.A. 91-10, S. 13, 20.)

History: June Sp. Sess. P.A. 91-10 amended Subsec. (a) to make the commissioner's powers and duties under this section discretionary.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 22a-70. Duties and powers of the commissioner. In order to carry out the purposes of this chapter, the commissioner may:

- (a) Exercise all powers granted to him under section 22a-6;
- (b) Provide technical assistance to other state agencies and to political subdivisions of this state;
- (c) Conduct programs of public education regarding the causes and effects of noise and means for its abatement and control and encourage the participation of professional, scientific, conservation and other public interest groups in related public information efforts;
- (d) Cooperate with all federal, interstate, state and local governments relating to the control, prevention and abatement of noise;
- (e) Receive and disburse all appropriate funds pertaining to the state's noise control program from private and public sources;
- (f) Appoint such advisory groups and committees as may be necessary to assist in carrying out the state noise control program;
- (g) Investigate complaints, institute and conduct surveys and testing programs, conduct general ambient noise sampling programs, make observations of conditions which may or do cause or affect noise pollution and make tests or other determinations of noise sources and assess the degree of abatement required.

(P.A. 74-328, S. 5, 12.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 22a-71. Commissioner's report to Governor and General Assembly. The commissioner shall report to the Governor and the General Assembly not later than February 15, 1975, his

recommendations for further executive and legislative action. Such recommendations shall include:

(a) The feasibility of adopting a program of state certification of products determined to be low noise emission products, including products certified by the administrator of the United States Environmental Protection Agency pursuant to Section 15 of the Noise Control Act of 1972 (P.L. 92-574) or any amendment thereto;

(b) The feasibility of adopting a program establishing labeling requirements which prohibit the sale or offer to sell or the lease or offer to lease of any product, machine or equipment, or class thereof, without notice to the prospective purchaser, lessee or user of the noise levels and characteristics emitted by such product, machine, vehicle or equipment, or its effectiveness in reducing noise, as the case may be. Labeling requirements may be in conformity with federal labeling requirements where applicable;

(c) Other recommendations for executive and legislative action needed to carry out a state-wide program of noise abatement.

(P.A. 74-328, S. 6, 12.)

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 22a-72. Cooperation of state agencies, review of regulations. (a) State agencies shall, to the fullest extent consistent with their authorities under state law administered by them, carry out the programs within their control in such a manner as to further the policy stated in section 22a-67.

(b) State agencies shall cooperate with the commissioner in a state program of noise regulation developed and maintained under this chapter.

(c) Each department, agency or instrumentality of the executive, legislative and judicial branches of the government of this state, (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result in the emission of noise, shall comply with federal and state requirements respecting control and abatement of environmental noise.

(d) Each state agency shall consult with the commissioner in prescribing standards or regulations respecting noise. If at any time the commissioner has reason to believe that a standard or regulation or any proposed standard or regulation, of any agency respecting noise does not protect the public health and welfare to the extent he believes to be required and feasible, he may request such agency to review and report to him on the advisability of revising such standard or regulation to provide such protection. Such agency shall complete the requested review and report to the commissioner within such time as the commissioner specifies, but such time specified may not be less than forty-five days from the date the request was made.

Sec. 22a-73. Municipal noise regulation programs; ordinances subject to commissioner's approval.

(a) To carry out and effectuate the purposes and policies of this chapter it is the public policy of

the state to encourage municipal participation by means of regulation of activities causing noise pollution within the territorial limits of the various municipalities. To that end, any municipality may develop and establish a comprehensive program of noise regulation. Such program may include a study of the noise problems resulting from uses and activities within its jurisdiction and its development and adoption of a noise control ordinance.

(b) Any municipality may adopt, amend and enforce a noise control ordinance which may include the following: (1) Noise levels which will not be exceeded in specified zones or other designated areas; (2) designation of a noise control officer and the designation of an existing board or commission, or the establishment of a new board or commission to direct such program; (3) implementation procedures of such program and the relation of such program to other plans within the jurisdiction of the municipality; (4) procedures for assuring compliance with state and federal noise regulations; (5) noise level restrictions applicable to construction activities, including limitation on on-site hours of operation.

(c) No ordinance shall be effective until such ordinance has been approved by the commissioner. No ordinance shall be approved unless it is in conformity with any state noise control plan, including ambient noise standards, adopted pursuant to section 22a-69 or any standards or regulations adopted by the administrator of the United States Environmental Protection Agency pursuant to the Noise Control Act of 1972 (P.L. 92-574) or any amendment thereto. Notwithstanding the provisions of this subsection, any municipality may adopt more stringent noise standards than those adopted by the commissioner, provided such standards are approved by the commissioner.

(P.A. 74-328, S. 7, 12.)

Sec. 53a-181a. Creating a public disturbance: Infraction. (a) A person is guilty of creating a public disturbance when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he (1) engages in fighting or in violent, tumultuous or threatening behavior; or (2) annoys or interferes with another person by offensive conduct; or (3) **makes unreasonable noise.**

(b) Creating a public disturbance is an infraction.

Sec. 14-80a. Maximum noise levels. (a) No person shall operate a vehicle or combination of vehicles, nor shall the owner of any vehicle allow the vehicle to be operated, at any time or under any condition of grade, surface, speed, load, acceleration, deceleration or weather condition in such a manner as to exceed the decibel levels established under subsection (c) of this section. This subsection applies to the total noise generated by a vehicle and shall not be construed as limiting or precluding the enforcement of any other motor vehicle noise provisions of this title.

(b) No person shall sell or offer for sale a new vehicle which produces a maximum decibel level which exceeds the decibel levels established under subsection (c) of this section.

(c) The Commissioner of Motor Vehicles shall, with the advice of the Commissioner of Energy and Environmental Protection, adopt regulations in accordance with the provisions of chapter 54 establishing the maximum decibel levels permissible for motor vehicles, which shall not exceed the maximum decibel levels established for motor vehicles by federal law or regulation. The Commissioner of Motor Vehicles shall establish the procedure for checking maximum decibel levels. The decibel level shall be measured fifty feet from the centerline of the vehicle. The Commissioner of Motor Vehicles may provide for measuring at distances closer than fifty feet from the centerline of the vehicle. In such a case, the measuring devices shall be calibrated to provide for measurements equivalent to the noise limit established by this section measured at fifty feet.

(d) Violation of the provisions of this section shall be an infraction

AN ORDINANCE REGARDING
NOISE CONTROL
FOR THE TOWN OF LEDYARD

Be it Ordinance by the Town Council of the Town of Ledyard.

SECTION 1: AUTHORITY

Pursuant to the general authority of Connecticut General Statutes 7-148 and the specific authority of Connecticut General Statute 22a-73(c) there is hereby established an “*Ordinance Regarding Noise Control for the Town of Ledyard*”.

Section 2: Purpose

The purpose of this ordinance is to: (1) Enact reasonable regulations pertaining to the reduction, control and/or prevention of noise; (2) Promote a general environment free from excessive noise and vibration; and (3) Preserve and promote the health, safety and general welfare of the quality of life and property values for the citizens of the Town of Ledyard (the "Town").

SECTION 3 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance:

1. Ambient Noise or Background Noise - Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.
2. Mayor - The Mayor of the Town of Ledyard or his duly authorized officer.
3. Commercial Zone - As set forth in the Ledyard Zoning Regulations and all associated therewith either permitted as a right or as a special use.
4. Construction - Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar properties, but excluding demolition.
5. Construction Equipment - Any equipment or device operated by any fuel or electric power used in construction or demolition work.
6. Daytime Hours - The hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.
7. Nighttime Hours - The hours between 10:00 p.m. and 7 a.m., Sunday evening through Saturday morning, except that "night" shall mean the hours between 10 p.m. Saturday and 9:00 a.m. Sunday.
8. Decibel - A logarithmic unit of measure in measuring magnitudes or sound. The symbol of “dB”.

9. Demolition - Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar properties.
10. Domestic Power Equipment - Including but not limited to power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.
11. Emergency - Any occurrence or set of circumstances involving actual or perceived imminent physical trauma or property damage which demands immediate action.
12. Emergency Vehicle - Any motor vehicle authorized by the State of Connecticut to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency. (14-283)
13. Emergency Work - Work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure of imminent danger.
14. Impulse Noise - Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.
15. Industrial Zone - As set forth in the Ledyard Zoning Regulations and all uses associated therewith, either permitted as a right or as a special use.
16. Motor Vehicle - Per Section 14-1 of the Connecticut General Statutes.
17. Muffler - A device for abating sounds such as escaping gases.
18. Noise - Any sound, the intensity of which exceeds the standards set forth on Page 3.
19. Noise Level - The sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designed db(A) or dBA.
20. Person - Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.
21. Premises - Any building structure, land or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards and real properties without building or improvements owned or controlled by a person. The emitter's premises includes contiguous publicly dedicated street and highway rights-of-way, all road right-of-ways and waters of the state.

22. Property Line - That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person and separates real property from the public right-of-way.
23. Public Right-of-Way (ROW) - Any street, avenue, boulevard, pentway, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.
24. Residential Zone - Those residential districts as defined and set forth in the Ledyard Zoning Regulations and all uses associated therewith either permitted as a right or as a special use.
25. Sound - A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations including but not limited to an auditory response when impinging on the ear.
26. Sound Level Meter - An instrument used to take sound-level measurements, and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters S1.4 - 1971. (Type S2A)
27. Sound Pressure Level - Twenty (20) times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter and is expressed in decibels (dB).

SECTION 4 NOISE LEVELS

For the purpose to determine levels as set forth in this ordinance the following guidelines shall be applicable.

It shall be unlawful for any person to cause to be emitted any noise beyond the boundaries of his/her premises.

Property Use Emitter	Property Use Receptor			
	Residential		Non-Residential	
	Day	Night	Day	Night
Residential Zone Emitter	55 dBA	45 dBA	55 dBA	45 dBA
Non-Residential Zone Emitter	55 dBA	45 dBA	52 dBA	45 dBA

Measurements shall be taken at a point on the property line of the emitter closest to the receptor and/or at the property line at any neighboring property (that may or may not be contiguous) with a more restrictive decibel allowance. In cases where the emitter is located on jointly owned property, such as industrial parks and condominiums, the noise measuring equipment (i.e. microphone) shall be placed at

a fifty-foot (50') distance from the noise source. The microphone shall be placed no closer than five feet from any wall and not less than three feet above ground that is located about one foot (1') beyond the boundary of the emitter's premises within the receptors premises. The emitter's premises include his/her individual unit of land or group of contiguous parcels under same ownership as indicted by public land records.

- 1) Impulse Noise: In these individual cases where the background noise level caused by sources not subject to these regulations exceed the standard contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five (5) dBA, provided that no source subject to the provisions of this chapter shall emit noise in excess of eighty (80) dBA at any time and provided that this section does not decrease the permissible levels of other provisions of this ordinance.
- 2) No person shall cause or allow the emission of impulse noise in excess of eighty (80) dBA peak sound pressure level during the night time to any residential noise zone.
- 3) No person shall cause or allow the emission of impulse noise in excess of one hundred (100) dBA peak sound pressure level at any time to any zone.

SECTION 5 EXCLUSIONS

These levels shall not apply to noise emitted by or related to:

- 1) Natural phenomena.
- 2) Any bell or chime from any building clock, school or church.
- 3) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm system used in an emergency situation; provided however, that burglar alarms not terminating in thirty minutes after being activated shall be unlawful.
- 4) Warning devices required by the Occupational Safety and health Administration or other state or federal safety regulations.
- 5) Fanning equipment or farming activity.
- 6) Train horns and signals.

SECTION 6 EXEMPTIONS

The following shall be exempt from these regulations subject to special conditions as spelled out:

- 1) Noise generated by any construction equipment which is operated during daytime hours. Noise generated by construction equipment during nighttime hours shall not exceed the maximum noise levels as specified on Page 3 Sec. A.
- 2) Noise created as a result of or relating to an emergency.

- 3) Noise from domestic power equipment such as but not limited to power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours.
- 4) Noise from snow removal equipment.
- 5) Noise from demolition work conducted during daytime hours. When considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.
- 6) Noise created by any aircraft flight operations which are specifically permitted by the Federal Aviation Administration.
- 7) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town or State of Connecticut, including but not limited to parades, sporting events, concerts and firework displays.
- 8) Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public or provided that a permit for such blasting is obtained from local authorities.
- 9) Noise generated by the police and other established shooting facilities as permitted by Connecticut Firearms laws Sec. 22a-74a.

SECTION 7 REFUSE COLLECTION NOISE –

All refuse collectors shall comply with the noise level standards as established in this article while engaging in refuse collection at each location. For purposes of this article, the term "refuse collectors" shall be synonymous with private haulers, and all other persons that commercially engage in the collection and transportation of refuse and other debris.

SECTION 8 MOTOR VEHICLE NOISE:

- A. All motor vehicles as defined in Section 14-1 of Chapter 246 of the Connecticut General Statutes, operated within the limits of the Town of Ledyard shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes.
- B. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in the Noise Levels section (Page 3 Sec. A).
- C. Recreational motorized vehicles operating off public rights-of-way.
 - 1) No person shall operate or cause to be operated any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted there from exceeds the limits set forth in section A, Noise Levels.

- 2) This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including but not limited to commercial or noncommercial racing vehicles, motorcycles, go-carts, ATV's, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats or aircraft.

SECTION 9 INSPECTIONS

- A. For the purpose of determining compliance with the provisions of this ordinance, the Mayor or his/her duly authorized officer is hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the Mayor or his/her duly authorized officer may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.
- B. It shall be unlawful for any person to refuse to allow or permit the Mayor or his/her duly authorized officer free access to any premises when the Mayor or his/her duly authorized officer is acting in compliance with a warrant for inspection and order issued by the appropriate court.
- C. It shall be unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise sources.
- D. No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this ordinance.

SECTION 10 ENFORCEMENT AND PENALTIES FOR OFFENSES

- A. The Ledyard Police Department shall be responsible for investigating and documenting, through acoustic measurements, violations of this ordinance. Violators may be served with an ordinance citation, which shall be known as a "Noise Ticket". Payment of the fine prescribed by such Noise Ticket within the time specified thereon shall constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offense cited.

Fines shall be in the amount of \$99.00 for each day that the violation continues until the noise is abated. Nothing in this ordinance shall prevent the Police Department, because of the perceived nature of the offense, from proceeding not under the terms of this ordinance, but under the provisions of Connecticut General Statutes §53a-181 and §53a-182, as they may be amended from time to time, which sections relate, generally, to breach of peace, etc.

An appeal process relative to Noise Tickets is established below:

The Mayor shall appoint a hearing officer who shall serve at his/her discretion to hear appeals from the issuance of noise tickets. A Person shall have thirty (30) days from the date of the Noise Ticket to deliver a written application for a hearing. The Hearing Officer shall hold a hearing within five days of the receipt of the application, and his/her decision shall be final.

- B. In those individual cases where the background noise levels caused by sources not subject to this ordinance exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise level by 5 dBA, provided that no source subject to the provisions of Section A, Noise Levels, shall emit noise in excess of 80 dBA at any time, and provided that this section does not decrease the permissible levels of the other sections of this ordinance.

SECTION 11. VARIANCES

- A. Any person living or doing business in Ledyard may apply to the Mayor or his/her duly authorized officer for a variance from one or more of the provisions of the ordinance which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplied all of the following information to the Mayor or his/her duly authorized officer at least twenty (20) days prior to the start of said activity.

- 1. The location and nature of the activity.
- 2. The time period and hours of operation of said activity.
- 3. The nature and intensity of the noise that will be generated.
- 4. Any other information required by the Chief Official.

- B. No variance from these regulations shall be allowed unless it has been demonstrated that:

- 1. The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations.
- 2. The noise levels generated by the proposed activity will not constitute a danger to the public health,
- 3. Compliance with the regulations constitutes an unreasonable hardship on the applicant.

- C. The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.

- D. Failure to rule on the application in the designated time shall constitute approval of the variance.

* See Appendix A for sample Application for Variance.

SECTION 12. SEVERABILITY.

All provisions of the Ledyard Zoning Regulations, which are more stringent than those set forth herein, shall remain in force.

If any word, clause, paragraph, section or provision of this Ordinance shall be held invalid by a court having competent jurisdiction, such invalidity shall not affect any of the other provisions of this Ordinance that can be given effect without the invalid provision and for this purpose the provisions of this Ordinance are hereby declared severable.

Any provision herein, which is in conflict with the Connecticut General Statutes or the Public Health Code of the State of Connecticut, is hereby repealed, it being understood that said Statutes and Regulations shall take precedence over this chapter.

Adopted by the Ledyard Chief Official on: _____

Linda C. Davis, Chairman

Approved / Disapproved on : _____

Fred B. Allyn, III, Mayor

APPENDIX A

TOWN OF LEDYARD
APPLICATION FOR VARIANCE
FROM
NOISE ORDINANCE

APPLICANT

Name: _____

Address: _____

Telephone:(Home)_____ (Cell)_____ (E-Mail)_____

PROPOSED EVENT/ACTIVITY

Name: _____

Event: _____

Date:_____ Times:_____ Estimated Attend:_____

Location: _____

Nature of Event/Activity; will live, amplified or recorded music be played? (State in detail):

Have adjoining property owners been notified 15 days in advance of event? _____ (Attach copy of notification)

Will alcoholic beverages be sold or served? Yes / No Please explain: _____

Applicant solemnly swears and affirms that all information given on this application is true and correct to the best of his/her knowledge and belief. Applicant further acknowledges and agrees that approval of the Variance does not prohibit police officers from responding to and acting on any complaints, including violations of approved noise variances.

I have read and understand the Variance approved by the Selectman and agree to comply with all terms, conditions and restrictions imposed herein; I understand that this Variance will automatically terminate if I or those attending the approved event fail to abide by the conditions of the aforesaid variance and that a violation may subject any and all persons in attendance to the provisions of the Noise Control Ordinance.

Applicant

TOWN OF LEDYARD
APPLICATION FOR VARIANCE
FROM NOISE ORDINANCE

Application reviewed/investigated by: _____

Recommended terms, conditions, restrictions, if any, on activity and variance:

RECOMMENDATION TO MAYOR

The Police Department for the Town of Ledyard hereby recommends that this application for variance from the Noise control Ordinance by _____ be:
(Name of Event)

APPROVED

DISAPPROVED

Subject to the terms, conditions and/or restrictions set forth above.

Police Department

ADDITIONAL TERMS, CONDITIONS, AND/OR RESTRICTIONS IMPOSED BY MAYOR:

Final Action by Mayor:

APPROVED

DISAPPROVED

Date: _____ Signed: _____

AN ORDINANCE PROVIDING FOR THE REDUCTION AND ELIMINATION OF NOISE BY ESTABLISHING MAXIMUM NOISE LEVELS UPON AND BETWEEN PREMISES, PROHIBITING CERTAIN NOISE ACTIVITIES, AND PROVIDING FOR INSPECTION, OFFENSES AND PENALTIES IN THE TOWN OF OLD SAYBROOK, CONNECTICUT.

Section 1. Short Title: "The Town of Old Saybrook Noise Control Ordinance."

Section 2. Purpose: It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or safety or welfare or degrade the quality of life. This Ordinance is enacted to protect, preserve, and promote the health, safety, welfare, and quality of life for the citizens of Old Saybrook through the reduction, control, and prevention of noise.

Section 3. Definitions: The following definitions shall apply in the interpretation and enforcement of this Ordinance.

- 3.1 AMBIENT NOISE OR BACKGROUND NOISE: Shall mean noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.
- 3.2 BOARD OF SELECTMEN: Shall mean the Board of Selectmen of the Town of Old Saybrook or a duly authorized officer subject to their orders.
- 3.3 COMMERCIAL ZONE: Shall mean all of those districts set forth in Article III of the zoning regulations of the Town of Old Saybrook and all uses associated therewith either permitted as a right or as a special use.
- 3.4 CONSTRUCTION: Shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities, or similar property.

- 3.5 CONSTRUCTION EQUIPMENT: Shall mean any equipment or device operated by fuel or electric power used in construction or demolition work.
- 3.6 DAY-TIME HOURS: Shall mean the hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.
- 3.7 DECIBEL: Shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB.
- 3.8 DEMOLITION: Shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.
- 3.9 DOMESTIC POWER EQUIPMENT: Shall mean, but not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.
- 3.10 EMERGENCY: Shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- 3.11 EMERGENCY VEHICLE: Shall mean any motor vehicle authorized by the Town of Old Saybrook to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.
- 3.12 EMERGENCY WORK: Shall mean work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.
- 3.13 IMPULSE NOISE: Shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
- 3.14 INDUSTRIAL ZONE: Shall mean Industrial Districts as defined in Article IV of the zoning regulations of the Town of Old Saybrook, and all uses associated therewith either permitted as a right or as a special use.

- 3.15 MOTOR VEHICLE: Shall be defined as per Section 14-1 (26) of the Connecticut General Statutes.
- 3.16 MUFFLER: Shall mean a device for abating sounds such as escaping gases.
- 3.17 NIGHT-TIME HOURS: Shall mean the hours between 10:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning, except that night shall mean the hours between 10:00 p.m. Saturday and 9:00 a.m. Sunday.
- 3.18 NOISE: Shall mean any sound, the intensity of which exceeds the standards set forth in Section 5.2 of this Ordinance.
- 3.19 NOISE LEVEL: Shall mean the sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
- 3.20 PERSON: Shall mean any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative subdivision of the State or other legal entity of any kind.
- 3.21 PREMISES: Shall mean any building, structure, land, or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards, and real properties without buildings or improvements, owned or controlled by a person. The emitter's premises includes contiguous publically dedicated street and highway rights-of-way, all road rights-of-way and waters of the State.
- 3.22 PROPERTY LINE: Shall mean that real or imaginary line along the ground surface and its vertical extension which a) separates real property owned or controlled by any person for contiguous real property owned or controlled by another person, and b) separates real property from the public right-of-way.
- 3.23 PUBLIC RIGHT-OF-WAY: Shall mean any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

- 3.24 RECREATIONAL VEHICLE: Shall mean any internal combustion engine powered vehicle which is being used for recreational purposes.
- 3.25 RESIDENTIAL ZONE: Shall mean those residential districts set forth in Article II of the zoning regulations of the Town of Old Saybrook and all uses associated therewith either permitted as a right or as a special use.
- 3.26 SOUND: Shall mean a transmission of energy through solid, liquid, or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.
- 3.27 SOUND LEVEL METER: Shall mean an instrument used to take sound level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters Sl. 4--1971 (Type S2A).
- 3.28 SOUND PRESSURE LEVEL: Shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty micronewtons per square meter (20×10^{-6} Newtons/meter²); and is expressed in decibels (dB).

Section 4. NOISE LEVEL MEASUREMENT PROCEDURES: For the purpose of determining noise levels as set forth in this ordinance, the following guidelines shall be applicable.

- 4.1 All persons conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation.
- 4.2 Instruments used to determine sound level measurements shall conform to the sound level meters as defined by this Ordinance.
- 4.3 The general steps listed below shall be followed when preparing to take sound level measurements.

- a) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
- b) The sound level meter shall be calibrated before and after each set of measurements.
- c) When measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound level meter as per the manufacturer's instructions.
- d) The sound level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions and at least four (4) feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements.
- e) Measurements shall be taken at a point that is located about one foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

4.4 The recommended practices for determining statistical noise levels shall be those as outlined in the document entitled Connecticut Noise Survey Data Form #101.

Section 5.

Noise Levels.

5.1 It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in these regulations.

5.2 NOISE LEVEL STANDARDS

- a) No person in a Residential Zone shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent Residential, Commercial or Industrial Zones:

<u>Emitter's Zone</u>	<u>Receptor's Zone</u>			
	<u>Industrial</u>	<u>Commercial</u>	<u>Residential/Day</u>	<u>Residential/Night</u>
Residential	62 dBA	55 dBA	55 dBA	45 dBA

- b) No person in a Commercial Zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent Residential, Commercial or Industrial Zones:

<u>Emitter's Zone</u>	<u>Receptor's Zone</u>			
	<u>Industrial</u>	<u>Commercial</u>	<u>Residential/Day</u>	<u>Residential/Night</u>
Commercial	62 dBA	62 dBA	55 dBA	45 dBA

- c) No person in an Industrial Zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent Residential, Commercial or Industrial Zones:

<u>Emitter's Zone</u>	<u>Receptor's Zone</u>			
	<u>Industrial</u>	<u>Commercial</u>	<u>Residential/Day</u>	<u>Residential/Night</u>
Industrial	70 dBA	66 dBA	61 dBA	51 dBA

5.3 HIGH BACKGROUND NOISE LEVELS AND IMPULSE NOISE

a) In those individual cases where the background noise levels caused by sources not subject to these Regulations exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by 5 dBA, provided that no source subject to the provisions of this ordinance shall emit noise in excess of 80 dBA at any time, and provided that this Section does not decrease the permissible levels of other Sections of this Ordinance.

b) No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime to any Residential Noise Zone.

c) No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure level at any time to any Zone.

5.4 EXCLUSIONS

These levels shall not apply to noise emitted by or related to:

a) Natural phenomena.

b) Any bell or chime from any building clock, school, or church.

c) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situated provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful.

- d) Warning devices required by OSHA or other State or Federal safety regulations.
- e) Farming equipment or farming activity.

5.5 EXEMPTIONS

The following shall be exempt from these regulations subject to special conditions as spelled out;

- a) Noise generated by any construction equipment which is operated during Day-Time Hours, provided that the operation of construction equipment during Night-Time Hours shall not exceed the maximum noise levels as specified in Section 5.2.
- b) Noise created as a result of, or relating to an emergency.
- c) Noise from domestic power equipment such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated during Day-Time Hours.
- d) Noise from snow removal equipment.
- e) Noise from demolition work conducted during Day-Time Hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.
- f) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
- g) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the Town, including, but not limited to, parades, sporting events, concerts, and firework displays.
- h) Noise created by blasting other than that conducted in connection with construction activities shall be exempted provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities.
- i) Noise created by refuse and solid waste collection, provided that the activity is conducted during Day-Time Hours.

Section 6. Prohibited Noise Activities. The following activities are prohibited:

- 6.1 VEHICLE HORNS: No person shall at any time sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.
- 6.2 TRUCK IDLING: No person shall operate an engine or any standing motor vehicle with a weight in excess of 10,000 pounds Manufacturer's Gross Vehicle Weight (GVW) for a period in excess of ten (10) minutes when such vehicle is parked on a residential premises or on a Town road next to a residential premises.
- 6.3 EXHAUST DISCHARGE: No person shall discharge into the ambient air the blow-down of any steam vent of the exhaust of any stationary internal combustion engine or air compressor equipment, unless such discharge be through a muffler as defined by Section 3.16 of this Ordinance or through an apparatus providing equal noise reduction.

Section 7. Motor Vehicle Noise.

- 7.1 All motor vehicles operated within the limits of the Town of Old Saybrook shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut State Statutes.
- 7.2 No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in Section 5.2.

Section 8. Recreational Vehicle Noise.

- 8.1 No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this Ordinance when the noise so generated exceeds the noise level standards set forth in Section 5.2.

Section 9. Inspections.

- 9.1 For the purpose of determining compliance with the provisions of this Ordinance, the Board of Selectmen or their designated representative are hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility, or process where inspection is sought, the Board of Selectmen or their designated representative may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.
- 9.2 It shall be unlawful for any person to refuse to allow or permit the Board of Selectmen or their designated representative free access to any premises when the Board of Selectmen or their designated representative is acting in compliance with a warrant for inspection and order issued by the appropriate court.
- 9.3 It shall be unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise sources.
- 9.4 No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this Ordinance.

Section 10. Penalties.

- 10.1 Any person in violation of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed twenty-five (\$25) dollars. Each day such violation continues after the time for correction of the violation has been given in an order, shall constitute a continuing violation and the amount of the fine shall be doubled for each day said violation continues, said fine not to exceed four hundred (\$400) dollars per day.

Section 11. Variance and Contracts.

11.1 Variances.

Any person living or doing business in Old Saybrook may apply to the Board of Selectmen for a variance from one or more of the provisions of the Ordinance, which are more stringent than the Connecticut Department of Environmental regulations for the control of noise, provided that the applicant supplies all of the following information to the Board of Selectmen at least twenty (20) days prior to the start of said activity.

- 1) The location and nature of activity.
 - 2) The time period and hours of operation of said activity.
 - 3) The nature and intensity of the noise that will be generated, and,
 - 4) Any other information required by the Board of Selectmen.
- b) No variance from these regulations shall be issued unless it has been demonstrated that:
- 1) The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations.
 - 2) The noise levels generated by the proposed activity will not constitute a danger to the public health, and
 - 3) Compliance with the regulations constitutes an unreasonable hardship on the applicant.
- c) The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.
- d) Failure to rule on the application in the designated time shall constitute approval of the variance.

11.2 Contracts. Any written agreement, purchase order or contract whereby the Town of Old Saybrook is committed to an expenditure of funds in return for work, labor, services, supplies, equipment, materials or any combination thereof, shall not be entered into unless such agreement, purchase order or instrument contains provisions that any equipment or activities which are subject to the provisions of this Ordinance will be operated, constructed, conducted or manufactured without violating the provisions of this Ordinance.

Section 12.

Severability. All provisions of the zoning regulations of the Town of Old Saybrook which are more stringent than those set forth herein shall remain in force. If, for any reason, any word, clause, paragraph, or section of this Ordinance shall be held to make the same unconstitutional, this ordinance shall not hereby be invalidated and the remainder of this Ordinance shall continue in effect. Any provision herein which is in conflict with the Connecticut General Statutes or the Public Health Code of the State of Connecticut are hereby repealed, it being understood that said Statutes and Code shall take precedence over this Ordinance.

Section 13.

Effective Date. This Ordinance shall become effective fifteen (15) days after publication in a newspaper having a circulation in Old Saybrook.



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 24-0775

Agenda Date: 11/4/2024

Agenda #: 4.

ORDINANCE

Motion/Request:

Background:

LUPPW Cmt 8/5/2024 Meeting: In response to residents concerns that illegal dumping was occurring in town, and there was no process for recourse, the LUPPW Committee began work to research laws regarding Illegal Dumping.

Connecticut General Statutes 22a-250 "*Littering or Dumping Prohibited- Orders-Procedures-Penalties*" to protect public property, private property, maintain respectable neighborhoods, and for the town as a whole.

Department Comment/Recommendation:

(type text here)

Mayor Comment/Recommendation:

(type text here)

Body:

(type text here)

Roxanne Maher

From: John Rich
Sent: Wednesday, October 30, 2024 1:12 PM
To: Roxanne Maher
Cc: Alan Muench; Kenneth R. Creutz
Subject: RE: LUPPW Cmt - Noise Issues & Illegal Dumping

Roxanne,

Regarding the issue of illegal dumping, I'll do my best to chronicle the situation at 26 Lake Street, with an eye toward mitigation of the issue that's impacting the neighbors. I've noted that you included the state statute for littering and illegal dumping. Here's the definition of "litter" from a 2002 Office of Legislative Research Report:

CONNECTICUT LITTERING LAW

The law prohibits people from throwing, scattering, spilling, placing or causing to be blown, scattered, spilled, thrown or placed, litter upon any public property, private property belonging to another, or any state waters (CGS § 22a-250).

Litter is any discarded, used, or unconsumed substance or waste material, including bottles, cans, jars, and their detachable tops; unlit cigarettes, cigars, and matches; any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings, lawn or garden waste, newspapers, magazines, or glass, metal, plastic or paper containers, or other packaging or construction material (CGS §22a-248(4)).

Littering does not occur if a person is authorized to dispose of waste on property the state or a municipality has designated for such use, or if someone properly deposits waste in a receptacle.

It should be noted that the standard for illegal dumping includes a unit of measurement of one cubic foot. Therefore, it's my opinion that a trash bag of leaves, grass clippings, etc, placed on someone's property without permission would constitute littering/illegal dumping under the statute.

State of Connecticut DEEP offers the following on their website with regard to illegal dumping:

There are penalties for illegal dumping:

- *State law imposes a fine of \$219 for dumping anything bigger than one cubic foot.*
- *If you are caught dumping with your vehicle it will be confiscated, you will pay a fine and you are also subject to arrest.*
- *You can also be sued for clean-up costs and the collection of bigger fines – up to \$25,000 per day.*
- *Dumping can be punishable under federal law.*

Report illegal dumping to:

- ***Your Local Police Department:*** *If the dumping is ongoing and/or you know who did the dumping, call the local police. If a vehicle is involved, get the license plate number and a description of the vehicle doing the dumping --- vehicles can be seized.*

- **DEEP's Emergency Response Unit:** Only if the dumping poses an immediate threat to public health or the environment. [Reporting Environmental Emergencies](#)
- **Your Town/City Hall:** If the dumping has already taken place, call your Town or City Hall to report the incident. Usually, the contact at the Town Hall is your [local Health Department](#) or Public Works Department.

Recent Ledyard Police Call History regarding 26 Lake Street and 19 Marla Ave.

April 22, 2023—Walk-in complaint at LPD from resident of 19 Marla regarding neighbor throwing tree branches over a fence onto her property. Complainant advised she put the branches back onto the neighbor's property but did not confront them. Officer Buechel spoke to the reporting party, who states she would call back if there were further issues. There is no additional report in our systems regarding the issue.

October 5, 2023—Resident of 26 Lake Street called LPD for advice on a camera pointed toward her property from Marla Ave, Call number 23-31074

May 24, 2023 and August 13, 2023—Medical calls regarding elderly resident at 26 Lake Street

October 8, 2024—Untimely Death of the same elderly resident at 26 Lake Street

Suggestions for mitigation:

- 1) Determine the location of the property lines between the affected properties.
- 2) If littering or dumping occurs, contact the Ledyard Police Department. In this particular case, I'd encourage the complainant (s) to contact me by email at Chief.rich@ledyardct.org so I can assign and brief an officer on the history of the situation.
- 3) Depending on the officer's results in working with the parties, enforcement of the state statute is an option.
- 4) I do not believe there is sufficient cause for the town to enact an ordinance for a situation with a remedy that exists in state statute.

Issue #2—Noise from Prides Corner Farms at 691 Shewville Road

Summary:

This property appears to be an off-site growing location for Prides Corner Farms of 122 Waterman Road in Lebanon, CT, Phone (860) 437-5168.

From the minutes, it appears a resident is concerned with noise from construction of greenhouses and structures, as well as workers playing music on the property. It also appears the resident has spoken with workers about the music, and they have been cooperative in lowering the volume when asked.

Assuming the farming business is conforming with regulations and the hours of operation on their permit, it may be helpful to contact the main office in Lebanon to determine how much additional construction, if any, is planned, and the timeline for the construction. If this is communicated to the resident, at least they have some information.

Recent Ledyard Police Responses to 691 Shewville Road include routine patrol checks, traffic enforcement, and a report of low hanging wires.

Recent responses to 10 Linden Lane include a fire department call for smoke in the house due to an oven fire in 2022.

There is no record of any noise complaints to LPD regarding these properties.

As noted in other interactions with Land Use pertaining to noise complaints, there are many variables in play that make these situations somewhat complicated at times. It is my hope that this situation is temporary and can be mitigated with effective communication with the involved parties. If there is any way I can further support the committee's efforts, or if my presence at a meeting is desired, please let me know.

Sincerely,

Chief John Rich

From: Roxanne Maher <council@ledyardct.org>
Sent: Tuesday, October 29, 2024 3:12 PM
To: John Rich <chief.rich@ledyardct.org>
Cc: Roxanne Maher <council@ledyardct.org>; Gary St. Vil <GSVil@ledyardct.org>
Subject: LUPPW Cmt - Noise Issues & Illegal Dumping

Good Afternoon Chief Rich:

As a follow-up to my voice message, the LUPPW Committee has been discussing resident's concerns regarding the following issues:

- Noise Issue – 10 Linden Lane – a Business has been operating loud equipment in the early morning hours.
- Illegal Dumping – Resident on Lake Street has a neighbor who continues to dump debris over the fence onto their property.

The LUPPW Committee is looking for guidance as to the best approach for the Town to help these residents with their concerns (i.e. rely on state statute or draft an Ordinance).

I have attached the LUPPW Cmt Minutes as follows:
August 5, 2024 – Residents Comments

September 9, 2024 – New Business Item #1

Please contact me if you have any questions regarding this request.

Thank you for your help,
Roxanne

Roxanne M. Maher
Administrative Assistant to
The Ledyard Town Council
(860) 464-3203
council@ledyardct.org

Town Hall Hours:
Monday – Thursday 7:45 a.m. – 4:45 p.m.
Closed on Friday



Roxanne Maher

From: Elizabeth Burdick
Sent: Wednesday, October 30, 2024 4:12 PM
To: Roxanne Maher
Subject: FW: Quick question...

10/30/24 Good afternoon, Roxanne, Please see email from Chief Rich below with regard to my question to him regarding police enforcement of illegal dumping. Please forward to the LUPPW Committee for its meeting on Monday, 11/4/24.

Also, please advise the Committee that the Building Official and I are working to meet with Prides Corner Farms regarding loud noise emitting from its property and will have an update for it at its next meeting. I will not be in attendance this Monday as I will be on vacation. Thanks.

Regards,

Liz Burdick

Director of Land Use & Planning
Town of Ledyard
741 Colonel Ledyard Highway, Ledyard, CT 06339
Telephone: (860) 464-3215 ~ Email: planner@ledyardct.org
TOWN HALL HOURS: MON-THURS, 7:30AM – 4:45PM

From: John Rich <chief.rich@ledyardct.org>
Sent: Monday, October 7, 2024 7:45 PM
To: Elizabeth Burdick <planner@ledyardct.org>
Subject: Re: Quick question...

Liz,

The answer is yes. Here's the language of the state statute and any ordinance should be consistent with the following:

Sec. 22a-250. (Formerly Sec. 22a-87). Littering or dumping prohibited. Orders. Procedures. Penalties. (a) No person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed, or otherwise dispose of any litter (1) upon any public property in the state, (2) upon any public land in the state, (3) upon any private property in this state not owned by such person, or (4) in the waters of this state, including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, mobile manufactured home park, highway, road, street or alley except: (A) When such property is designated by the state or any political subdivision thereof for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose; or (B) into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters. For the purposes of this subsection, "public land" means a state park, state forest or municipal park or any other publicly owned land that is open to the public for active or passive recreation.

(b) (1) Any person who violates any provision of subsection (a) of this section shall be fined not more than one hundred ninety-nine dollars. One-half of any fine collected pursuant to this subsection shall be payable to the state and one-half of such fine shall be payable to the municipality in which the arrest was made unless the arrest was made by a conservation officer, special conservation officer or patrolman appointed by the Commissioner of

Energy and Environmental Protection under authority of section 26-5, in which case one-half of such fine shall be payable to the Department of Energy and Environmental Protection. Any municipality, after conducting a hearing in accordance with an ordinance adopted pursuant to section 7-152c, may assess a separate administrative penalty of not more than five hundred dollars upon the responsible party or property owner, as applicable, if such litter includes any item of furniture or any discarded item listed in subsection (d) of this section.

(2) Whenever any person is convicted of a violation of subdivision (2) of subsection (a) of this section, the court shall, in addition to imposing the fine authorized by subdivision (1) of this subsection, impose a surcharge in an amount equal to fifty per cent of such fine. Any such surcharge collected pursuant to this subdivision shall be payable to the municipality in which the arrest was made unless the arrest was made by a conservation officer, special conservation officer or patrolman appointed by the Commissioner of Energy and Environmental Protection under authority of section 26-5, in which case such surcharge shall be payable to the Department of Energy and Environmental Protection.

(3) When any such material or substances are thrown, blown, scattered or spilled from a vehicle, the operator thereof shall be deemed prima facie to have committed such offense.

(c) No person shall dump, as defined in subdivision (12) of section 22a-248, any material upon any public property in the state or upon private property in this state not owned by such person except when (1) such property is designated by the state or any political subdivision thereof for dumping or such property is a licensed facility for such purpose, and (2) such person is authorized to use such property. It shall not be a defense under this subsection that the dumping occurred with the permission of the property owner. The commissioner or the municipality in which such dumping occurs may, upon complaint or on their own initiative, investigate any violation of this subsection.

(d) No person shall dump, as defined in this subsection, any material upon any public property in the state or upon private property in this state not owned by such person except when (1) such property is designated by the state or any political subdivision thereof for dumping or such property is a licensed facility for such purpose, and (2) such person is authorized to use such property. The commissioner or the municipality in which such dumping occurs may, upon complaint or on their own initiative, investigate any violation of this subsection. It shall not be a defense under this subsection that the dumping occurred with the permission of the property owner. As used in this subsection "dump" means to discard automobiles or automobile parts, large appliances, tires, bulky waste, hazardous waste, as defined in section 22a-115, or any other similar material.

(e) If the commissioner, after investigation, finds that there has been a violation of subsection (c) or (d) of this section, he may issue an order pursuant to section 22a-225 to remove material dumped in violation of said subsection (c) or (d) to a solid waste facility approved by the commissioner.

(f) (1) If the chief elected official of a municipality, after investigation, finds that there has been a violation of subsection (c) or (d) of this section, he may send a notice to the owner of the property where such violation has occurred by certified mail, return receipt requested, to the address of record for property tax purposes. Such notice shall include (A) a reference to the statute alleged to have been violated; (B) a short and plain statement of the matter asserted or charged; (C) a demand that such property owner remove any material dumped in violation of subsection (c) or (d) of this section to a solid waste facility approved by the commissioner; and (D) a statement that such property owner has the right to a hearing to contest the chief elected official's finding and the date, time and place for the hearing. Such hearing shall be fixed for a date not later than ten days after the notice is mailed. The hearing shall be completed within fifteen days after such hearing commences and a decision shall be rendered within ten days of the completion of such hearing.

(2) The chief elected official or his designee shall hold a hearing upon the alleged violation unless such property owner fails to appear at the hearing. If such property owner fails to appear at the hearing or if, after the hearing, the chief elected official or his designee finds that material has been dumped on such owner's property in violation

of subsection (c) or (d) of this section and such property owner has not removed such material to a solid waste facility approved by the commissioner, the official may order that such property owner within thirty days remove such material to a solid waste facility approved by the commissioner. The official shall send a copy of any order issued pursuant to this subdivision by certified mail, return receipt requested, to such property owner. The person may appeal from an order of the chief elected official of a municipality under this subdivision in accordance with the provisions of section 8-8.

(3) If the owner fails to remove such material within thirty days from the date of the order issued by the chief elected official under subdivision (2) of this subsection, and no appeal of such order has been taken in accordance with section 8-8, the municipality may enter such property and remove such material to a solid waste facility approved by the commissioner.

(4) The provisions of this subsection shall not apply to any corporation subject to taxation under chapter 210.

(g) No property owner shall be ordered to remove dumped material by the commissioner or the chief elected official of a municipality pursuant to subsection (e) or (f) of this section unless (1) the commissioner or the chief elected official, as the case may be, finds that the property owner has dumped such material, or knowingly allowed another person to dump such material, in violation of subsection (c) or (d) of this section or (2) the commissioner or the chief elected official, as the case may be, has determined that there is no reasonable opportunity to compel the responsible party to remove the material or pay the costs of such removal.

(h) Any person who violates subsection (c) or (d) of this section shall be liable for a civil penalty of not less than one thousand dollars, nor more than ten thousand dollars for each day such violation continues. The Superior Court, in an action brought by the municipality or by the Attorney General on the request of the commissioner, shall have jurisdiction to issue an order to such person directing the removal of the material to a solid waste facility approved by the commissioner. If the court finds that the violation was wilful, it may impose a civil penalty equivalent to three times the cost of remediation of the violation in addition to other applicable civil penalties. The court may also order that a violator shall pay restitution to a landowner which the court finds has suffered damages as a result of the violation. All such actions shall have precedence in the order of trial as provided in section 52-191. Any such action by the Attorney General shall be brought in the superior court for the judicial district of Hartford. Any vehicle used by any person in violation of subsection (d) may be forfeited in accordance with section 22a-250a.

(P.A. 74-262, S. 4, 7; P.A. 78-319, S. 4, 15; P.A. 83-176, S. 2; P.A. 84-546, S. 73, 173; P.A. 85-446, S. 5; 85-613, S. 65, 154; P.A. 87-531, S. 4; P.A. 88-230, S. 1, 12; 88-320, S. 2; P.A. 90-98, S. 1, 2; P.A. 92-249, S. 3; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6; P.A. 01-204, S. 14; June Sp. Sess. P.A. 01-9, S. 73, 131; P.A. 02-15, S. 1; P.A. 05-234, S. 10; P.A. 11-80, S. 1; P.A. 16-122, S. 1.)

History: P.A. 78-319 made violations of Subsec. (d) of Sec

Sent from my iPhone

On Oct 7, 2024, at 5:55 PM, Elizabeth Burdick <planner@ledyardct.org> wrote:

Good afternoon, Chief, The Town Council is considering the adoption of an illegal dumping ordinance. It has drafted one that I feel needs a lot of clarity – its speaks to criminal offenses & civil citation offenses. Anyway, here’s my question ... If I had video or photographic evidence of my neighbor dumping on my property, can I file a complaint with the PD for dumping, trespassing or similar? Please let me know. Thanks!

Regards,

Liz Burdick

Director of Land Use & Planning

Town of Ledyard

741 Colonel Ledyard Highway, Ledyard, CT 06339

Telephone: (860) 464-3215 ~ Email: planner@ledyardct.org

TOWN HALL HOURS: MON-THURS, 7:30AM – 4:45PM

AN ORDINANCE
ESTABLISHING CITATIONS AND FINES
FOR ILLEGAL LITTERING OR DUMPING
IN THE TOWN OF LEDAYRD

Be it ordained by the Town Council of the Town of Ledyard: *“An Ordinance Establishing Citations and Fines for Illegal Littering or Dumping in the Town of Ledyard”* is hereby enacted.

Section 1: Authority

Pursuant to provisions of Connecticut General Statutes 22a-250 *“Littering or Dumping Prohibited-Orders-Procedures-Penalties”*.

Section 2. Purpose

To establish procedures so that citations and fines may be imposed as a method of enforcing the illegal littering or dumping in the Town of Ledyard to protect public property, private property, maintain respectable neighborhoods, and the town as a whole.

Section 3. Scope of Provisions

To prohibit anyone from throwing, scattering, spilling, placing or causing to be blown, scattered, spilled, thrown or placed, any materials upon any public property, private property belonging to another, or any state waters (CGS § 22a-250(a)).

Section 4. Definitions

- a. Dumping – To discard on any public property in the Town of Ledyard or on private property not owned by such person that is not licensed or permitted to receive waste, or private residential property or vacant lot not owned by such person, more than one cubic foot of volume such as garbage bags or contents thereof, to include but not be limited to bulky waste, compostable materials, yard waste, hazardous material, large appliances, or similar materials, as defined in CGS Section 22a-115a.
- b. Litter – Waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, or welfare.
- c. Chief Elected Officer – Is the Mayor elected by the electors of the municipality and serves as the . head of such municipality; and has such other powers and duties as prescribed in the Town Charter.
- d. Enforcement Officer (Designee)- Person selected or designated to carry out a duty or role.
- e. Citation Hearing Committee - The Mayor shall appoint one or more Citation Hearing Officer(s), as defined in and pursuant to C.G.S., Section 7-152c to serve on the Citation Hearing Committee.

- f. Violator – Person found to be dumping.
- g. Public Property - Any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, spaces, grounds, and buildings in the Town of Ledyard.
- h. Private or Residential Property - Any property designed or used either wholly or in part for private residential purposes, commercial or industrial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and including any yard, grounds, walk, driveway, parking lot, porch, steps, vestibule.
- i. Property Owner -Any person or entity who has taken title to a property.
- j. Bulky Waste - Stoves or refrigerators, bedsprings, mattresses, hot-water tanks, furniture and other large household items, including construction materials such as scrap lumber, pipe or other materials resulting from construction, or from demolition refuse.
- k. Compostable Materials: All putrescible and non-putrescible waste, including brush, leaves and yard waste, garden clippings, food scraps, dead animals, and ashes.
- l. Garbage Bag - A heavy-duty disposable paper or plastic sack designed to store waste, with sufficient wall strength to maintain physical integrity when lifted by the top.
- m. Hazardous Waste - Any material which has been designated as hazardous by the Federal Environmental Protection Agency or the State Department of Environmental Protection.
- n. Licensed or Permitted Waste Facility– Property or facility that has received license or permit from the State Department of Energy & Environmental Protection (DEEP) to receive waste.
- o. Public Nuisance - Condition, activity, or situation that interferes with the use or enjoyment of property.
- p. Vacant Lot - Property - A period of sixty (60) days or longer during which the property subject to this Ordinance is not legally occupied.

Section 3. Dumping Violations

- (1) Through written complaint or through the normal operations of the Town, the Enforcement Officer(s) shall be responsible to investigate and determine whether dumping has occurred according to the definitions in this Ordinance.
- (2) The Enforcement Officer(s) shall investigate and shall obtain evidence of the alleged dumping (video, photographs, etc.) and document conditions of dumping if any, and file a written report with the Mayor or his/her designee should they find.

- a. That a property owner is guilty of illegally dumping or allowed someone else to illegally dump; or
- b. That someone is guilty of illegally dumping on private property that is owned by another.
- c. That someone is guilty of illegally dumping of public property.

The Enforcement Officer's report shall state whether or not illegal dumping was within the meaning of this Ordinance. Such report shall be kept by the Town and may be available to the violator and property owner upon request.

Section 4. Violator and/or Property Owner Notification

Whenever the Town of Ledyard finds:

1. That a property owner is guilty of illegally dumping or allowed someone else to illegally dump; or
2. Finds that someone is guilty of illegally dumping on property owned by another,
3. Finds that someone is guilty of illegally dumping on public property.

Written notice of the violation shall be given to the violator and property owner issuing cease and desist orders to stop or prevent anyone from causing or engaging in any activity or condition that is likely to result in imminent and substantial damage to the environment or public health; public nuisance to neighboring properties, the neighborhood, or the town as a whole. Such orders may require the alleged violator to discontinue, abate, or alleviate the underlying condition or activity (CGS § 22a-7).

A copy of the notice of the violation shall be provided either by hand delivery or by mail. Said notice shall specify that the violator has seven days, from the date notice was hand delivered or mailed, to remediate the conditions, or the Town will take enforcement action. In the case of an unidentified property owner or one whose address is unknown, the Enforcement Officer shall publish a notice in in a local newspaper stating the property is cited for illegal dumping, and, if applicable, whether the property has been determined to be abandoned.

The notice shall contain the following information:

- a. The address of the affected property.
- b. The exact nature of the violation.
- c. The time allowed for corrective action shall be in accordance with CGS 7-148.
- d. The penalty for continued violation of this Ordinance.
- e. The availability of a hearing procedure before the Appeals Committee pursuant to CGS 7-152c; and
- f. The penalty for violation of this ordinance shall be \$100 for each day that a violation continues.

2. Prior to the expiration of the seven-day period specified in subsection 4-1 of this section, the property owner may request additional time for remediation. The Enforcement Officer may determine an alternate timetable of a reasonable length of time, if warranted. Such timetable will be in writing and must be signed by both the Enforcement Officer and the property owner. Failure to comply with the agreed upon timetable will make the property owner liable for retroactive fines and penalties as designated in Section 6 subsections (A) and (B).
3. After the expiration of the seven-day period specified in subsection 4-1 of this section and without the alternate timetable specified in subsection (B) above, the Town of Ledyard, through its designated agents, may enter dumping premises during reasonable hours for the purposes of remediating the conditions. Costs associated with the remediation to remove the debris may be recovered by the Town in accordance with C.G.S. Section 49-73(b).

Section 5. Creation or Continuation of Illegal Dumping Prohibited

No person, firm or corporation, no owner, agent, tenant, operator, possessor of real property, and no other person responsible for the care, maintenance and/or condition of real property, shall cause or allow any dumping on property that is not licensed or permitted to receive waste, as defined in Section 4 of this Ordinance, to be created or continued.

Section 6. Enforcement: Criminal Violations And Civil Penalties

- A. Criminal Violations: Pursuant to C.G.S. 7-148 (c) (7) (H) (xv), any person or entity who, after written notice and a reasonable opportunity to remediate dumping conditions as specified in Section 4-1 of this Ordinance, willfully violates Section 5 of this Ordinance, may be fined by the State of Connecticut not more than two hundred and fifty dollars (\$250.00) for each day for which it can be shown, based upon an actual inspection of the property on each such day, the dumping conditions continued to exist after written notice to the owner or occupant, as provided in Section 4-1. This section is designated as a violation pursuant to C.G.S. 53a-27.
 1. No person or entity shall be found guilty of a violation pursuant to Section 6(A) and a civil penalty pursuant to Section 6(B) of this Ordinance for the same occurrence.
 2. Any person who is a new owner or occupant shall, upon request, be granted a thirty-day extension of the notice and opportunity to remediate, provided pursuant to Section 6-1 prior to imposition of a fine; if the dumping is remediated during said extension, the case shall be dismissed.
- B. Civil Penalties: Any person or entity who fails to comply with Section 7 of this ordinance, and, thereafter, fails to remediate the dumping conditions within five days of the notice provided pursuant to Section 4-1 may be assessed a civil penalty for each violation of this Ordinance.

The amount of the civil penalty shall be one hundred dollars (\$100.00) per day. Each day the violation cited by this Ordinance shall constitute grounds for the assessment of a separate civil penalty. The issuing officer shall deliver written notice of the civil penalty,

either by hand delivery or by mail, to the owner or violator occupant responsible for the dumping. Said notice will include the nature of the violation and the penalty being assessed.

1. Penalties assessed pursuant to subsection (B) of this section shall be enforceable by citation pursuant to C.G.S. Section 7-152c.
2. Persons or entities assessed a penalty pursuant to subsection (B) of this section shall remit fines for said violation within ten (10) days of the mailing of notice thereof. The fine imposed shall be payable to the Town of Ledyard. Uncontested payments received pursuant to this subsection shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the person or entity making the payment.

Section 7. Civil Penalty Citation Hearing Procedure

A. Notification of right to hearing - At the time that the civil penalty is assessed, the violator and the property owner shall be notified in writing of the availability of a hearing before the Citation Hearing Officer to contest the determination of dumping and/or the assessed penalty. Specifically, the property owner will be notified:

1. That the violator may request a hearing to contest the determination of dumping charge and/or the assessed penalty,
2. That the violator must provide a written request for such a hearing within ten days of the date of notification,
3. That if the violator does not demand such a hearing, an assessment and judgment shall be entered against the property owner
4. That the judgment may be issued without further notice.

B. Rights of the Respondent

1. Admission of Liability - If the violator who is sent notice pursuant to subsection (A) above wishes to admit liability for any alleged violation, the violator may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail in accordance with Section 6 (A) (2) above and remediate the property. Payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the violator making the payment.
2. Constructive Admission of Liability - Any person or entity who fails to deliver or mail written demand for a hearing within ten days of the date of the first notice provided for in subsection A above shall be deemed to have admitted liability, and the Enforcement Officer shall certify the violator's failure to respond to the Citation Hearing Board. The Citation Hearing Board shall thereupon enter and assess the fines, penalties, costs or fees provided for in this ordinance including per diem penalties retroactive to the original date of expected remediation as specified in Section 4-1-and shall follow the procedures set forth in Section 7 (C) of this ordinance.

3. Right to Hearing - Any person or entity who requests a hearing shall be given written notice of the date, time and place for the hearing. The hearing shall be held not less than fifteen days, nor more than thirty days, from the date of the mailing of notice, provided, the Citation Hearing Board may grant, upon good cause shown, any reasonable request by any interested party for continuance.

- C. Formal Hearing Procedure - The Citation Hearing Officer shall preside over a hearing which shall be held in the manner outlined in Connecticut General Statutes, Section 7-152c. The Citation Hearing Officer shall render the decision in writing and file it within five days with the Enforcement Officer, the Mayor, and send it by certified mail, return receipt requested, to the property owner or other responsible person and to all parties in the proceedings. The Citation Hearing Officer may decide one of the following:
 1. Dismissal: If the Citation Hearing Officer determines that the respondent is not liable, the Citation Hearing Officer shall dismiss the matter, and enter the determination in writing.
 2. Finding of Liability: Assessment: If the Citation Hearing Officer determines that the respondent is liable for the violation, the Citation Hearing Officer shall enter and assess the fines, penalties, costs or fees against the respondent, as provided by the Section 8 (A) including per diem penalties retroactive to the expected date of remediation as set forth in Section 6-1.

- D. Notice of Assessment; Effect
 1. Assessments must be paid to the Town of Ledyard within 10 days of receipt of the Citation Hearing Officer's determination.
 2. Not less than thirty days, but not more than twelve months, after the mailing, as set forth in subsection (D) (1) above, the Citation Hearing Officer shall file a certified copy of the notice of assessment with the clerk of a Superior Court designated by the Chief Court Administrator (as of the date of adoption hereof, the New London judicial district civil courthouse), together with the appropriate entry fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within the twelve-month period, assessments against the same person may be accrued and filed as one record of assessment.
 - a. Entry of judgment: The court clerk shall enter judgment in the amount of the record of assessment, and court costs, allowed by the General Statutes, in favor of the Town pursuant to C.G.S. 7152(c).
 - b. Effect of judgment; levy of execution permitted: Notwithstanding any provision of the General Statutes, the Citation Hearing Officer's assessment, when so entered as a judgment, shall have effect of a civil monetary judgment, and a levy of execution on the judgment may issue without further notice, to the respondent.

- E. A decision of the Citation Hearing Officer may be appealed to Superior Court in accordance with the provisions of C.G.S., Section 7-152c(g).

Section 8. Failure to Respond to Citation

- A. If the violator, agent, or responsible person fails to respond to the citation of dumping or is unwilling or unable to remove the prohibited materials from the property according to the provisions of this Ordinance, the Town may:
 - 1. Cause the removal of the prohibited materials and the cost there of shall be certified to the municipality. Said cost shall be a charge upon the lands and premises where the prohibited materials and the costs thereof shall be certified to municipality. Said cost shall be a charge upon the lands and premises where the prohibited materials were dumped, and charges shall be recoverable in the same manner as any other civil action.
 - 2. In addition to the forgoing procedure, the cost for the removal of the litter or other prohibited materials shall be assessed and the violator shall be billed for the expenses.

Section 9. Collection of Fines Imposed and Costs Incurred

- A. All fines imposed for violation of this Ordinance, and charges for municipal expenses shall be payable to the Town of Ledyard and deposited in the General Fund.
- B. Pursuant to C.G.S., Section 7-148aa, any unpaid fine imposed, and municipal expenses billed pursuant to this Ordinance shall constitute a lien upon the real estate against the violator's property, from the date such fine was imposed.

In addition, pursuant to C.G.S. 49-73, any expenses incurred by the Town pursuant to this Ordinance shall be subject to a lien on the violator's property. Said lien may be foreclosed upon and enforced in the same manner as property tax liens. The Town of Ledyard Tax Collector is hereby empowered to place a lien on the land records in the manner as specified by Connecticut General Statutes provided a copy of said lien is mailed by first class mail to the violator as set forth on the most recent tax assessment list.

Section 10. Municipal Abatement

In any action to enforce this Ordinance or to enforce any violation hereof, including the failure to pay a fine or penalty, the Town of Ledyard may recover its costs, any and all fines provided for herein, equitable and legal relief, along with any reasonable attorney fees and its witness fees and such other relief as permitted by law.

Section 10. Administrative Responsibility

The Enforcement Officer(s) may prescribe administrative procedures necessary for the purpose of effectuating this Ordinance, which procedure shall be approved by the Town Council.

Section 11. Severability

If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 12. Violation

A violation of this Ordinance is a public nuisance.

Section 13. Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

S. Naomi Rodriguez, Chairman

Approved / Disapproved on: _____

Fred Allyn, III, Mayor

Published on:

Effective Date:

Patricia A. Riley, Town Clerk

Background: In response to residents concerns that illegal dumping was occurring in town, and there was no process for recourse, this Ordinance was adopted in accordance with provisions provided in Connecticut General Statutes 22a-250 “*Littering or Dumping Prohibited-Orders-Procedures-Penalties*” to protect public property, private property, maintain respectable neighborhoods, and for the town as a whole.

Sec. 22a-250. (Formerly Sec. 22a-87). Littering or dumping prohibited. Orders.

Procedures. Penalties. (a) No person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed, or otherwise dispose of any litter (1) upon any public property in the state, (2) upon any public land in the state, (3) upon any private property in this state not owned by such person, or (4) in the waters of this state, including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, mobile manufactured home park, highway, road, street or alley except: (A) When such property is designated by the state or any political subdivision thereof for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose; or (B) into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters. For the purposes of this subsection, "public land" means a state park, state forest or municipal park or any other publicly-owned land that is open to the public for active or passive recreation.

(b) (1) Any person who violates any provision of subsection (a) of this section shall be fined not more than one hundred ninety-nine dollars. One-half of any fine collected pursuant to this subsection shall be payable to the state and one-half of such fine shall be payable to the municipality in which the arrest was made unless the arrest was made by a conservation officer, special conservation officer or patrolman appointed by the Commissioner of Environmental Protection under authority of section 26-5, in which case one-half of such fine shall be payable to the Department of Environmental Protection.

(2) Whenever any person is convicted of a violation of subdivision (2) of subsection (a) of this section, the court shall, in addition to imposing the fine authorized by subdivision (1) of this subsection, impose a surcharge in an amount equal to fifty per cent of such fine. Any such surcharge collected pursuant to this subdivision shall be payable to the municipality in which the arrest was made unless the arrest was made by a conservation officer, special conservation officer or patrolman appointed by the Commissioner of Environmental Protection under authority of section 26-5, in which case such surcharge shall be payable to the Department of Environmental Protection.

(3) When any such material or substances are thrown, blown, scattered or spilled from a vehicle, the operator thereof shall be deemed prima facie to have committed such offense.

(c) No person shall dump, as defined in subdivision (12) of section 22a-248, any material upon any public property in the state or upon private property in this state not owned by such person except when (1) such property is designated by the state or any political subdivision thereof for dumping or such property is a licensed facility for such purpose, and (2) such person is authorized to use such property. It shall not be a defense under this subsection that the dumping occurred with the permission of the property owner. The commissioner or the municipality in which such dumping occurs may, upon complaint or on their own initiative, investigate any violation of this subsection.

(d) No person shall dump, as defined in this subsection, any material upon any public property in the state or upon private property in this state not owned by such person except when (1) such property is designated by the state or any political subdivision thereof for dumping or such property is a licensed facility for such purpose, and (2) such person is

authorized to use such property. The commissioner or the municipality in which such dumping occurs may, upon complaint or on their own initiative, investigate any violation of this subsection. It shall not be a defense under this subsection that the dumping occurred with the permission of the property owner. As used in this subsection "dump" means to discard automobiles or automobile parts, large appliances, tires, bulky waste, hazardous waste, as defined in section 22a-115, or any other similar material.

(e) If the commissioner, after investigation, finds that there has been a violation of subsection (c) or (d) of this section, he may issue an order pursuant to section 22a-225 to remove material dumped in violation of said subsection (c) or (d) to a solid waste facility approved by the commissioner.

(f) (1) If the chief elected official of a municipality, after investigation, finds that there has been a violation of subsection (c) or (d) of this section, he may send a notice to the owner of the property where such violation has occurred by certified mail, return receipt requested, to the address of record for property tax purposes. Such notice shall include (A) a reference to the statute alleged to have been violated; (B) a short and plain statement of the matter asserted or charged; (C) a demand that such property owner remove any material dumped in violation of subsection (c) or (d) of this section to a solid waste facility approved by the commissioner; and (D) a statement that such property owner has the right to a hearing to contest the chief elected official's finding and the date, time and place for the hearing. Such hearing shall be fixed for a date not later than ten days after the notice is mailed. The hearing shall be completed within fifteen days after such hearing commences and a decision shall be rendered within ten days of the completion of such hearing.

(2) The chief elected official or his designee shall hold a hearing upon the alleged violation unless such property owner fails to appear at the hearing. If such property owner fails to appear at the hearing or if, after the hearing, the chief elected official or his designee finds that material has been dumped on such owner's property in violation of subsection (c) or (d) of this section and such property owner has not removed such material to a solid waste facility approved by the commissioner, the official may order that such property owner within thirty days remove such material to a solid waste facility approved by the commissioner. The official shall send a copy of any order issued pursuant to this subdivision by certified mail, return receipt requested, to such property owner. The person may appeal from an order of the chief elected official of a municipality under this subdivision in accordance with the provisions of section 8-8.

(3) If the owner fails to remove such material within thirty days from the date of the order issued by the chief elected official under subdivision (2) of this subsection, and no appeal of such order has been taken in accordance with section 8-8, the municipality may enter such property and remove such material to a solid waste facility approved by the commissioner.

(4) The provisions of this subsection shall not apply to any corporation subject to taxation under chapter 210.

(g) No property owner shall be ordered to remove dumped material by the commissioner or the chief elected official of a municipality pursuant to subsection (e) or (f) of this section unless (1) the commissioner or the chief elected official, as the case may be, finds that the property

owner has dumped such material, or knowingly allowed another person to dump such material, in violation of subsection (c) or (d) of this section or (2) the commissioner or the chief elected official, as the case may be, has determined that there is no reasonable opportunity to compel the responsible party to remove the material or pay the costs of such removal.

(h) Any person who violates subsection (c) or (d) of this section shall be liable for a civil penalty of not less than one thousand dollars, nor more than ten thousand dollars for each day such violation continues. The Superior Court, in an action brought by the municipality or by the Attorney General on the request of the commissioner, shall have jurisdiction to issue an order to such person directing the removal of the material to a solid waste facility approved by the commissioner. If the court finds that the violation was wilful, it may impose a civil penalty equivalent to three times the cost of remediation of the violation in addition to other applicable civil penalties. The court may also order that a violator shall pay restitution to a landowner which the court finds has suffered damages as a result of the violation. All such actions shall have precedence in the order of trial as provided in section 52-191. Any such action by the Attorney General shall be brought in the superior court for the judicial district of Hartford. Any vehicle used by any person in violation of subsection (d) may be forfeited in accordance with section 22a-250a.

Topic:

SOLID WASTE MANAGEMENT; LITTER; ENVIRONMENTAL PROTECTION DEPARTMENT;

Location:

LITTER;

Scope:

Connecticut laws/regulations;



OLR RESEARCH REPORT

August 28, 2002

2002-R-0733

DUMPING LAWS

By: Joseph R. Holstead, Research Analyst

You asked what state laws deal with dumping trash (e.g., a sofa).

SUMMARY

The state's solid waste management (environmental protection) law prohibits anyone from dumping any material on any public or private property belonging to another. "Dumping" has two statutory definitions. First it means to discard (1) more than one cubic foot in volume of litter at one time or (2) furniture, garbage bags or contents thereof, or other similar materials. Second it means to discard:

1. automobiles and automobile parts,
2. large appliances,
3. bulky waste,
4. hazardous material, or
5. similar materials.

A person has discarded material when they have placed it at a location with intent to leave it there indefinitely or they have not removed it from a location within forty-five days.

Both the Department of Environmental Protection (DEP) commissioner or a municipality's chief elected official where dumping occurred may investigate a violation and order

removal of dumped material. Removal order procedures for the commissioner and a municipality's chief elected official vary slightly.

By law, a person may dump on property that the state or a municipality designates for dumping when the property is (1) a licensed dumping facility or (2) he is authorized to use the property. PA 02-15, An Act Concerning Illegal Dumping (effective October 1, 2002), clarifies that a person must be authorized to dump at a licensed facility.

Dumping involves larger items or quantities of litter and is different than littering. Attachment 1, OLR report [2000-R-0695](#), covers accumulation of garbage on residential property and the public health code.

Attachment 2, OLR Report [99-R-0056](#), discusses ambiguities in the anti-dumping laws and the solid-waste-disposal-area-permit required to own, operate, and maintain a dumping area with more than 10-cubic yards of waste.

DUMPING VIOLATIONS

The DEP commissioner or a municipality's chief elected official where dumping occurred may investigate, upon complaint or on their own, any dumping violation. If the DEP commissioner investigates and finds a violation, he may issue an order to remove the dumped material. The alleged violator may request a hearing within 30 days of the commissioner's order. If a municipality's chief elected official investigates and finds a violation, he may send a notice that demands removal and sets a hearing, including the date and time of the hearing, by certified mail. In both instances, the alleged violator has the right to contest the order (CGS § 22a-250 (e) and (f)).

Whether the commissioner or a municipality's chief elected official is involved depends on the circumstances; there is not a system or pattern regarding who investigates, according to DEP Legislative Liaison, Tom Tyler.

By law, the commissioner also has the authority to issue cease and desist orders to stop or prevent anyone from causing or engaging in any activity or condition that is likely to result in imminent and substantial damage to the environment or public health. Such orders may require the alleged violator to discontinue, abate, or alleviate the underlying condition or activity (CGS § 22a-7).

Stipulations for Removal Order

A property owner cannot be ordered to remove dumped material unless the commissioner or municipality's chief elected official (1) finds that the property owner is guilty of illegally dumping or allowed someone else to illegally dump or (2) determines that there is not a reasonable opportunity to compel the violator (who is not the property owner) to remove, or pay for removal of, the material (CGS § 22a-250(g)).

Penalties

Violators are liable for a civil penalty of between one thousand and ten thousand dollars for each day the violation continues. The Superior Court, in an action brought by the municipality or by the Attorney General by request of the commissioner, has jurisdiction to issue an order to a violator, directing them to remove the material to a solid waste facility approved by the commissioner. If the court finds that the violation was willful, it may impose a civil penalty equivalent to three times the cost of remediation of the violation in addition to other applicable civil penalties. The court may also order violators to pay restitution to a landowner when the court finds the landowner suffered damages as a result of the violation. These actions have precedence in the order of trial and must be brought in superior court in the Hartford judicial district. Additionally, a person may forfeit any vehicle used to illegally dump automobiles or parts, large appliances, tires, bulky waste, hazardous waste, or similar materials (CGS § 22a-250 (h)).

PA 02-15, AN ACT CONCERNING ILLEGAL DUMPING

This act requires, as of October 1, 2002, that a person be authorized to dump at licensed facilities. Existing law appears to allow unauthorized dumping at licensed sites. According to Rich Kehoe, Special Counsel and Legislative Liaison at the Attorney General's (AG) office, the AG proposed the bill due to a recent case involving an automobile desertion at a Bridgeport dump.

DUMPING VS. LITTERING

Dumping pertains to discarding larger items and amounts of litter and is different from littering. Litter is any discarded, used, or unconsumed substance or waste material, including bottles, cans, jars, and their detachable tops; unlit cigarettes, cigars, and matches; any flaming or glowing material or any garbage, trash, refuse, debris,

rubbish, grass clippings, lawn or garden waste, newspapers, magazines, or glass, metal, plastic or paper containers, or other packaging or construction material (CGS § 22a-248(4)).

The law prohibits people from throwing, scattering, spilling, placing or causing to be blown, scattered, spilled, thrown or placed, litter upon any public property, private property belonging to another, or any state waters (CGS § 22a-250(a)).

Attachment 3 is a copy of the relevant statutes and PA 02-15.

JRH:ts

Section 22a-226d - Municipal enforcement of solid waste disposal laws. Penalties**(a)** Notwithstanding the provisions of section 7-148, any municipality may establish, by ordinance, a fine for a violation of (1) subsection (a) of section 22a-250, (2) an ordinance adopted pursuant to subsection (f) of section 22a-220, (3) subsection (f) of section 22a-220a, or (4) subsection (i) of section 22a-220a, provided the amount of such fine shall be not more than one thousand dollars.**(b)** Any police officer or other person authorized by the chief executive officer of the municipality may issue a citation to any person who commits such a violation. Any municipality which adopts an ordinance pursuant to subsection (a) of this section may also adopt a citation hearing procedure pursuant to section 7-152c by which procedure such fine shall be imposed.**(c)** Any fine collected by a municipality pursuant to this section shall be deposited into the general fund of the municipality or in any special fund designated by the municipality.

Conn. Gen. Stat. § 22a-226d

Chapter 128 - GARBAGE, RUBBISH AND REFUSE^[1]

Footnotes:

--- (1) ---

Editor's note— [HISTORY: Adopted by the Board of Councilmen of the City of Torrington 6-5-1995. This ordinance also superseded former Ch. 128, Garbage, Rubbish and Refuse, adopted as follows: Art. I, 214-1961 as Part III of Title 16 of the Revision of 1960, as amended; Art. II, 3-19-1990, as amended. Amendments noted where applicable.]

Cross reference— Outdoor fires, Ch. 120; junkyards and junk vehicles, Ch. 139; property maintenance, Ch. 161.

ARTICLE I. - LITTERING AND DUMPING^[2]

Footnotes:

--- (2) ---

Editor's note— [Amended 7-21-2003]

§ 128-1. - Definitions.

For the purposes of this article, the following definitions shall apply unless the context clearly requires otherwise.

AUTHORIZED PRIVATE CONTAINER: A litter storage and collection container, as required and authorized in the garbage collection regulations.

GARBAGE: All animal and vegetable wastes attending or resulting from the handling, preparation, cooking, dealing, storage and consumption of foods.

LITTER: Waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety or welfare.

PARK: A park, reservation, playground, beach, recreation center, or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

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

PRIVATE PREMISES OR PROPERTY: Any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, commercial or industrial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and including any yard, grounds, walk, driveway, parking lot, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE: Any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

REFUSE: All putrescible and nonputrescible municipal solid wastes (except body wastes), including garbage, rubbish, ashes, dead animals, and solid market and industrial wastes.

RUBBISH: Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cigars, cardboard, glass, metal and plastic containers, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

§ 128-2. - Depositing litter in public places.

No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the City, except in public containers or authorized private containers.

- A. Prevention of scattering; placement in containers. Persons placing litter in public containers or in authorized private containers shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.
- B. Throwing litter from vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City, or upon private property.
- C. Truck loads causing litter. No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded or covered as to prevent any load, contents, or litter from being blown or deposited upon any street, alley or other public place.
- D. Depositing litter in parks. No person shall throw or deposit litter in any park within the City, except in public containers and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public containers are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.
- E. Depositing litter in fountains, ponds. No person shall throw or deposit litter in any fountain, pond, lake, stream, bay, or any other body of water in a park or elsewhere within the City.

§ 128-3. - Litter on occupied private premises or property.

No person shall throw or deposit litter on any occupied private property designed or used either wholly or in part for private residential, commercial, or industrial purposes within the City, whether owned by such person or not; except, that the owner or person in control of private property may maintain authorized private containers for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property. Persons using these containers shall use them in accordance with the regulations established by the Garbage Collection Ordinance.

- A. Depositing litter on vacant lands. No person shall throw or deposit litter on any open or vacant private property within the City, whether owned by such person or not.
- B. Blowing onto adjacent property. The owner, tenant, or person in control of any private property shall control litter on his property so as to keep it from being blown by the elements upon the sidewalk, street, or other private property. In the event litter is blown from such property onto adjacent public or private property, the owner, tenant, or person in control of such property shall be responsible for clearing the litter from such adjacent public or private property. This section shall be enforced against the persons responsible in the manner provided for later in this chapter.

§ 128-4. - Sweeping litter onto streets or gutters; property owners to keep sidewalks clean.

- A. No person shall sweep into or deposit in any gutter, street, or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

- B. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business free of litter.

§ 128-4.1. - Duty of owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter, provided that this section shall not prohibit the storage of litter in authorized private containers for collection.

§ 128-4.2. - Clearing of litter from private premises or property by City.

- A. Notice to remove. The Director of Health or his designee is hereby authorized and empowered to notify the owner of any open or vacant private property within the City or the agent of such owner to properly dispose of litter located on such owner's property which is dangerous to public health, safety, or welfare. Such notice shall be by certified mail, addressed to such owner at his last known address, and/or personal service.
- B. Action upon noncompliance. Upon the failure, neglect, or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety, or welfare within three days after receipt of written notice or personal service provided for in Subsection A or within five days after date of such notice in the event the same is returned to the City because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the Director of Health or his designee is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the City.
- C. Dispensing with notice. If, in the opinion of the Director of Health or his designee that said litter causes an immediate danger to the public's health, safety, or welfare, the Director or his designee then may dispense with the notice requirement of Subsection A and dispose of such litter.
- D. Charge to be borne by owner. When the City has effected the removal of such dangerous litter or has paid for the removal of such, the actual cost thereof, plus accrued interest at the rate of 18% per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property, and such charge shall be due and payable by such owner within 10 days after presentation of such bill.
- E. Lien for disposal service. Where the full amount due the City is not paid by such owner within 10 days after the disposal of such litter, as provided for above, then in that case, the Corporation Counsel's office shall cause to be recorded in the City Clerk's office a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which such work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such costs and expenses shall be collected in the manner fixed by law for the collection of taxes. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law. The disposal service lien shall take precedence and priority over all other liens or encumbrances on the property whereon the same is imposed, except taxes due to the state and other City liens prior in date and shall be foreclosed in the manner and within the time prescribed for liens for taxes.

§ 128-4.3. - Penalties for offenses.

Any person violating any of the provisions of this article, shall pay a fine not exceeding \$100.00 per day for each day such violation continues.

ARTICLE II. - GARBAGE COLLECTION

§ 128-5. - Definitions.

For purposes of this article, the following definitions shall apply:

APARTMENT COMPLEX: A multifamily structure of five or more separate dwelling units grouped into one or more buildings.

AUTOMATED REFUSE COLLECTION: The emptying of acceptable containers by the owner or occupant of a dwelling unit at a point between the curb and the sidewalk so as to not interfere with pedestrian traffic. In those areas without curbs or sidewalks, the acceptable container shall be placed within six feet of the pavement edge. The acceptable containers must be placed at least three feet from obstacles including but not limited to utility poles, mailboxes, trees, and parked cars. Only municipal solid waste fitting into the container and from residential establishments will be collected. [Added 9-20-2004]

AUTOMATED REFUSE CONTAINER: A container provided by the City for automated refuse collection. Only those containers shall be acceptable refuse containers under the automated refuse collection program. The containers are the property of the City of Torrington. Containers lost, stolen, destroyed, or damaged through the actions of the resident shall be replaced at the resident's sole expense. Additional containers shall be available at an annual fee as determined by the Board of Councilmen. [Added 9-20-2004]

BACKYARD COLLECTION: The emptying of all acceptable containers and the collection of all acceptable items from any point regularly designated on the premises, selected by the owner or occupant of a dwelling unit, which is within 25 feet of said unit's back door, except that such point shall not be within any structure or building.

BAG: A heavy-duty disposable plastic sack designed to store solid waste, with sufficient wall strength to maintain physical integrity when lifted by the top. The total weight of the bag and its contents will not exceed 35 pounds.

BULKY WASTE: Stoves or refrigerators with doors removed, bedsprings, mattresses, hot-water tanks, furniture and other large household items which cannot be broken down, but does not include construction refuse, demolition refuse or hazardous waste as hereafter defined.

COMMERCIAL ESTABLISHMENT: Any enterprise engaged in a nonmanufacturing or nonprocessing business, including but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters.

COMPOSTABLE MATERIALS: Leaves and yard waste as herein defined.

CONDOMINIUM COMPLEX: Any grouping of dwelling units which are covered by Chapter 825 of the Connecticut General Statutes (Condominium Act).

CONSTRUCTION REFUSE: Scrap lumber, pipe or other materials resulting from new construction.

CONTAINER: See "automated refuse container."

CONTRACTOR: The person, partnership or corporation performing residential municipal solid waste and recyclable material collection under contract with the City of Torrington.

CURBSIDE COLLECTION: The emptying of all acceptable containers and the collection of all acceptable items placed by the owner or occupant of a dwelling unit at a point between the curb and the sidewalk or immediately behind the sidewalk so as to not interfere with pedestrian traffic. In those areas where curbs and/or sidewalks do not exist, items shall be placed within six feet of the pavement edge.

DEMOLITION REFUSE: Lumber, bricks, pipe, masonry or other unwanted construction materials resulting from the razing or remodeling of structures.

DUMPSTER: A metal receptacle designed to be lifted and emptied mechanically and for use only at commercial, industrial or institutional establishments or apartment and condominium complexes.

DWELLING UNIT: A group of rooms located within a structure and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupants.

GARBAGE: All animal and vegetable wastes attending or resulting from the handling, dealing, storing, preparation, cooking and consumption of foods.

HAZARDOUS WASTE: Any material which has been designated as hazardous by the Federal Environmental Protection Agency or the State Department of Environmental Protection.

INDUSTRIAL ESTABLISHMENT: Any establishment engaged in manufacturing or processing, including but not limited to factories, foundries, mills, processing plants, refineries and the like.

INSTITUTIONAL ESTABLISHMENT: Any establishment engaged in service to persons, including but not limited to hospitals, nursing homes, orphanages, schools and universities. **LEAVES:** Fallen foliage from trees.

MUNICIPAL SOLID WASTE (MSW): Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from the operation of residential, municipal, commercial, industrial or institutional establishments and from community activities which are not classified as hazardous wastes as herein defined.

RECYCLABLE MATERIALS: Those items designated by the Director of Public Works for segregation from the municipal solid waste stream.

RECYCLING CONTAINER: A container used for the storage and collection of recyclable materials only. Said container is to be supplied by the city.

REFUSE COLLECTOR: Any person, partnership or corporation licensed by the City of Torrington to engage in the business of collecting and transporting municipal solid waste, recyclable and/or compostable materials.

REFUSE PROCESSING: Any technology used for the purpose of reducing the volume or bulk of municipal solid waste or any technology used to convert and/or segregate part or all of such waste materials for off-site reuse. Facilities include, but are not limited to, transfer stations, composting activities, recycling facilities and resource recovery plants.

RESIDENTIAL ESTABLISHMENT: Any premises used primarily as a domestic dwelling, including but not limited to single- and multiple-family homes, apartments and condominiums.

YARD WASTE: Horticultural trimmings which are free of dirt or sharp objects and have been tied into bundles not exceeding three feet in their greatest dimension nor 60 pounds in weight or other natural organic matter, such as grass clippings, discarded from yards and gardens.

§ 128-6. - Authorization of city contractors; scope of contracts.

A. Contracts for collection; authority. The city is authorized to award any necessary contract(s) for the collection, removal, transportation and disposal of refuse generated within its corporate limits. Said contracts may be for a period not exceeding five years. The contract(s) shall contain a provision that the work is to be carried out by the contractor(s) in compliance with all city ordinances. B. Scope of contract.

- (1) Properties to be collected by the city contractor include all residential establishments, except apartment complexes as herein defined. In addition, service to planned unit developments, condominium complexes, restricted residential communities and municipally owned and operated facilities, as outlined in any municipal contracts, are specifically included.

- (2) Collection at all planned unit developments, except Lakeridge, and all condominium complexes and restricted residential communities shall not commence until such affidavits and holdharmless agreements as the Board of Councilmen may prescribe have been executed by the duly authorized officers of said planned unit developments, condominium complexes and restricted residential communities.
- (3) Items collectible by said contract(s) shall include municipal solid waste and bulky waste. Separate collection(s) shall be performed for recyclable and compostable materials.
- (4) Items not collectible by said contract(s) shall include construction refuse, demolition refuse and hazardous wastes.

§ 128-7. - Nonmunicipal collection requirements.

- A. Private collection and disposal responsibility. It shall be the responsibility of the owners or operators of all commercial, industrial and institutional establishments and apartment complexes to provide, at their own expense, for the storage, collection and transportation of their own wastes. Such operations shall be carried out in such a manner as to avoid the creation of a public nuisance.
- B. Recycling requirements applicable. Properties not covered by municipal collection contract(s) are responsible for compliance with recycling provisions of this article. Compliance shall be monitored by all refuse collectors and refuse processing facility operators. Suspected violators shall be reported to the Director of Public Works for appropriate action.

§ 128-8. - Placement of items for collection.

- A. Curbside collection. All items which are acceptable for collection as outlined in § 128-6B(2) above shall be put out no earlier than 4:00 p.m. on the evening prior to scheduled collection. Items shall be placed as described in § 128-5 above. Residents of Lakeridge shall place acceptable items at the curb in front of their dwelling units. The City or its contractors shall not be responsible for items not set out in the aforesaid manner. Emptied containers shall be removed from the curb no later than 8:00 p.m. on the day of collection.
- B. Backyard collection. Any resident of the City who is physically unable to place acceptable items at the curb as described above and who is unable to make arrangements to have said items so placed may apply to the Director of Public Works for backyard collection as described in § 128-5 above. Application shall be on forms supplied by the director of public works and will be accompanied by a statement from a physician as to the nature and duration of the physical disability. Any resident who applies for backyard collection and is denied such service by the director of public works may appeal to the board of councilmen. The appeal shall be in writing and shall be submitted to the city clerk within 15 days of the date of denial by the Public Works Director. The city clerk shall place the appeal on the agenda of the next regularly scheduled meeting of the board of councilmen.
- C. Condominium complexes, planned unit developments and restricted residential communities. Collection at all condominium complexes, planned unit developments and restricted residential communities shall continue in its present form. Collection at all future condominium complexes, planned unit developments and restricted residential communities shall be as directed by the Director of Public Works.

(Amended 4-15-1996)

§ 128-9. - Recyclable and compostable materials separation.

- A. Recyclable materials separation.
 - (1) All persons, partnerships and corporations who generate municipal solid waste within the City of Torrington are required to separate recyclable materials from refuse. Solid waste placed for

collection which contains recyclable materials shall neither be collected by refuse collectors nor accepted for disposal at any refuse processing facility.

- (2) For those premises receiving municipal refuse collection, recyclable materials, as defined in § 128-5, shall be separated from refuse and placed for collection in a City-supplied container on the same day as garbage collection.
- (3) Apartment complexes, as well as commercial, industrial and institutional establishments, shall provide or require their refuse collector to provide for the separation of municipal solid waste and each recyclable material accumulated on the premises. B. Compostable materials separation.
 - (1) During the period from April 1 to December 1 annually, all persons, partnerships and corporations that generate municipal solid waste within the City of Torrington are required to separate compostable materials from refuse. Solid waste placed for collection which contains compostable materials shall neither be collected by refuse collectors nor be accepted for disposal at any refuse processing facility.
 - (2) For those premises receiving municipal refuse collection, leaves and grass clippings shall be separated from refuse and placed for collection in biodegradable paper bags on the same day as garbage collection. Remaining yard waste items will be placed for collection per § 128-5.
 - (3) Methods of collection. Compostable materials designated by the Public Works Director shall be placed for collection in the above described manner. Materials not so placed will not be collected. C. Methods of collection. Recyclable materials designated by the Public Works Director shall be placed for collection in this manner. Materials not so placed will not be collected.
 - (1) Clean unsoiled newspaper shall be packed in paper grocery or shopping bags or securely tied in flat bundles weighing not more than 30 pounds and placed in the recycling container.
 - (2) Unbroken glass and plastic food containers, as well as all types of metal food containers, shall be rinsed out and placed in the recycling container.
 - (3) All other recyclable materials shall be separated from nonrecyclables and placed in the recycling container so as to not constitute a nuisance or otherwise be objectionable.

§ 128-10. - Administration; promulgation of additional rules.

- A. Director of Public Works to be responsible. The Director shall be the licensing and registration authority of refuse collectors engaged in the collecting or transporting of municipal solid waste, recyclable and compostable materials within the city. He shall administer the issuance and revocation or suspension of licenses and registrations set forth in this article.
- B. Insurance. Applicants for refuse collector licenses, including renewals, shall provide proof of adequate liability insurance to the Director of Public Works.
- C. Additional rules. The Board of Councilmen shall promulgate additional rules from time to time as it may deem proper, which rules shall not be inconsistent with this article.

§ 128-11. - Licensing of refuse, collectors; registration of vehicles.

- A. Licensing and registration authority designated. Following the filing of proper application and payment of the prescribed fee, the Director of Public Works shall grant such license(s) as hereinafter set forth for refuse collectors, vehicles and dumpsters within a reasonable time, unless he finds one or more of the following conditions to prevail:
 - (1) The applicant has been irresponsible in the conduct of solid waste collection and transportation operations based upon previous suspension of licenses.
 - (2) The applicant lacks suitable equipment with which to collect solid waste in a safe, nuisance-free manner in compliance with this article.

- B. License required. Each refuse collector conducting operations within the City of Torrington shall annually, on or before July 1, apply for a license from the Director of Public Works, on such form as he shall prescribe, to engage in such business.
- C. Licensing of vehicles. Each licensed refuse collector shall obtain a separate registration for each vehicle he operates within the city. Registrations shall not be transferable from vehicle to vehicle.
- D. Registration term, fee and renewal. All registrations shall be issued for a period not to exceed one year and shall be renewable on or before the first day of July each year. The registration fee shall be established from time to time by the Board of Councilmen by resolution.
- E. Display of registration. The registration issued shall be conspicuously displayed on the left front of the body of each vehicle or dumpster licensed, or as may be directed.
- F. Identification of vehicles. Each licensee shall display at all times on all of his equipment his name and a local phone number.
- G. Licenses not transferable. Licenses are not transferable. When any licensee shall sell or transfer all or part of his route to any other refuse collector, he shall first notify the Director of Public Works, in writing, of his intent to sell, and the transferee shall, simultaneously, make application for the appropriate licenses to operate in the city.
- H. Customers serviced. As a prerequisite to the issuance or renewal of any license, a refuse collector must, along with his license/renewal application, furnish the Director of Public Works a list of customers within the city that such refuse collector intends to service, as well as the names of other municipalities serviced.

§ 128-12. - Revocation or suspension of license or registration.

- A. Generally. A license to engage in refuse collection and to use the waste disposal and/or processing facilities provided by the city is a privilege, not a right. Failure to comply with the provisions of this article shall be grounds for revocation or suspension by the Director of Public Works of any license or registration issued hereunder, in addition to any other penalty imposed by law.
- B. Notice required. Revocations or suspensions shall only become effective five days after receipt of written notice from the Director of Public Works.
- C. Request for review and filing; effect of failure to file. If a refuse collector objects to the Director of Public Works' action described in Subsection B above to revoke or suspend his license or registration, he may, within five days of receipt of said notice, file a written request with the City Clerk for review by the Board of Councilmen. Failure to file such request in a timely manner shall make the Director's action final and binding upon the refuse collector.
- D. Effect of timely filing. Timely filing of such request for review shall operate as an automatic stay of the Director's action.
- E. Appeals Board; hearing. The Board of Councilmen shall act as an Appeals Board, and said Board shall within 15 days hear and decide the matter. The decision of such Board shall be final and binding upon the collector.

§ 128-13. - Licensing of private individuals.

Occupants of premises within the city must apply to the City Clerk for a sticker to be able to dispose of refuse or recyclable materials at processing facilities provided by the city. The sticker shall be displayed in such a manner as the City Clerk shall prescribe. Such license may be revoked or suspended as set forth in § 128-12, and appeals therefrom may be taken in the manner set forth in said section.

§ 128-14. - Refuse collector's responsibilities and obligations.

- A. Place of delivery. Each refuse collector shall deliver all materials collected within the territorial limits of the city at such place or places as the Director of Public Works may from time to time designate.
- B. Recyclable materials. Each refuse collector must collect recyclable materials from each of its customers in the manner prescribed in this article. In those cases where the city pays the tip fee for refuse collected from a specific customer, the Director may designate where such recyclable materials shall be delivered.
- C. Construction and maintenance of vehicles. All vehicles registered to collect and transport refuse shall be maintained free of obnoxious odors and accumulated refuse. Any such vehicle shall be of closed construction.
- D. Spilled refuse. Refuse collectors shall be responsible for cleaning up refuse that may have spilled after placement by the customer.
- E. List of rates. Refuse collectors shall furnish to his customers, upon request, a list of rates for the various services provided.
- F. Customers' containers. Refuse collectors shall return customers' containers without damage to the place from which they were removed.

§ 128-15. - Scavenging without consent prohibited.

It shall be a violation of this article for any person to scavenge through and/or take any items set out for collection pursuant to § 128-8 without the consent of the owner thereof.

§ 128-16. - Penalties for offenses; remedies; severability.

- A. Penalty. Whoever violates the provisions of this article shall, upon discovery, be fined not more than \$100.00 for each offense. Each and every day such violation shall continue shall be deemed a separate offense. This provision shall be enforced by the Police Department of the City of Torrington. B. Removal of accumulated waste. In addition to the foregoing penalty, the City may require the owner or occupant of the premises to remove any accumulation of solid waste at said premises. Should said person fail to remove such solid waste after five days following written notice, the City of Torrington may cause the solid waste to be collected and disposed of, with the costs of such actions to be charged to the owner or occupant of the property in a manner provided by law.
- C. Severability. In the event that any provisions, section, sentence, clause or part of this article shall be held invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining part of this article, it being the intent of the City that such remainder shall remain in full force and effect.

(Amended 12-6-2010)



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 22-095

Agenda Date: 11/4/2024

Agenda #: 5.

AGENDA REQUEST
GENERAL DISCUSSION ITEM

Subject:

Any other Old Business proper to come before the Committee.

Background:

(type text here)

Department Comment/Recommendation:

(type text here)



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 22-096

Agenda Date: 11/4/2024

Agenda #: 1.

AGENDA REQUEST
GENERAL DISCUSSION ITEM

Subject:

Any other New Business proper to come before the Committee.

Background:

(type text here)

Department Comment/Recommendation:

(type text here)