

July 19, 1960

Be it resolved that pursuant to the recommendations of the Board of Burgesses of the Borough of Newtown, and in accordance with the authority of Chapter 108 of the General Statutes of Conn. (Revision of 1958) there be, and is hereby created for the Borough of Newtown a reserve fund to be designated "Reserve Fund for Capital and Nonrecurring Expenditures".

Be it further resolved, that said "Reserve Fund for Capital and Nonrecurring Expenditures" be operated and administered strictly in accordance with the provisions of said Chapter 108 of the General Statutes of Conn. (Revision of 1958) or any amendment thereof.

7/11/69

AN ORDINANCE
CONCERNING THE LENGTH OF TERMS OF OFFICES
OF THE BOROUGH OF NEWTOWN

WHEREAS, Section 4 of Special Act 290 enacted by the 1931 General Assembly provides that at the annual meeting of voters of the Borough of Newtown on the first Tuesday after the first Monday in May of each year there are to be elected a warden, two burgesses, a clerk, a treasurer, three fire inspectors, a tax collector, a pound keeper, two assessors, two members of the board of relief, a registrar of voters and two auditors who are to serve for a term of one year, except for burgesses who are to serve for a term of six years;

WHEREAS, Section 2 of Special Act 106 enacted by the 1953 General Assembly provides that there is to be elected at each annual meeting of voters of the Borough one member of the Zoning Commission who is to serve for a term of five years;

WHEREAS, Section 3 of Special Act 106 enacted by the 1953 General Assembly provides that there is to be elected at each annual meeting of voters of the Borough one member of the Zoning Board of Appeals who is to serve for a term of five years;

WHEREAS, under a certain ordinance adopted by the Board of Burgesses on July 1, 1969 there is to be elected at each

annual meeting an alternate member of the Zoning Commission who is to serve for a term of three years;

WHEREAS, Section 9-164 of the Connecticut General Statutes requires the Borough of Newtown to hold elections on a biennial rather than an annual basis;

WHEREAS, said Section 9-164 of the Connecticut General Statutes provides that in any municipality where the term of any elected official would expire prior to the next regular election, the term of such official shall be extended to the next biennial election;

AND WHEREAS, Section 1 of Substitute Senate Bill 905 of the 1969 General Assembly authorizes the legislative body of any municipality to provide for interim terms and to extend terms in certain situations,

NOW, THEREFORE, the following ordinance be, and it hereby is, enacted by the Board of Burgesses of the Borough of Newtown:

1. The following officers shall be elected at each biennial election of voters of the Borough of Newtown and shall serve until the next biennial election and until their successors are elected and have qualified:

<u>Number to be</u> <u>Elected</u>	<u>Office to be filled</u>
1	Warden
1	Clerk
1	Treasurer
3	Fire Inspectors
1	Tax Collector
1	Pound Keeper
2	Assessors
2	Board of Tax Review

2. Three Burgesses shall be elected at each biennial election of the Borough of Newtown and shall serve until the second biennial election of the Borough following their election and until their successors are elected and has qualified.

3. At the 1971 and 1973 biennial election of the Borough of Newtown there shall be elected two members of the Zoning Commission and two members of the Zoning Board of Appeals who shall serve until the third biennial election of the Borough following their election and until their successors are elected and have qualified. At the 1975 biennial election of the Borough of Newtown there shall be elected one member of the Zoning Board of Appeals who shall serve until the third biennial election of the Borough following their election and until their successors are elected and have qualified. At the 1977 biennial election and at biennial elections thereafter, there shall be elected to the Zoning Commission and Zoning Board of Appeals the same number of members as there are members whose terms are then expiring, who shall serve until the third biennial election of the Borough following their election and until their successors are elected and have qualified.

4. At each biennial election of the Borough of Newtown there shall be elected one alternate to the Zoning Commission who shall serve until the third biennial election following his election and until his successor is elected and has qualified. The terms of office of the alternate to the Zoning Commission who was elected at the May, 1969 biennial election shall be extended from the 1973 biennial election to the 1975 election.

July 11, 1969

Certify:



Ethel Connor, Clerk

Borough of Newtown

Post Office Box 164

Newtown, Connecticut 06470

Incorporated 1824

ORDINANCE AUTHORIZATION TO PROMULGATE WETLANDS REGULATIONS

Pursuant to the provisions of the Inland Wetlands and Water Courses Act (1972, Public Act 155), the following ordinance authorizing the Borough of Newtown Zoning Commission to promulgate regulations protecting the wetlands and water courses of the Borough is adopted.

Section 1

The wetlands and water courses of the Borough are indispensable and irreplaceable but fragile natural resource with which the citizens' of the Borough have been endowed. The wetlands and water courses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of ground water and to the existence of many forms of animal, aquatic and plant life.

Many wetlands and water courses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and water courses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the Borough and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the Borough for its citizens now and forever more.

The preservation and protection of the wetlands and water courses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the Borough.

It is therefore, the purpose of this ordinance to protect the citizens of the Borough by making provisions for the protection, preservation, maintenance and use of the wetlands and water courses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and water courses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the Borough's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the Borough and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the Borough, the safety of such natural resources for their benefit and enjoyment and for the benefit and

AUTHORIZATION TO PROMULGATE
WETLANDS REGULATIONS

(Page two)

Section 2

(a) The Borough Zoning Commission is authorized to promulgate such regulations, in conformity with regulations promulgated by the Commission of Environmental Protection, as are necessary to protect the wetlands and water courses, as defined by said Public Act 155, within the territorial limits of the Borough. Prior to the adoption or amendment of such regulations, the Borough Zoning Commission shall file, in the office of the town clerk, a copy of its proposed regulations together with any maps representing area affected thereby, and shall no earlier than thirty-five (35) days thereafter hold at least one public hearing thereon, notice of the time and place of which shall be published in a newspaper having general circulation in the Borough at least seven (7) days prior to the date of such hearing. Such notice shall make reference to the filing of such proposed regulations in the office of the Borough and town clerk. Upon adoption by the Borough Zoning Commission such regulations shall be forwarded to the Commissioner of Environmental Protection for approval. The regulations thus approved, together with any maps delineating wetlands and water courses made a part thereof, shall be filed in the office of the Borough and town clerk and shall become effective upon such filing or upon a later effective date specified in such regulation or amendment and notice thereof shall be published in a newspaper having general circulation in the Borough.

(b) Amendments to regulations shall be promulgated in the manner provided in paragraph 2 of this Section.

Section 3

In exercising the authority granted herein, the Borough Zoning Commission shall:

(a) Develop comprehensive programs in furtherance of the purposes of this ordinance;

(b) Advise, consult and cooperate with agencies of the Borough, town, state, the federal government, other states and with persons and municipalities in furtherance of the purpose of this ordinance; to this end, all applications for building permits subdivision plans or other permits which involve or may involve a regulated activity made to any other Borough of Town Board or Commission shall be subject to review by the Commission at its request;

(c) Encourage, participate in or conduct studies, investigations, research and demonstrations, and collect and disseminate information relating to the purposes of this ordinance;

(d) Retain and employ consultants and assistants on a contract or other basis for rendering legal, financial, technical or other assistance and advise in furtherance of any of its purposes, specifically including, but not limited to, soil scientists of the United States Soil Conservation Service for the purpose of making on-site interpretations, evaluations

AUTHORIZATION TO PROMULGATE
WETLANDS REGULATIONS

(Page three)

and findings as to soil types and/or utilize the services of such other Town Officials and employees as it may deem appropriate; .

(e) Promulgate such regulations as are necessary to protect the wetlands and water courses or any of them individually or collectively;

(f) Inventory or index the wetlands and water courses in such form, including pictorial representations, and list plant species, as the Commission deems best suited to effectuate the purpose of this ordinance; and

(g) Exercise all incidental powers necessary to enforce regulations and to carry out the purpose of this ordinance.

Section 4

Any person aggrieved by a decision of the Borough, acting through the Borough Zoning Commission, shall have the right of appeal provided by Public Act 155 of 1972.

Section 5

Any person violating this ordinance or the regulations promulgated thereunder shall be subject to the remedies and penalties provided by Public Act 155 of 1972.

Section 6

This ordinance shall become effective thirty(30) days after publication thereof in a newspaper having a circulation in the Borough and Town of Newtown.

Adopted by the Board of Burgesses of the Borough of Newtown, October 8, 1996.

This ordinance will become effective November 18, 1996, which is, per Borough Charter, at least thirty (30) days after the final publication in The Newtown Bee.

Approved Joan G. Crick, Warden
Joan G. Crick, Warden
Borough of Newtown

Lee W. Glover, Sr.
Lee W. Glover, Sr.
Senior Burgess
Borough of Newtown

BOROUGH OF NEWTOWN

NEWTOWN, CT 06470

ORDINANCE

Ordinance Concerning the choosing of Electors to act as members of the Zoning Commission or Zoning Board of Appeals of the Borough of Newtown.

Section 1:

If a regular member of either the Zoning Commission or Zoning Board of Appeals is absent or is disqualified, and if there are no alternate members of such Commission or Board present or qualified, the Chairman of such Commission or Board may choose an Elector of the Boaough of Newtown to act as a member of such Commission or Board in the hearing and determination of any matter before the Commission or Board. In the event that the Chairman of such Commission or Board is absent or disqualified, a majority of such Commission or Board may choose an Elector of the Borough of Newtown to act as a member of such Commission or Board in the hearing and determination of any matter.

Section 2:

No Elector of the Borough of Newtown shall be eligible to be appointed as a member of the Zoning Commission or Zoning Board of Appeals pursuant to the Ordinance with respect to any matter in which he is directly or indirectly interested in a personal or financial sense.

Section 3

This ordinance has been adopted pursuant to the provisions of Section 8-11 of the General Statutes, as amended.

Section 4:

This ordinance shall become effective on December 30, 1974.

Certify

Ethel Connor

Ethel Connor, Clerk

BOROUGH OF NEWTOWN

NEWTOWN, CT 06470

ORDINANCE

BOROUGH OF NEWTOWN

April 25, 1977

Be it Ordained by the Board of Burgesses of the Borough of Newtown:

1. The Borough of Newtown shall eliminate the assessment of Motor Vehicles from the Grand List of the Borough commencing October 1, 1977.
2. This Ordinance shall take effect as provided by law.

Adopted by the Board of Burgesses, April 25, 1977.

Approved

Willard L. Christensen
Warden

Certify:



Ethel Connor, Clerk

1977-2

ORDINANCE

BOROUGH OF NEWTOWN, STATE OF CONNECTICUT
BOARD OF BURGESSES

April 25, 1977

BE IT ORDAINED BY THE BOARD OF BURGESSES OF THE BOROUGH
OF NEWTOWN:

1. The uses set forth below are permitted in any zone only after obtaining a permit therefore from the Zoning Enforcement Officer. The specified permit fee and security deposit for each use shall be paid to and deposited with the Zoning Enforcement Officer before a permit is issued and each such permit shall be effective only for the period of time indicated below. Each permit shall be posted in a conspicuous place at the site of the temporary use. Said security deposit shall be paid by certified check or money order made payable to the "Borough of Newtown" and shall secure to the Borough, the termination of the use and the removal of any temporary structures or signs incidental thereto at the expiration of the permit and shall be returned to the permittee when the use is discontinued and the permit surrendered. Subject to obtaining said permit and the regulations stated below, the following uses are permitted in all areas of the Borough on a temporary basis:
 - a) Auction sales, tag sales and similar occasional sales conducted on a lot not ordinarily devoted to the sale of personal property. The permit shall be effective for not more than nine consecutive days, and a second permit for the lot or location shall not be issued to an individual, group or organization until the expiration of six months from the date on which the preceding permit was issued. Said permit shall not be issued until provisions have been made for at least ten off-street parking spaces, although such parking spaces need not be paved. One double faced or two single faced signs not in excess of three square feet per face, may be erected while the permit is effective, but shall be removed when said permit expires.
Permit Fee - \$10.00, Security Deposit - \$25.00

b) A circus, carnival or similar type of entertainment, only when sponsored by a service club, veterans' group, volunteer fire company, church, or fraternal organization having a permanent organization within the Borough. Said permit will not be issued until the applicant has made provisions for adequate offstreet parking as determined by the Zoning Enforcement Officer nor will such permit be issued until the approval of such Town Boards or Agencies as is required by other Town ordinances or regulations is obtained to the approval of such Town or Borough Boards or Agencies as is required by other Town or Borough ordinances or regulations. In determining the adequate number of spaces required the Zoning Enforcement Officer may consider the greatest number of persons expected to attend at any one time and the average number of persons likely to arrive per car. Said parking spaces may be provided by the applicant on a lot off the lot on which the permitted activity is to be conducted, provided that the owner thereof joins the applicant in applying for the special permit to use the premises in question for parking. Said permit shall be effective for a period of not more than ten days. Ten double faced signs, not in excess of three square feet per face, may be erected while the permit is effective, but shall be removed when the permit is expired. The return of the security deposit is contingent upon their removal. Permit Fee - \$10.00 Security Deposit - \$50.00

. 2. This ordinance shall take effect as provided by law.

Adopted by the Board of Burgesses, April 25, 1977.

Approved Willard L. Christensen
Willard L. Christensen,
Warden

Certify:

Ethel Connor
Ethel Connor, Clerk

AN ORDINANCE PROHIBITING THE
RECREATIONAL DISCHARGE OF FIREARMS
WITHIN THE BOROUGH OF NEWTOWN

Section I: Definitions

For purposes of this ordinance

1. "Borough" means the Borough of Newtown.
2. "Pistol" and "Revolver" mean any firearm having a barrell less than twelve inches in length, exclusive of "B.B." pistols or air cartridge pistols.
3. "Recreational Discharge" means the discharge of firearms for hunting or target shooting or for any purpose not associated with the enforcement of the laws of the United States or the State of Connecticut or the lawful protection by a citizen of his person or property.
4. "Rifle" means a firearm having a barrell more than twelve inches in length and includes shotguns, but shall not include "B.B." rifles or air cartridge rifles.

Section II: Text:

No person shall discharge or cause to be discharged, including any pistol or rifle, for recreational purposes within the Borough of Newtown.

The provisions of this ordinance shall not apply to the ceremonial discharge of pistols or rifles by any sheriff, peace officer of this state, federal marshall or member of the armed forces of the United States while on parade or while participating in any function as a part of which firearms are customarily discharged.

Section III: Penalties

Any person violating any provision of this ordinance shall be fined the sum of one hundred (\$100.00) dollars for the first offense and the sum of two hundred (\$200.00) dollars for any subsequent offense.

Section IV: Enforcement

The Warden of the Borough, or his designee or designees shall be charged with the enforcement of the provisions of this ordinance and shall develop approximate procedures for its enforcement and the collection of fines levied.

Section V: Effective Date

This ordinance shall become effective on Oct. 1, 1985

BOROUGH OF NEWTOWN

NEWTOWN, CT 06470

ORDINANCE

PURPOSE AND INTENT:

The purpose of this Ordinance is to eliminate certain Borough of Newtown elective positions, to wit: one poundkeeper, one tax assessor and three fire inspectors:

PREAMBLE:

The Board of Burgesses, acting as the legislative body of the Borough of Newtown, having adopted a Resolution at the meeting of December 11, 1990, to eliminate said offices and calling upon the Connecticut General Assembly, by Special Act, to so amend the Charter of the Borough of Newtown, and having received from the General Assembly, a letter dated February 1, 1991, instructing the Board to make such amendment by ordinance under Section 2-14 of the Connecticut General Statutes, commonly called the Home Rule Act, hereby adopts the following ordinance:

TEXT:

The following municipal offices of the Borough are hereby eliminated and no individual shall occupy the following offices after May 6, 1991: Poundkeeper, one (1), Tax Assessor and three (3) Fire Inspectors. To the extent that the charter of the Borough of Newtown is contrary, the charter is hereby amended accordingly.

EFFECTIVE DATE

This ordinance shall become effective May 6, 1991.

RECORDING:

The Clerk of the Borough of Newtown shall record this ordinance in the minute book and maintain the original on file for public inspection and shall cause a copy hereof to be published in a newspaper of general circulation in the Borough of Newtown within two (2) weeks of its adoption.

Adopted by the Board of Burgesses of the Borough of Newtown, at Newtown, Connecticut, this 12th day of March, 1991.

Certify:

Estel Bonner

Clerk

Duly Authorized

Deemed invalid by
Sec. of State's office
(St. of Ct.) - should be
done by Charter change

T. Brock

BOROUGH OF NEWTOWN

NEWTOWN, CT 06470

ORDINANCE PUBLIC TREES #1

Section 1.

This ordinance shall apply to all trees that partially or completely overhang, trunk or encroach upon any public right of way or public place within the Borough of Newtown and that have a trunk diameter of two (2) feet in diameter or more. This ordinance applies to trees, including their roots, trunk and branches, presently in existence, as well as trees planted in the future, and to trees when they grow to regulatory designated size in diameter. These trees are designated "Public Trees".

Section 2.

Public Trees that measure in diameter of two (2) feet or more are declared to be beneficial natural and/or public resources. To that end it shall be unlawful to willfully cut, damage, poison, injure, destroy or cause to be destroyed, without permit, any Public Tree, except in accordance with the provisions of this ordinance. It is recognized that excavation within two thirds of a drip line risks significant injury and destruction to a tree. Therefore, no excavation shall be done within two thirds (2/3) of the drip line of a Public Tree, without a permit. Permits shall also be required for any excavation which may encroach upon the root system of a Public Tree. A permit shall be granted if the applicant proves to the Board of Burgesses that said cutting and excavation will not risk damage, injury, destruction or cause to be damaged, injured or destroyed, the integrity and utility of the Public Tree.

Section 3.

DEFINITIONS. For purposes of this ordinance, certain terms are defined as follows:

Borough - Borough of Newtown, State of Connecticut.

Diameter - Diameter of a Public Tree in inches measured at four feet above the existing grade.

Drip Line - An imaginary, perpendicular line that extends downward from the outermost tips of the Public Tree branches to the ground.

Public Right of Way - Public streets, sidewalks, highways, State rights of way, lanes, alleys, parks, parkways, playgrounds, and other public grounds.

Public Tree - A tree as referenced in Section One; one that partially or completely overhangs, trunks or encroaches upon any public right of way or public place within the Borough of Newtown.

Remove or Removal - The actual removal of a tree by digging up, cutting down, or the effective removal through injury or damage.

Tree - A woody type plant having one or more trunks two feet or more in diameter.

Section 4.

a. Permit. Any person or entity wishing to take action for which a permit is required under this ordinance shall make written application to the Board of Burgesses and pay a reasonable fee as set by the Board of Burgesses to cover the costs of processing the application. The Board of Burgesses may require an applicant to submit site plans that include, but are not limited to, the location of existing trees, drip lines, utility lines, structures, boundaries, and public area walkways. The reviewing Board may also require historical studies, reviews and consultation, and plans and proposals for removal, injury, destruction, replacement, care, repair or protection of the Public Trees.

b. Time of Permit. Any and all permits issued by the Borough of Newtown shall be declared null and void if commencement of work so permitted is not started within a reasonable time, not to exceed six months as set by the Board of Burgesses. In no case shall the permit be valid for more than twelve months. Permits not used within this period will become null and void and future work will require a new application. For purposes of this section a permit shall be used when the work authorized by the permit is completed.

c. Permit Procedure. A written decision on the permit shall be rendered by the Board of Burgesses within sixty days of the close of the submittance or hearing, if requested, whichever is later.

d. Permit Considerations. The Board may consider the positive and adverse effects of one or more of the following criteria in reviewing a permit:

1) the location of the Public Tree, its historical and aesthetic significance, and any wildlife habitat;

2) the location of structures or improvements;

3) the condition and health of the Public Tree;

4) the location of utilities, roadways, highways, or sidewalks; and

5) the purpose of removal, destruction, injury, damage, cutting or excavation, including the economic enjoyment of property, available alternatives, and the health, safety and welfare of persons and the community as a whole.

Section 5.

EXEMPTIONS: The provisions of this ordinance shall not apply to:

- a) a tree that does not qualify under Section 1 of this Ordinance;
- b) the removal of dead limbs;
- c) preservation maintenance and pruning care;
- d) emergency circumstances where risk of imminent harm and further proximate injury exists to persons or tree;
- e) Public Tree trimming for utility wires;
- f) a residential and/or commercial real property owner where a Public Tree either partially or completely overhangs, encroaches, upon or trunks in said owner's real property. Said exception shall only apply to a residential real property owner and/or commercial real property owner insofar as that Public Tree which overhangs, encroaches upon, or trunks in said owner's real property.

Section 6.

Penalty. Any person, firm, partnership, corporation, agency, authority or municipality that violates any provision of this ordinance shall be fined not less than five dollars (\$5.00), not more than one hundred dollars (\$100.00) for each offense, or the maximum permitted by law, where the maximum exceeds one hundred (\$100.00) Dollars for each offense. Any person that violates said ordinance may be imprisoned, but not for more than 29 days or the maximum time permitted by law, whichever is less. All rights of equitable relief are preserved.

Section 7.

Additional penalty. In addition to the penalties provided herein, any person, firm, partnership, corporation, agency, authority or municipality that violates any provision of this ordinance shall pay to the Borough a penalty equal to the total value of those Public Trees illegally removed, damaged, injured, cut and placed at risk, as calculated by the total cost of replacement. Replacement of illegally removed Public Trees may be required, or a combination of replacement and money. Said sum of money shall accrue to the Borough and may be recovered in a civil action. Said sum so collected shall be placed in a special fund and shall be expended for the purchase of replacement or preservation of Public Trees.

Section 8.

Preservation. The Borough reserves authority to lawfully preserve the Public Trees however it feels best.

Section 9.

Separability. The provisions of this ordinance are separable, and the invalidity of any part of this ordinance shall not affect the validity of the rest of the ordinance.

Adopted by the Board of Burgesses of The Borough of Newtown, September 20, 1995.

This ordinance will become effective October 23, 1995, which is, per Borough Charter, at least fourteen (14) days after the final publication (The Newtown Bee).

Approved:



Joan G. Crick, Warden
Borough of Newtown



Lee W. Glover, Sr., Senior Burgess
Borough of Newtown

BOROUGH OF NEWTOWN

NEWTOWN, CT 06470

THE PROPOSED HISTORIC DISTRICT ORDINANCE

Be It Ordained As Follows:

Section 1.

To promote the educational, cultural, economic, and general welfare and to preserve the antique rural atmosphere of the Borough of Newtown through the preservation and protection of buildings and places of historic interest by the maintenance of such as landmarks in the history of architecture and of the Borough, and through the development of appropriate settings for such buildings there is hereby established an Historic District in the Borough to be known as "Borough of Newtown Historic District" and the boundaries of the Historic District are:

Streets Inclusive: *See attached map - Exhibit 1.* Main Street from Glover Avenue, north to Johnnie Cake Lane; West Street from Main Street, west to Castle Hill Road; Church Hill Road from Main Street, east to the easterly property line of 5 Church Hill Road; Currituck Road from Main Street, north to the northerly property line of 10 Currituck Road.

Properties Inclusive: *See attached map - Exhibit 1.* The foregoing areas being shown on a map delineating the areas included, which map is incorporated hereby for reference, and is delineated in particular metes and bounds incorporated herein as Exhibit 2.

Section 2.

An Historic District Commission is hereby established which shall consist of five regular and three alternate members, who shall be electors of the municipality in which the district is situated holding no salaried municipal office in said Borough, to be appointed within fifteen (15) days of the effective date of this ordinance by the Board of Burgesses in such a manner that the term of at least one member shall expire each year, and their successors shall be appointed in like manner for terms of five (5) years. Vacancies shall be filled for the unexpired term and in the same manner as the original appointment.

Within thirty (30) days after appointment of the members of the first Commission said members shall meet, organize, and elect a Chairman, Vice Chairman and a Clerk from its own members, and within a period not exceeding thirty (30) days after the first of July of each succeeding year the members of the Commission shall elect a Chairman, Vice Chairman, and Clerk from its members. Alternate members shall not participate in any election of officers of the Commission. In all other matters, when a member of the Commission is unable to act at a particular time because of absence, sickness, disqualification by reason of personal interest, or other good reason, he shall notify the Chairman of the Commission and the Chairman shall designate an alternate member to serve in place of such member. All members and alternates shall serve without compensation.

Section 3.

The Commission shall have such powers, shall perform such functions and shall be subject to such limitations as are prescribed in Connecticut General Statutes, *Sec. 7-147a-k*. The Commission shall adopt rules of procedure not inconsistent with the provisions of said Statutes and may, subject to appropriation, employ clerical and technical assistance or consultants and may accept money gifts and expand the same for such purposes.

Section 4.

This ordinance shall take effect at the Board of Burgesses meeting following the favorable vote.

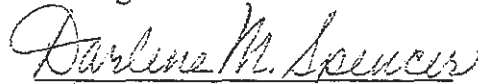
Adopted by the Board of Burgesses of the Borough of Newtown, May 2, 1996.

This ordinance will become effective July 7, 1996 which is per Borough Charter, at least fourteen (14) days after the final publication in the Newtown Bee.

Approved:



Joan G. Crick, Warden
Borough of Newtown



Darlene M. Spencer, Clerk
Borough of Newtown



Lee W. Glover, Sr., Senior Burgess
Borough of Newtown

ORDINANCE

VENDORS, HAWKERS & PEDDLERS

(Adopted by Board of Burgesses, July 15, 1997, effective August 11, 1997)

BE IT ENACTED by the Borough of Newtown pursuant to authority granted by section 91 of Public Act 13 of the 1957 session of the Connecticut General Statutes (see also Section 21-36, et seq. of the Connecticut General Statutes that the following Ordinance entitled "Vendors, Hawkers, & Peddlers" be adopted:

1. All persons who shall vend, sell, hawk, peddle, offer for sale any goods, wares, or merchandise at public or private sale or auction upon the streets or sidewalks or from house to house, shall be deemed vendors, hawkers or peddlers within the meaning of this ordinance.

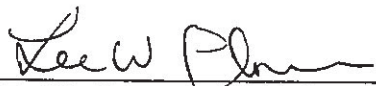
2. No person shall carry on business of a vendor, hawker or peddler without a license from the Board of Burgesses. The fee for such license shall be set by the Board of Burgesses provided that such fee shall not exceed the amount set by statute for each calender year or portion thereof. The fee shall be in addition to any fee that the Town of Newtown sets pursuant to the authority of Connecticut General Statutes Section 21-36, et seq. "Vendors, Hawkers & Peddlers". The Board of Burgesses may waive the permit fee for nonprofit or charitable organizations.

3. Identification badgès, signs, or cards as the Board of Burgesses deems necessary shall be displayed and worn at all times while vending, hawking, and peddling. All vendors, hawkers, and peddlers must carry a copy of the permit at all times while vending, hawking, and peddling. The Board of Burgesses may ask the Newtown Police Department or any other law enforcement department or agency to do a background check. There shall be no vending, hawking, or peddling on Sundays or holidays, except as to the Main Street Labor Day parade. Vending, hawking, and peddling shall be only between the hours of 9:00 A.M. and 6:00 P.M.

4. The Board of Burgesses shall keep a record of all licenses granted under the provisions of this ordinance. Such record shall contain the number and date of all licenses, the name and residence of the individuals licensed, the amount of fee paid and the date of expiration of each license. All receipts of such license shall be paid over to the Borough Treasurer to become part of the Borough of Newtown General Fund on the first day of each month.

5. The provisions of this ordinance shall not apply to the sales by farmers and gardeners of the produce of their farms, gardens and greenhouses, or the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods to the sales on approval, to the conditional sales of merchandise, or to the taking of orders for merchandise for future delivery when full payment is not required at the time of solicitation.

6. Any person who shall violate any of the provisions of this ordinance shall be fined in accordance with the state statute for each offense.


SR. BURGESS - LEE W. GLOVER


BURGESS - Betsy S. Kenyon

Borough of Newtown

Post Office Box 164

Newtown, Connecticut 06470

Incorporated 1824

ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR ZONING VIOLATIONS

It is hereby ORDAINED the Board of Burgesses of the Borough of Newtown:

1. That the Zoning Enforcement Officer is authorized to issue citations for violations of the Zoning Regulations of manner provided by this Ordinance. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to the person named in such citation. If the person named in a citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail. The Zoning Enforcement Officer shall file and retain original or certified copy of the citation.
2. That a citation may be issued for any violation of the Zoning Regulations of the Borough of Newtown, State of Connecticut.
3. That the fine for each such citation shall be One Hundred (\$100.00) Dollars payable to the Treasurer of the Borough of Newtown.
4. That any person receiving such a citation shall be allowed a period of thirty (30) days from his or her fine receipt of the citation to make an uncontested payment of the fine specified in the citation to the Treasurer. If the citation has been sent by regular mail pursuant to the provisions of paragraph 1 of this Ordinance, the day of receipt of the citation shall be deemed to be three business days after the day of mailing of the citation.
5. If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation to the Treasurer within the time allowed under paragraph 4 of this Ordinance, the Zoning Enforcement Officer shall send a notice to the person cited, informing such person: (1) of the allegations against him or her and the amount of the fines; (2) that the person cited may contest liability before a Hearing Officer appointed by the Warden of the Borough of Newtown, as provided in paragraph 9 of this Ordinance, by delivering, in person or by mail, within ten days of the date of the notice, a written demand for a hearing; (3) that if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her, and

**Ordinance Establishing Citation Procedures and Fines for
Zoning Violations**

Page 2

- (4) that such judgment may issue without further notice.
6. If the person who is not sent notice pursuant to paragraph 5 of this Ordinance wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, either in person or by mail to the Treasurer of the Borough of Newtown. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver a written demand for a hearing within ten days of the date of the notice described in paragraph 5 of this Ordinance shall be deemed to have admitted liability, and the Zoning Enforcement Officer shall certify to the Hearing Officer that such person has failed to respond. The Hearing Officer shall thereupon enter and assess the fines provided for by this Ordinance and shall follow the procedures set forth in paragraph 8 of this Ordinance.
7. Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of notice, provided the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The presence of the Zoning Enforcement Officer shall be required at the hearing if requested by the person who was issued the citation. A person wishing to contest liability shall appear at the hearing and may present evidence in his or her behalf. The Zoning Enforcement Officer may present evidence on behalf of the municipality. If person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against him or her upon a finding of proper notice and liability under the applicable provisions of the Zoning Regulations. The Hearing Officer may accept written information by mail from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. The Hearing Officer shall conduct the hearing in the order and from and with such methods of proof as he or she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his or her decision at the end of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, the Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If

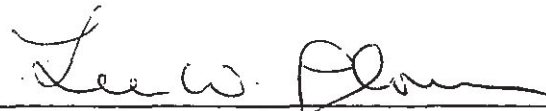
Ordinance Establishing Citation Procedures and Fines for
Zoning Violations
Page 3

the Hearing Officer determines that the person who received the citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against such person as provided by this Ordinance.

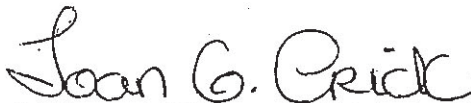
8. If such assessment is not paid on the date of its entry, the Hearing Officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty days nor more than twelve months after with the Clerk of the Superior Court for Geographical Three, together with an entry fee of eight dollars. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.
9. The Warden of the Borough of Newtown shall appoint one or more citation Hearing Officers to conduct the hearings provided by this Ordinance. Neither the Zoning Enforcement Officer, the Building Inspector, nor any employee of the Borough of Newtown or Borough of Newtown Zoning Commission may be appointed as a Hearing Officer pursuant to this Ordinance.

PASSED: September 23, 1997

ENACTED: October 14, 1997



Lee W. Glover, Sr.
Senior Burgess - Board of Burgesses
Borough of Newtown



Joan G. Crick, Warden
Borough of Newtown

NOISE CONTROL ORDINANCE

Borough of Newtown

(Ordinance No.)

PURPOSE AND FINDINGS:

It is the intent and purpose of this ORDINANCE to prevent excessive noise and to limit, control and eliminate excessive noise for the welfare of the citizens of the Borough of Newtown. The Board of Burgess finds that: excessive noise degrades the environment of the Borough which is harmful and detrimental to the health, welfare and safety of its inhabitants; interferes with the comfortable enjoyment of life, property and recreation; and causes nuisances.

Section 1. SHORT TITLE. This ordinance may be cited as the "noise control ordinance".

Section 2. DEFINITIONS AND STANDARDS. Terminology - All terminology used in this ordinance, not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successors.

"Borough" means the Borough of Newtown, Connecticut.

"Commercial area" means any area designated for commercial uses under the zoning ordinance of the Borough of Newtown.

"Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

"Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage which demands immediate action.

"Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR) which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

"Historic District" means any area designated as an Historic District of the Borough of Newtown under the borough ordinances of the Borough of Newtown.

"Historic District boundary line" means a line along the ground surface, and its vertical extension, which separates the real property of the Historic District area from real property outside the Historic District area.

"Industrial area" means an area designated for any industrial use under the zoning ordinance of the Borough of Newtown.

"Motor carrier vehicle engaged in interstate commerce" means any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972 (Public Law 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

"Motor vehicle" means any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, street and road sweepers, truck-trailers, semi-trailers campers, go-carts, snowmobiles, dune buggies, motorcycles, or racing vehicles.

"Noise Disturbance" means any sound which endangers or injures the safety or health of

humans or animals, or annoys or disturbs a reasonable person of normal sensitivities or endangers or injures personal or real property.

"Noise sensitive area" means any area designated pursuant to this ordinance for the purpose of ensuring exceptional quiet. Any and all Historic Districts shall be deemed "noise sensitive areas."

"Person" means any individual association, partnership, or corporation and includes any officer, employee department, agency or instrumentality of a state or any political subdivision of state.

"Real property boundary" means a line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

"Residential area" means an area designated for any residential use under the zoning ordinances of the Borough of Newtown.

"Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Section 3. PROHIBITED ACTS.

A. Noise disturbances prohibited. No person shall make, continue, or cause to be made or continued, any noise disturbance as stated in this ordinance. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section.

B. Specific prohibitions. The following acts, and the causing thereof, are declared to be in violation of this ordinance:

1. Loading and unloading-Operators. Loading, unloading opening, closing or other handling of boxes, crates, product, crates, containers, building material, garbage cans, refuse bins or containers, or similar objects between 8:00 P.M. and 8:00 A.M. the following day, in such a manner as to cause noise disturbance across a residential real property boundary, Historic District property boundary line, or a noise sensitive property boundary line zone. It shall be presumed that any such loading and unloading done in an area zoned for industrial or commercial purposes and within one thousand feet of a residential, historic district, or noise sensitive area shall constitute noise disturbance and cross the real property boundaries of such area(s). disturbance.

2. Refuse collection vehicles-Operators. Operate or permit the operation of a refuse collection motor vehicle with compacting mechanism upon industrial and commercially zoned areas between 8:00 P.M. and 8:00 A.M. the following day, in such a manner as to cause noise disturbance across a residential real property boundary, Historic District property boundary line, or a noise sensitive property boundary line zone. It shall be presumed that any such operation of refuse collection motor vehicle with compacting mechanism in an area zoned for industrial or commercial purpose and within one thousand feet of residential, historic district, or noise sensitive area shall constitute noise disturbance and cross the real property boundaries of

such area(s).

3. Standing Motor Vehicles-Operators. No person shall operate or permit the operation of any motor vehicle with more than two axles or a gross vehicle weight rating (GVWR) in excess of six (6000) thousand pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than five minutes in any hour, while the vehicle is stationary and any engine, motor, air conditioning unit, refrigeration and/or freezer unit of said vehicle remains running, within five hundred feet of a residentially zoned area, historic district, or noise sensitive area. This ordinance does not pertain to traffic congestion on a public right-of-way or public space.

4. Street Sweeper vehicles/Lawn mowers-Operators. No person shall operate or permit the operation of a motorized street sweeping/pavement cleaning vehicle upon industrial or commercially zoned areas, between 8:00 P.M. and 8:00 A.M. the following day, in such a manner as to cause noise disturbance across a residential real property boundary, Historic District property boundary line, or a noise sensitive property boundary line zone. No person shall operate or permit the operation of a motored lawn mower upon industrial, residential or commercially zoned areas, between 8:00 P.M. and 8:00 A.M. the following day, in such a manner as to cause noise disturbance across a residential real property boundary, Historic District property boundary line, or noise sensitive property boundary line zone. It shall be presumed that any such operation of street sweeper/cleaner or lawn mower in an area zoned for industrial or commercial purpose within one thousand feet of a residential, historic district, or noise sensitive area shall constitute noise disturbance and cross the real property boundaries of such area(s).

5. Commercial property owner - Loading and Unloading. No commercial real property owner or business shall permit on its real property zoned as commercial or industrial within the Borough of Newtown the operation of any motor vehicle with more than two axles or a gross vehicle weight rating (GVWR) in excess of six (6000) thousand pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than five minutes in any hour, while the vehicle is stationary and any engine, motor, air conditioning unit, refrigeration and/or freezer unit of said vehicle remains running, within five hundred feet of a residentially zoned area, historic district, or noise sensitive area.

6. Commercial property owner - Refuse. No commercial real property owner or business shall permit on its real property zoned as commercial or industrial within the Borough of Newtown the operation of a refuse collection motor vehicle with compacting mechanism upon industrial and commercially zoned areas, between 8:00 P.M. and 8:00 A.M. the following day, in such a manner as to cause noise disturbance across a residential real property boundary, Historic District property boundary line, or a noise sensitive property boundary line zone. It shall be presumed that any such operation of refuse collection motor vehicle with compacting mechanism in an area zoned for industrial or commercial purpose and within one thousand feet of residential, historic district, or noise sensitive area shall constitute noise disturbance and cross the real property boundaries of such area(s).

7. Commercial property owner - Standing motor vehicles. No commercial

real property owner or business shall permit on its real property zoned for commercial or industrial use within the Borough of Newtown the operation of any motor vehicle with more than two axles or a gross vehicle weight rating (GVWR) in excess of six (6000) thousand pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than five minutes in any hour, while the vehicle is stationary and any engine, motor, air conditioning and/or freezer unit of said vehicle remains running, within five hundred feet of a residentially zoned area, historic district, or noise sensitive area. This ordinance does not pertain to traffic congestion on a public right-of-way or public space.

8. Commercial property owner - Street sweeper vehicles/Lawn mowers.

No commercial real property owner or business shall permit on its real property zoned for commercial or industrial use within the Borough of Newtown the operation of a motorized street sweeping/pavement cleaning vehicle upon industrial or commercially zoned areas, between 8:00 P.M. and 8:00 A.M. the following day, in such a manner as to cause noise disturbance across a residential real property boundary, Historic District property boundary line, or a noise sensitive property boundary line zone. No person shall operate or permit the operation of a motorized lawn mower upon industrial, residential or commercially zoned areas, between 8:00 P.M. and 8:00 A.M. the following day, in such a manner as to cause noise disturbance across a residential real property boundary, Historic District property boundary line, or noise sensitive property boundary line zone. It shall be presumed that any such operation of street sweeper/cleaner or lawn mower in an area zoned for industrial or commercial purpose within one thousand feet of a residential, historic district, or noise sensitive area shall cause noise disturbance and cross the real property boundaries of such area(s).

9. Commercial property owner - Commercial and Industrial Ventilation

Fans, Air Compressors, Air-Conditioning, Refrigeration. No commercial real property owner or business shall permit upon its real property zoned for commercial or industrial use within the Borough of Newtown the operation of air-conditioners, motorized refrigeration fans, motorized ventilation fans, refrigeration machinery, motorized air-compressor machinery, or motorized rotating or reciprocating machinery in such a manner as to cause noise disturbance across a residential real property boundary, Historic District property boundary line, or noise sensitive property boundary line. If any such operation of said machinery or equipment emits any sound audible to the average, normal healthy human ear outside any structure or building on said commercial or industrial property and said operation of the machinery or equipment is within one-thousand feet of a residential, historic district, or noise sensitive area then it shall be presumed to constitute noise disturbance and cross the real property boundaries of such area(s).

SECTION 4. INSPECTION AND ENFORCEMENT

Any Town or Borough of Newtown law enforcement officer, any Borough of Newtown Burgess or Warden, and any Borough Zoning Enforcement Officer is empowered to inspect any dwelling, building, structure, or premises within the Borough of Newtown as may be necessary to enforce the provisions of this ordinance. If permission is refused by an owner or controller of property, or is otherwise unobtainable, said officials are authorized to obtain a search warrant upon the showing of probable cause that a violation of this ordinance may exist. Any law enforcement officer or authority stated in this Section may issue a warning or citation upon the

violator(s) of the ordinance.

SECTION 5. NUISANCE INJUNCTION

Any violation of this ordinance is declared to be a nuisance. In addition to any other relief provided by this ordinance, the Borough of Newtown may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, preliminary injunction, and permanent injunction.

SECTION 6. SEVERABILITY

The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application.

SECTION 7. PENALTY

Any person, firm, or corporation violating any provision of this ordinance shall be fined one hundred (\$100.00) dollars for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

THIS ORDINANCE SHALL TAKE EFFECT ON THE 23rd DAY OF January, 2001.

November 27, 2000
Date

November 27, 2000
Date

James O. Gaston
Board of Burgesses
James O. Gaston, Senior Burgess

Joan G. Crick
Warden
Joan G. Crick

BOROUGH OF NEWTOWN ORDINANCE

FARMERS' MARKETS, ART SHOWS, AND ANTIQUE SHOWS

Purpose:

The Borough of Newtown enacts the instant ordinance to permit seasonal outdoor Farmers' Markets, Art Shows, and Antique Shows on Town of Newtown owned property, subject to permit. The Borough submits that seasonal outdoor Farmers' Markets, Art Shows, and Antique Shows provide positive benefits to the residents of the community, including as to the health, welfare, education, economy and environment.

Subject:

A] Outdoor Farmers' Markets

Seasonal outdoor Farmers' Markets may be permitted on Town of Newtown owned property, subject to permit approval by the Borough of Newtown, on a temporary basis as a common marketplace for the sale of locally grown fresh produce, farm products, artisan foods, and the like. No permanent structure may be constructed regarding said markets.

B] Outdoor Art Shows

Seasonal outdoor Art Shows may be permitted on town of Newtown owned property, subject to permit approval by the Borough of Newtown, on a temporary basis as a common locale for the sale of locally created and/or collected art. No permanent structures may be constructed regarding said Art Shows.

C] Outdoor Antique Shows

Seasonal outdoor Antique Shows may be permitted on Town of Newtown owned property, subject to permit approval by the Borough of Newtown, on a temporary basis as a common locale for the sale of local created and/or collected antiques. No permanent structures may be constructed regarding said Antique Shows.

Definitions:

Antique – means over fifty years old, but shall not include motor vehicles and motorcycles which are prohibited.

Art Show – shall include painting, pottery, drawing, sculpture, writing, crafts, and music.

Parking Spaces – shall mean a parking space on the Town of Newtown premises.

Parking:

All outdoor Markets and Shows referenced in Parts A, B, & C of the Ordinance above shall devote Fifteen (15) parking spaces for the public to this use.

Permits:

Prior to the opening of the Market or Show the applicant shall complete a permit provided by the Borough of Newtown. Said application shall include the period(s) of time and time of day requested, the number of vendors anticipated, a general description of the subject to be displayed and/or sold, the permit fee, if any, to be paid. Said fee shall conform to the statutory limits permitted by law. Said application may also include inquiry whether traffic control and/or private police duty is required. Said application may also include provisions, limitations and restrictions deemed reasonably necessary to the orderly operation of the Market or Show. Said permit may be submitted to the Borough Zoning enforcement officer, Clerk of the Borough, or Warden of the Borough. Approval and rejection of an applicant's permit shall be made by the Warden of the Borough, and if the Warden is unavailable, by the Borough zoning enforcement officer. Applicants may be required to provide proof of liability insurance as part of the permit process.

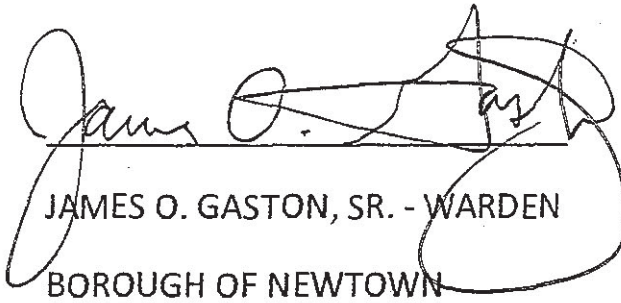
Signage:

Sandwich board signage shall be permitted upon approval of the Borough by permit. A maximum of two such signs throughout the season may be permitted.

WHEREFORE, the Ordinance No. is approved on this 11 day of August, 2009 by the Board of Burgesses. Said Ordinance shall take effect on August 25, 2009.

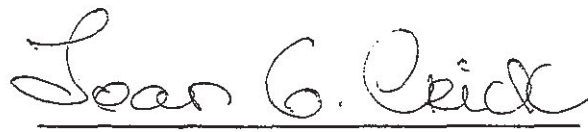
8/11/09

DATE


JAMES O. GASTON, SR. - WARDEN
BOROUGH OF NEWTOWN

8/11/09

DATE



JOAN G. CRICK - 1ST SENIOR BURGESS

BOROUGH OF NEWTOWN

Invasive Bamboo Ordinance

WHEREAS the Borough of Newtown is a duly organized municipality under the laws of the State of Connecticut and

WHEREAS, General Statutes Section 7-148(c)(7)(E) provides that any municipality may define nuisances within the municipality and specifically regarding certain bamboo, General Statutes Section 22a-381e;

WHEREAS SEC. 23 of the Charter of the Borough of Newtown provides that the board of warden and burgesses, or a majority of them, may, at any regular or special meeting, make, alter, repeal and enforce such by-laws, ordinances and enactments as they shall see fit in relation to... the prevention of nuisance of all kinds arising from any cause whatever and for summary abatement by any person or persons thereto appointed by said board;

WHEREAS it is found that certain types of bamboo, specifically of the genus Phyllostachys, (hereinafter referred to as Running Bamboo) by their nature, spread rapidly underground through their root systems and underground rhizomes, thereby infesting and damaging nearby properties, that they are not native to Connecticut but nevertheless, that there presently exists within the Borough Running Bamboo that has escaped the borders of the properties upon which it was originally grown and is causing damage to adjoining property and

WHEREAS such Running Bamboo will, by its nature, invade, infest and damage to other plants, roads, sidewalks, buildings and structures in nearby areas and properties and

WHEREAS it is found that Running Bamboo is not readily controlled by customary or readily available agricultural measures;

IT IS FOUND, THEREFORE, that

1) the uncontrolled and unrestricted presence of Running Bamboo in the Borough of Newtown is a nuisance,

2) Running Bamboo that is presently growing within the Borough of Newtown and that may be introduced into the Borough in the future, needs to be regulated and controlled so that it does not invade or infest properties within the Borough and does not create or present a danger to the safety and well-being of its citizens and their property

NOW, THEREFORE, the Board of Warden and Burgesses, according to the powers invested in them under the laws of the State of Connecticut, including Public Act 14-100, and the Charter of the Borough of Newtown, adopt the following Ordinance, which may be referred to as the Invasive Bamboo Ordinance:

Section 1. Purpose and Intent.

The purpose of this ordinance is to preserve and protect both public and private property from the damaging effects of certain non-native plants, to protect indigenous plant life, to prevent damage therefrom, to maintain property values and provide for the general welfare of the Freeman, residents and property owners of the Borough of Newtown.

Section 2. Definitions.

A. Running Bamboo means any bamboo plant of the genus *Phyllostachys*

B. Bamboo Owner means any property owner or occupant who has planted and/or grows Running Bamboo, or who maintains Running Bamboo on property owned or occupied or controlled by him, or who permits or allows Running Bamboo to grow to remain on such property, even if it has spread from an adjoining property.

Section 3. No person or legal entity shall plant or cause to grow Running Bamboo on any property within the Borough of Newtown unless done so pursuant to plans for containment designed by, and signed and sealed by a licensed arborist or forester and approved by the Borough's Tree Warden or appointed official, which plans shall provide, in the opinion of the Borough official, for an effective barrier to prevent the spread of such Running Bamboo to any land within 40 feet of the property boundary on which it is to be planted or grown.

Section 4. Any Running Bamboo that is planted or otherwise permitted or allowed to grow on any property within the Borough, whether such running Bamboo existed before or comes into existence after the effective date of this ordinance shall not: (A) be planted, maintained or otherwise be permitted to exist within forty (40) feet of the traveled portion of any public street or sidewalk or within forty (40) feet of the boundary of the property on which it exists, (B) be permitted or suffered to encroach or grow upon any adjoining or neighboring property, including all public property and rights of way.

Section 5. Notice to Bamboo Owners. Removal of Running Bamboo. Enforcement.

A. Each Bamboo Owner shall be responsible for ensuring that any Running Bamboo on property owned or occupied or controlled by him or her does not violate the provisions of this ordinance and for ensuring that Running Bamboo that originated on property owned, occupied or controlled by him does not invade neighboring or adjoining properties. If it is determinable, by a fair preponderance of the evidence, that running bamboo has infringed on the property of abutting property owners, the originating Bamboo owner shall be responsible for removal and remedy of said Running Bamboo infringement. Failure to remove and remedy shall be violation of this ordinance. In the event there is found Running Bamboo growing or existing in violation of this ordinance, the Borough or its authorized representative may notify the Bamboo Owner(s) in writing of the existence of the violation. Notice, when given, shall specify the corrective measures to be taken, whether such remedial measures are required upon property of the Bamboo Owner or on properties to which Running Bamboo originating on the Bamboo Owner's property has spread. Notice shall be sent to the Bamboo Owner(s) by certified mail to the Bamboo Owner(s). Such notice shall be sufficient if it is directed to the property address upon

which the violation exists (if improved) and/or the address of the property owner on file with the Newtown Tax assessor.

B. Bamboo Owners to whom such notice of violation is directed shall cause to be removed from the property on which the violation occurs all such running Bamboo, including underground roots systems and rhizomes that are in violation of this ordinance within such time as the Borough or its representative determines is reasonable, given the extent of the violation among other factors.

C. In the event the Bamboo Owner(s) does not remedy and correct the violations set forth in the Notice of Violation within the allotted time, the Borough of Newtown may remove so much of such Running Bamboo as is in violation of this ordinance, take any actions it deems reasonable to prevent its regrowth and restore the property to its natural condition prior to such measures. All Running Bamboo removed or uprooted or otherwise separated from the ground for any reason whatsoever, including its underground roots, structures and rhizomes, shall be disposed of only by incineration and shall not be composted, deposited in any landfill or otherwise disposed of.

D. All costs incurred by the Borough in removing Running Bamboo that exists in violation of this ordinance or in remedying any violation of this ordinance, which condition is not corrected by the Bamboo Owner(s) within the time allotted in the Notice of Violation is chargeable to the Bamboo Owner(s). Such expense as is charged to the Bamboo Owner(s) shall become a lien upon the property upon which the violation existed

E. In addition to the foregoing remedies, continuing violations of this ordinance beyond the time specified in the Notice of Violation are subject to a fine of \$100.00 for each day such violation continues by way of the Borough's citation process and are subject to such other remedies as are available at law or in equity.

F. Allowing running bamboo to grow beyond the boundaries of a parcel of property that a person owns shall be deemed to be a nuisance, except if it is proved by a fair preponderance of the evidence that the bamboo originated from an abutting property owner.

G. A Bamboo Owner who has been served with a notice of violation may request an administrative hearing to contest the notice of violation. Said request must be in writing, identify the matter contested and be received by the Clerk of the Borough within 10 days of receipt of notice. Said hearing shall proceed in accordance to administrative hearing procedures established by the Borough. All hearing shall be conducted within 30 days of receipt of the notice to contest.

Section 6. Miscellaneous.

A. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications, and to that end, the provisions of this ordinance are declared to be severable.

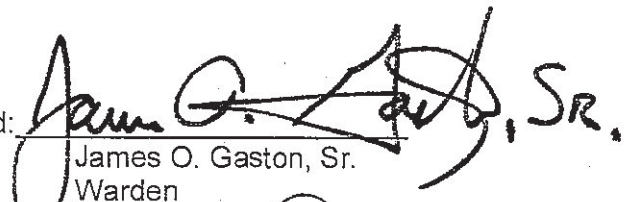
B. It the expressed intent of this ordinance that it may be enforced both by the Borough of Newtown and its agents and by individual Freemen, citizens and property owners of the Borough whose property has been invaded by Running Bamboo originating on property other than on that they own or occupy by means of a civil action or otherwise as provided by law, regardless of when the Running Bamboo was originally planted or grown.

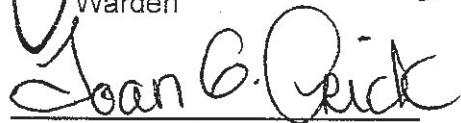
C. This ordinance shall become effective fifteen (15) days after publication thereof as provided by law.

Passed by the Board of Burgesses: July 8, 2014

This ordinance shall become effective August 4, 2014

Approved:

 James O. Gaston, Sr.
Warden



Joan G. Crick
Senior Burgess

**BOROUGH OF NEWTOWN HISTORIC DISTRICT EXEMPTION FROM
BOROUGH ZONING VILLAGE DISTRICT REGULATION (VILLAGE
DISTRICT REGULATION EFFECTIVE OCTOBER 3, 2016)**

PURPOSE:

The Borough of Newtown enacts the instant ordinance to exclude and exempt from the Borough Zoning Village District Regulations passed by the Borough of Newtown Zoning Commission and effective October 3, 2016, all commercial, residential, municipal and State properties in the Borough of Newtown Historic District presently and in the future. The Borough submits that positive benefits to the residents of the community, including to the health, welfare, economy and environment inure with such effectuation of the instant ordinance. Some benefits are, but not limited to, that the Borough of Newtown Historic District is important to the continued historic preservation of the community and is an effective statutory/governmental tool to such objective; that the additional burden imposed by the Zoning Village District Regulations upon Historic District property owners will create potential inconsistencies of regulation and rulings by Boards and Commissions; may unnecessarily result in depreciation of property values; will likely dissuade other property owners from including their property in the highly effective Historic District preservation effort; impose an additional and burdensome time and financial impact on Historic District property owners when attempting to alter or improve their properties; and may impose an unnecessary and extensive financial burden on the taxpayers of the Borough by requiring the employment of expert consultants by the Borough Zoning Commission.


SUBJECT

As the Borough of Newtown Zoning Commission passed new Village District Zoning Regulations in September of 2016, effective on October 3, 2016, mainly applicable to Main Street and South Main Street that also include properties within the Borough of Newtown Historic District, it is hereby enacted that all present and future Borough of Newtown Historic District properties are exclude and exempt from the Borough Zoning Village District Regulations passed by the Borough of Newtown Zoning Commission and effective October 3, 2016, and any modifications thereof. Any property not presently in the Borough of Newtown Historic District, upon inclusion into the Historic District shall be immediately excluded and exempt from the Borough Zoning Village District Regulations referenced herein and/or modifications thereof.

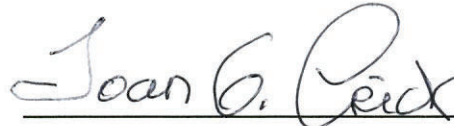
TIMING:

This Ordinance is approved by the Board of Burgesses on November 8, 2016, and shall become effective on December 1, 2016.

11/16/16
DATE


JAMES O. GASTON, SR. - WARDEN
BOROUGH OF NEWTOWN

11-16-16
DATE


JOAN G. CRICK - 1ST SENIOR
BURGESS BOROUGH OF
NEWTOWN