

Town of Hampton Ordinances

REVISION DATE: October 2019

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Establishment of a Recreation and Community Activities Commission

Statutory Reference: Conn. Gen. Stat. § 7-148 (c)(6)(A)(i)

Purpose: To establish, maintain and conduct public and recreational areas and activities as are authorized by the General Statutes of Connecticut.

Definitions: “Cause” is malfeasance, misfeasance, or nonfeasance.

“Malfeasance” is any intentionally illegal act or knowingly exceeding one’s authority for improper (illegal or prohibited) reasons.

“Misfeasance” is committing a wrong or error by mistake, negligence or inadvertence but without bad intent or violation of the law.

“Nonfeasance” is continued and successive failure to perform one’s duties or obligations in their position on this board.

Exceptions: None.

Ordinance Text: There is hereby created a Recreation and Community Activities Commission of the Town of Hampton which shall establish, maintain, and conduct such public and recreational areas and activities as are authorized by the General Statutes of Connecticut.

The Commission shall create bylaws.

The Commission is authorized to request and receive appropriations from the Town, to set reasonable charges for any event, activity or program, to receive private donations and to expend such funds for the purposes for which it was created. The Commission shall submit to the Board of Selectmen a report of its activities for the preceding year and a budget for the ensuing year.

Membership: The Commission shall consist of nine (9) regular members and three (3) alternates who shall be residents of the Town. Alternates shall serve as full members when properly seated and at no time shall a vacancy in regular membership(s) prevent the conduct of business as long as a majority of filled and/or appropriately seated membership is maintained. The members and alternates shall be appointed by the Board of Selectmen to serve for terms of two (2) to four (4) years: Five (5) for four (4) years, two (2) for three (3) years, and two (2) for two (2) years, so that all terms do not expire in the same year. The alternates shall have terms of two (2) years, three (3) years, and four (4) years respectively. Alternate members shall, when seated by the Chairman on a rotational basis, have all the powers and duties of a regular member of the commission for the meeting seated. Vacancies on the Commission shall be filled by the Board of Selectmen for the completion of the vacated term.

The members of the Commission shall elect a Chairman and a Secretary and may elect other positions (Vice Chairman, Treasurer) as needed. Secretary and Treasurer may be combined. All officers shall be elected by majority vote of the Commission members and their duties formally documented in the bylaws. No member of the Commission shall receive any compensation for his/her services as a member.

This ordinance establishes that any member, or alternate, of the Commission may be removed from their position on the Commission for good cause, defined as malfeasance, misfeasance or nonfeasance, in their duties on the Commission by the Board of Selectmen upon formal request of the majority of commission members.

Meetings:

The Commission shall hold at least four (4) regular meetings per year and shall keep minutes and records as required by law. The commission may establish subcommittees, or ad hoc committees, to provide recommendations to the Commission and complete specified commission business if so charged. Commission non-members may serve on such subcommittees. The Commission may collaborate with other Hampton agencies, boards, commissions and committees with shared interests and is encouraged to hold periodic meetings with said organizations where overlaps are identified.

Prior Ordinance:

Ordinance #7-129 is repealed as of the effective date of this ordinance.

Fees: N/A.

Penalties: N/A.

Cross References: N/A.

History: Original ordinance approved at Town Meeting May 19, 1981. Amended ordinance approved at Town Meeting May 29, 2008, Town Meeting, November 17, 2008 and approved at Town Meeting, published (Hampton Gazette) February 2009, effective March 2009.

May 2014: 2008 Ordinance replaced upon effective date. New ordinance shows the correct ordinance number and statutory reference, reduces the number of members to 9 (9), and clarifies term lengths, commission membership, alternates, by-laws, and officers.

Approved: May 16, 2014 at Annual Town Meeting

Published: June 18, 2014 (Willimantic Chronicle)

Effective Date: July 4, 2014

2016: Removed ordinance number.

Establishment of a Conservation Commission

Statutory Reference: Conn. Gen. Stat. § 7-131a

Purpose: As authorized by state statute, to create a Conservation Commission as a non-regulatory advisory body.

Definitions:

1. **“cause”** is malfeasance, misfeasance, or nonfeasance.
2. **“malfeasance”** is any intentionally illegal act or knowingly exceeding one’s authority for improper (illegal or prohibited) reasons.
3. **“misfeasance”** is committing a wrong or error by mistake, negligence or inadvertence but without bad intent or violation of the law.
4. **“nonfeasance”** is continued and successive failure to perform one’s duties or obligations in their position on this board.

Ordinance Text:

1. The Town of Hampton hereby creates a Conservation Commission pursuant to Section 7-131a of the Connecticut General Statutes. The Commission shall be a non-regulatory, advisory commission only.
2. The Hampton Conservation Commission:
 - a) shall conduct research into the utilization and possible utilization of land areas of Hampton;
 - b) shall keep records of its meetings and activities and shall make an annual report to the Town in the manner of other commissions;
 - c) shall periodically report its activities directly to the Board of Selectmen;
 - d) shall keep an index of all open areas, publicly or privately owned, including open marsh lands, swamps, and other wetlands, as well as upland habitats, for the purpose of obtaining information on the conservation of such areas, and from time to time recommend to the Planning and Zoning Commission or the Selectmen plans and programs for the conservation and use of such areas;
 - e) may coordinate the activities of unofficial bodies organized for similar purposes;
 - f) shall make recommendations to the Planning and Zoning Commission, Inland Wetlands and Watercourses Agency and other town agencies on proposed land-use changes;
 - g) may advertise, prepare and distribute books, maps, charts, plans and pamphlets, conduct walks, talks and educational presentations as necessary for its purpose;
 - h) may, with the approval of the Selectmen and Town Meeting, acquire land and easements in the name of the Town of Hampton and promulgate rules and regulations, including but not limited to the establishment of reasonable charges for the use of land and easements, for any of the purposes set forth in this ordinance;
 - i) may, with approval of the Selectmen and Town Meeting, receive gifts of land in the name of the Town of Hampton for any of its purposes and shall administer the same for such purposes subject to the terms of the gift;
 - j) may supervise and manage specific municipally-owned open space or park property upon delegation by the Selectmen;

- k) may propose a Greenways plan to be included in the plan of conservation and development;
 - l) may exchange information with the Commissioner of Environmental Protection, and request the assignment of technical personnel to the Commission for assistance in planning its overall program and for coordinating state and local conservation activities;
 - m) may apply for state grants-in-aid or programs established to preserve the use of open space land or to restrict it to conservation or recreation purposes.
3. The Conservation Commission shall consist of five (5) members and two (2) alternates, to be appointed by the Board of Selectmen.
- a) All Conservation Commission terms shall be for a period of three years, except for initial appointments, of which two regular members and one alternate member shall be appointed for two-year terms, and two regular and one alternate shall be appointed for one-year terms. Alternate members shall, when seated, have all the powers and duties as a regular member of the commission.
 - b) Following a written warning to the member regarding possible removal, the First Selectman, may remove any member or alternate for cause, and may fill any vacancy on the Commission
4. The Conservation Commission shall submit an annual budget request for operating funds to the Selectmen. by recommendation of the Commission

Fees: N/A.

Penalties: N/A.

Cross References: Planning and Zoning Commission Ordinance; Inland Wetlands and Watercourses Agency Ordinance.

Date Approved:

Date of initial approval – Spring 2002.

Amendment accepted at a Special Town Meeting held on October 25, 2006, Town Meeting, November 17, 2008.

Revision Passed at Annual Town Meeting June 22, 2017

Dates Published:

Initial ordinance published on February 7, 2002 (Willimantic Chronicle).

Amendment published on November 6, 2006 (Willimantic Chronicle).

Revision published: June 29, 2017 in Willimantic Chronicle

Effective Dates:

Initial Ordinance: February 22, 2002.

Amendment Effective: November 21, 2006.

Revision Effective: July 14, 2017

History:

2006: Prior to 2006 amendment, Section 3(a) of the ordinance read as follows:

All Conservation Commission terms shall be for a period of three years, except for initial appointments, of which two regular and one alternate member shall be appointed for two-year terms, and two regular and one alternate shall be appointed for one-year terms. Alternate members shall, when seated, have all the powers and duties as a regular member of the commission. Individuals shall not serve more than two consecutive terms as regular members.

2008: November 2008

1. Reformatted to template
2. Added "*Town Meeting*" in 2h and i
3. Changed the name of reference to Inland Wetlands and Watercourses *Commission* to Inland Wetlands and Watercourses *Agency* to reflect updated statutory nomenclature.
4. Changed "f) from *may* make recommendations to the Planning and Zoning Commission.....to *shall* make....."
5. In "g)," added "...*conduct walks, talks and educational presentations....*"
6. Section 3b, added "Following a written warning to the member regarding possible removal,....."

2017: Removed Ordinance Number and changed membership numbers.

Establishment of a Planning and Zoning Commission

Statutory Reference: Conn. Gen. Stat. §§ 4a 8-20

Purpose: As authorized by state statute, to create a Planning and Zoning Commission to adopt and enforce zoning regulations as authorized by Section 8-2 of Chapter 124 of the Connecticut General Statutes; to prepare, adopt, and amend the plan of conservation and development for the Town of Hampton pursuant to Section 8-23 of Chapter 126 of the Connecticut General Statutes; and to adopt and enforce regulations for the subdivision and resubdivision of land pursuant to Sections 8-25 and 8-26 of Chapter 126 of the Connecticut General Statutes.

Definitions:

1. **“malfeasance”** is any intentionally illegal act or knowingly exceeding one’s authority for improper (illegal or prohibited) reasons.
2. **“misfeasance”** is committing a wrong or error by mistake, negligence or inadvertence but without bad intent or violation of the law.
3. **“nonfeasance”** is continued and successive failure to perform one’s duties or obligations in their position on this board.

Exceptions: None.

Ordinance Text:

1. Membership and Membership Requirements

The Planning and Zoning Commission of the Town of Hampton shall consist of five (5) members who shall be Electors in the Town of Hampton, holding no salaried municipal office, with all the powers and duties specified in Chapters 124 and 126 of the General Statutes of Connecticut, as amended. The First Selectman of the Town of Hampton shall also be a member of said Commission but without voting privileges. There shall also be three (3) alternate members. No member or alternate member of the Zoning Board of Appeals may be a member or alternate member of the Planning and Zoning Commission.

2. Selection of the Members

Members of the Planning and Zoning Commission shall be chosen as follows:

- a) The current members of the Planning and Zoning Commission as of the effective date of this Ordinance shall continue to serve as members of the Planning and Zoning Commission. The term of membership of each said member shall expire on the date in which their membership was due to have expired under the terms of their election and/or the previous ordinance.
- b) At each biennial election of the Town there shall be elected to the Planning and Zoning Commission one (1) member who shall hold office for five (5) years beginning on the date of his election and one (1) member who shall hold office for five (5) years from the first anniversary of his election.
- c) There shall be minority representation on this Commission as provided in Section 9-167a of the General Statutes.
- d) Alternate members of the Planning and Zoning Commission shall be appointed for five (5) year terms by the Board of Selectmen of the Town of Hampton.

3. Removal of Members

In accordance with Section 8-1 of Chapter 124, this ordinance establishes that any member of the Commission may be removed from their position on the Commission for "good cause", defined as malfeasance, misfeasance or nonfeasance in their duties on the Commission.

Following a written warning to the member regarding possible removal, the Commission may by majority vote of its members, hold a hearing on the removal of a Commission member. The Commission member whose removal is being sought is not entitled to vote for or against a hearing for their removal. The Commission member must then be notified in writing at least two (2) weeks prior to a second meeting where a vote will be held for the purpose of expelling the Commission member.

The second hearing, where a removal vote will take place, will be done by majority vote of the Commission members. The Commission member whose removal is being sought is not entitled to vote for or against their removal from the Commission.

4. Vacancies

In accordance with Section 8-1 of Chapter 124, this ordinance establishes that any vacancies on said Commission due to death, resignation or removal shall be filled by an alternate member of the Commission or eligible elector of the Town of Hampton by recommendation of the Commission and appointment by the Board of Selectmen to serve the remainder of the unexpired portion of the term of the former Commission member.

5. By-Laws and Rules

The Planning and Zoning Commission is authorized to adopt by-laws and such other procedures as it may deem necessary for the efficient management of its business. Copies of any such by-laws and/or rules shall be filed by the Town Clerk and placed on record before they shall be effective.

6. Powers of the Commission

As authorized by state statute and this ordinance, to adopt and enforce zoning regulations as authorized by Section 8-2 of Chapter 124 of the Connecticut General Statutes; to prepare, adopt, and amend the plan of conservation and development for the Town of Hampton pursuant to Section 8-23 of Chapter 126 of the Connecticut General Statutes; and to adopt and enforce regulations for the subdivision and resubdivision of land pursuant to Sections 8-25 and 8-26 of Chapter 126 of the Connecticut General Statutes.

The Commission shall also have those powers and duties now or hereafter conferred upon Planning and Zoning Commission by statutes of the State of Connecticut.

7. Conflicts of Interest and Temporary Disqualification of Commission Members

No member of this Commission may personally appear before or represent any person, firm or corporation or other entity in any matter pending before the Planning and Zoning Commission or the Zoning Board of Appeals.

No member of this Commission who is associated with or employed by a person or entity that has business before the board shall participate in the hearing, deliberation or decision with respect to such matter pending before the Planning and Zoning Commission or the Zoning Board of Appeals.

No member of the Planning and Zoning Commission shall participate in the hearing, deliberation or decision of the Commission of any matter in which they have a personal or financial interest.

If any member of the Commission is temporarily disqualified for any of the above-referenced reasons, that Commission member's vacancy will be temporarily filled by an alternate for the

duration of the pending matter, provided the alternate member does not have a conflict of interest.

8. Severability

If any section, paragraph, change or provision of this ordinance shall be deemed invalid, such adjudication shall apply only to the section, paragraph, change or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Fees: As proposed from time to time by the Planning and Zoning Commission and the Board of Selectmen and approved by Town Meeting or Special Town Meeting.

Penalties: As proposed from time to time by the Planning and Zoning Commission and the Board of Selectmen and approved by Town Meeting or Special Town Meeting.

Cross References: Conservation Commission Ordinance; Inland, Wetlands and Watercourses Agency Ordinance; Zoning Board of Appeals Ordinance.

Cross References: Conservation Commission Ordinance; Inland, Wetlands and Watercourses Agency Ordinance; Zoning Board of Appeals Ordinance.

Date(s) Approved: May 16, 1960; April 29, 1971, Town Meeting, November 17, 2008.

Revision Approved: Annual Town Meeting June 22, 2017

Date(s) Published: May 16, 1960; May 4, 1971. Revision Published: June 29, 2017 in Willimantic Chronicle

Effective Date(s): May 31, 1960; May 19, 1971. Revision Effective: July 14, 2017

History:

1960: A Planning Commission was established by a vote of a Town Meeting on May 14, 1960. The original Planning Commission Ordinance was published on May 16, 1960 and was effective on May 31, 1960.

1971: The ordinance creating the Planning and Zoning Commission and the Zoning Board of Appeals superseded this ordinance, renaming The Planning Commission to "The Planning and Zoning Commission of the Town of Hampton" and was approved on April 29, 1971, published on May 4, 1971, and became effective on May 19, 1971.

2008: November 2008

1. Reformatted to template and added definitions.
2. Split Ordinance into two ordinances; one for the Planning and Zoning Commission and one for Zoning Board of Appeals.
3. Added statutory references.
4. Revised language for the removal and appointment of Board members.
5. Added language regarding the powers of the Board.
6. Added language about conflicts of interest.
7. Added sever provision.

2017: Removed Ordinance Number and corrected statutory reference.

Establishment of a Zoning Board of Appeals

Statutory Reference: Conn. Gen. Stat. §§ 8-5 Chapter 124 and 8-6, Chapter 126

Purpose: To create a Zoning Board of Appeals pursuant to Section 8-5 of Chapter 124 to exercise powers as granted to the Board by Section 8-6 of Chapter 124 and this Ordinance.

Definitions: None.

Exceptions: None.

Ordinance Text:

1. Membership and Membership Requirements

The Zoning Board of Appeals shall consist of five (5) regular members and three (3) alternate members, each of whom must be an Elector of the Town of Hampton and none of whom may be members or alternate members of the Planning and Zoning Commission. Any member of the Planning and Zoning Commission who shall be elected to membership on the Zoning Board of Appeals shall, upon qualification, be deemed to have resigned from said Commission.

2. Selection of Members

Members of the Zoning Board of Appeals shall be chosen as follows:

- a) The current members of the Zoning Board of Appeals as of the effective date of this Ordinance shall continue to serve as members of the Zoning Board of Appeals. The term of membership of each said member shall expire on the date in which their membership was due to have expired under the terms their election and/or the previous ordinance.
- b) At each biennial election of the Town held after the effective date of this ordinance there shall be elected to the Zoning Board of Appeals one (1) member who shall hold office for five (5) years beginning on the date of his election and one (1) member who shall hold office for five (5) years from the first anniversary of his election.
- c) There shall be minority representation on this Commission as provided in Section 9-167a of the General Statutes.
- d) Alternate members of the Zoning Board of Appeals shall be appointed for five (5) year terms by the Board of Selectmen of the Town of Hampton.

3. Vacancies

In accordance with Chapter 124, Section 8-5, any vacancies on the Zoning Board of Appeals due to death, resignation or expulsion, shall be filled by an alternate member of the Board or eligible citizen of the Town of Hampton by recommendation of the Board and appointment by the Board of Selectmen to serve the remainder of the unexpired portion of the term of the former Board member.

4. By-Laws and Rules

The Zoning Board of Appeals is authorized to adopt by-laws and such other procedures as it may deem necessary for the efficient management of their business. Copies of any such by-laws and/or rules shall be filed by the Town Clerk before they shall be effective.

5. Powers of the Zoning Board of Appeals

As authorized by state statute and this ordinance, the Zoning Board of Appeals shall have those powers conferred upon zoning boards of appeal by Section 8-6 of Chapter 124 of the Connecticut General Statutes, as amended from time to time.

The Zoning Board of Appeals shall conduct its business in accordance with applicable Connecticut statutes.

6. Conflicts of Interest and Temporary Disqualification of Board Members

No member of this Board may personally appear before or represent any person, firm or corporation or other entity in any matter pending before the Zoning Board of Appeals or the Planning and Zoning Commission.

No member of this Board who is associated with or employed by a person or entity that has business before the Board shall participate in the hearing, deliberation or decision with respect to such matter pending before the Zoning Board of Appeals or the Planning and Zoning Commission.

No member of the Zoning Board of Appeals shall participate in the hearing, deliberation or decision of the Board of any matter in which they have, directly or indirectly, a personal or financial interest.

If any member of the Zoning Board of Appeals is temporarily disqualified for any of the above-referenced reasons, that Board member's vacancy will be temporarily filled by an alternate for the duration of the pending matter, provided the alternate member does not have a conflict of interest.

7. Severability

If any section, paragraph, change or provision of this ordinance shall be deemed invalid, such adjudication shall apply only to the section, paragraph, change or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Fees: As proposed from time to time by the Zoning Board of Appeals and the Board of Selectmen and approved by Town Meeting or Special Town Meeting.

Penalties: As proposed from time to time by the Zoning Board of Appeals and the Board of Selectmen and approved by Town Meeting or Special Town Meeting.

Cross References: Conservation Commission Ordinance; Inland Wetlands and Watercourses Agency Ordinance; Planning and Zoning Commission Ordinance

Date(s) Approved: May 14, 1960; April 29, 1971, Town Meeting, November 17, 2008.

Date(s) Published: May 16, 1960; published on May 4, 1971.

Effective Date(s): May 31, 1960; May 19, 1971.

History:

1960: A Planning Commission was established by a vote of a Town Meeting on May 14, 1960. The original Planning Commission Ordinance was published on May 16, 1960 and was effective on May 31, 1960.

1971: The ordinance creating the Planning and Zoning Commission and the Zoning Board of Appeals superseded this ordinance, renaming The Planning Commission to "The Planning and Zoning Commission of the Town of Hampton" and was approved on April 29, 1971, published on May 4, 1971, and became effective on May 19, 1971.

2008: In November of 2008 the Ordinance was revised to reflect the following:

1. Reformatted to template.
2. Split ordinance into two ordinances; one for the Planning and Zoning Commission and one for Zoning Board of Appeals.
3. Added statutory references.
4. Added language regarding the powers of the Board.

5. Added language about conflicts of interest.
6. Added sever provision.

2016: Removed Ordinance Number.

Establishment of an Inland Wetlands and Watercourses Agency

Statutory Reference or Authority: Conn. Gen. Stat. §22a-42

Purpose: To implement the purposes and provisions of the Inland Wetlands and Watercourses Act, Sections 22a-36 to 22a-45, inclusive of the Connecticut General Statutes, as amended.

Definitions: None.

Exceptions: N/A.

Ordinance Text:

1. Creation of Inland Wetlands Agency

There shall be an Inland Wetlands and Water Courses Agency established in the Town of Hampton in accordance with An Act Concerning Inland Wetlands and Water Courses (Public Act 155, 1972 Session of the General Assembly, State of Connecticut, amended Public Act 571, 1973 Session.).

2. Responsibilities

Said Agency shall have all the powers and responsibilities authorized under said Public Act 155, and as amended.

3. Membership

The Agency shall be composed of seven (7) members and two (2) alternates appointed by the Board of Selectmen. As provided in Section 9-167a of the Connecticut General Statutes, not more than five (5) members shall be of the same political party.

Terms of the members and alternate members of the Agency shall be for a period of three years following shorter appointments being made to allow for the terms to be revolving. Reappointment to the same position upon expiration of the term may be made.

4. Conflict of Interest

No member or alternate member of the Hampton Inland Wetlands and Watercourses Agency shall participate in the hearing or decision of any matter in which he is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the records of the Agency and replacement for the hearing and determination of the particular matter or matters in which the disqualification arose shall be made from alternate members.

5. Vacancies

Any vacancy in the membership of the Agency which may occur through death, resignation, or otherwise, shall be filled by an alternate member of the Agency or eligible citizen of the Town of Hampton, by recommendation of the Agency and appointment by the Board of Selectmen, to serve the remainder of the unexpired portion of the term of the former Commission member.

In the event that an Agency member misses four(4) consecutive regular meetings or six (6) regular meetings in a calendar year and upon recommendation of the Agency, the Board of Selectmen, following a written warning to the member regarding possible removal, may remove said member and fill the vacancy created.

6. Effective Date

The provisions of this Ordinance shall become effective ten (10) days after adoption by the Hampton Town Meeting and publication in accordance with Public Act 155, as amended.

Fees: N/A.

Penalties: N/A.

Cross References: : Conn. Gen. Stat. §9-167a regarding minority party representation.

Date Approved: Annual Town Meeting: May 21, 1974, Amendment made in 1977 month unknown. Town Meeting, November 17, 2008. Revision Approved: Annual Town Meeting June 22, 2017

Date Published: Original publication date not documented but grandfathered per 7-157c. Revision published: June 29, 2017 in Willimantic Chronicle

Effective Date: May 21, 1974. Revision Effective: July 14, 2017

Relevant History:

1972: PA 155, 1972.

1973: Amended PA 571, 1973.

2008: November 2008:

1. Reformatted to new template
2. "Commission" changed to "Agency" to reflect updated statutory language.
3. Under "Vacancies," added provision for the Agency to make recommendations to the BOS for appointment or removal of members and stipulated that if an Agency member misses four(4) consecutive regular meetings or six (6) regular meetings in a calendar year and upon recommendation of the Agency, the Board of Selectmen, following a written warning to the member regarding possible removal, may remove said member and fill the vacancy created.
4. Added language about conflicts of interest based on Chapter 440; Sec. 22a-42.
5. Added provision for reappointment to the same position upon expiration of a member's term based on Chapter 440 Sec. 22a-42.

2017: Removed Ordinance Number, clarified length of membership terms.

An Ordinance Establishing Hampton Agriculture Commission

Statutory Reference or Authority: Conn. General Stat. §§ 1-1(q)

Purpose:

General

- a. To foster agricultural viability and preservation of agricultural land in Hampton.
- b. To foster a healthy environment.
- c. To serve as a conduit between local farmers and non-profit agencies, civic organizations, municipal boards and commissions, elected officials, and non-farm residents.
- d. To advocate for agriculture before land use and other commissions.
- e. To act as a resource for agricultural information.
- f. To chart land use in Hampton to support a balance between agriculture, preservation, and other land uses.

Education and Outreach

- a. To increase awareness of agricultural enterprises in the community.
- b. To promote the value of viable agriculture to the Town in the areas of employment, property taxes, environment and farmland preservation.
- c. To provide information and guidance on agriculture-related issues- such as zoning, inland wetland, public works and other- to town departments and other boards and commissions and residents as necessary.
- d. To promote young farmers by supporting local, regional, and state vocational agricultural education, and 4-H programs.
- e. To recognize and support new farming operations.
- f. To act as a sounding board and provide review to town departments, boards and commissions concerning the impact of proposed town policies on agricultural activities.

Economic Opportunities

- a. To identify opportunities to preserve and expand agriculture in Hampton.
- b. To promote opportunities for residents and local businesses to support agriculture.
- c. To provide information regarding available financial support related to agricultural viability.

Definitions: None.

Exceptions: None

Ordinance Text:

MEMBERSHIP:

The Agriculture Commission will consist of five (5) voting members and three (3) alternates appointed by the Board of Selectmen. Insofar as practical, members appointed shall be representative of all groups interested in the management, protection, and regulation of agriculture as defined by Connecticut General Statutes 1-1q, particularly those directly involved in agriculture. A chairman, vice chairman and a secretary will be elected and will serve for a term of one (1) year.

LENGTH OF TERM:

The appointments will be for two (2) year terms.

Fees: N/A

Penalties: N/A

Cross References:

Date Approved: May 16, 2011

Date Published: July 1, 2011, Willimantic Chronicle

Effective Date: July 16, 2011

2016: Removed Ordinance Number and corrected publication date.

Establishment of a Board of Finance

Statutory reference: Conn. General Stat. Sec. 7-340 - Sec. 7-349 inclusive; Sec. 7-12a; Sec. 7-107; Sec. 7-406; Sec. 9-167a; Sec. 9-202; Sec.9-210

Purpose: As authorized by state statute Sec 7-340 - Sec. 7-349 inclusive to create a Board of Finance.

Definitions:

Cause: is malfeasance, misfeasance, or nonfeasance.

Malfeasance: any intentionally illegal act or knowingly exceeding one's authority for improper (illegal or prohibited) reasons.

Misfeasance: committing a wrong or error by mistake, negligence or inadvertence but without bad intent or violation of the law.

Nonfeasance: continued and successive failure to perform one's duties or obligations in their position on this board.

Exceptions: None

Ordinance Text:

1. Selection of Members and Membership Requirements:

- a. Within ten (10) days after such affirmative vote has been passed, the Board of Selectmen shall appoint six (6) electors and taxpayers of the town as members of the Board, each of whom shall serve until the next regular biennial municipal election, in accordance with the provisions of section 9-202 of the CT General statutes, the election and qualification of their successor.
- b. No salaried employee or officeholder of the Town of Hampton may be a member of the Board of Finance.
- c. The term for a member of the Board of Finance shall be 6 years; term for an alternate member of the Board of Finance shall be five (5) years.
- d. In accordance with Section 7-12a of Chapter 91, the first selectman, as the chief executive officer of the Town of Hampton shall be an ex-officio member, without vote, of the Board of Finance.

2. Election of Members, Terms of Office and Alternate Members

Members of the Board of Finance shall be chosen as follows:

- a. Members of the Board of Finance shall be elected at the biennial elections of the Town. Any town adopting a resolution for which provision is made in section 7-340 shall, at the next regular municipal election, elect six electors of such town who shall constitute the board of finance, two of whom shall be elected to serve until the next such election, two to serve until the second such election from such date and two to serve until the third such election from such date. At each such election thereafter, the town shall elect, in the same manner as the town officers are elected, two electors of such town as members of such board of finance to serve for six years.

Each member of the Board of Finance shall serve for the term for which they are elected and until their successor is elected and has qualified.

- b. There shall be minority representation on this Board as provided in Section 9- 167a of the General Statutes.
- c. Three Alternate members of the Board of Finance shall be appointed for five (5) year terms by the Board of Selectmen of the Town of Hampton. Such alternate members shall, when seated, have all the powers and duties set forth in the general statutes, any special act or ordinance relating to the town for the Board of Finance and its members. Each alternate shall be required to attend a minimum of 1 regular monthly meeting per calendar quarter. Alternates may be removed from their position on the board for good cause, defined as malfeasance, misfeasance or nonfeasance, in their duties on the Board of Finance by the Board of Selectmen upon formal request of the majority of Board of Finance members. Alternate member position vacancies resulting from resignation or removal shall be filled by the Board Of selectmen for the balance of the alternate's term.
- d. If a regular member of the Board is absent or is disqualified, such absent or disqualified member shall designate one of the alternate members to so act. In the event that an absent or disqualified regular member shall fail or refuse to designate an alternate member to so act, the majority of the regular members of the Board of Finance present and not disqualified may designate an alternate member subject to the provisions of section 9-167a, to so act for such absent or disqualified regular member.
- e. The board shall choose one of its members to be chairman and one of its members to be clerk.

3. Vacancies in Elected Office

In accordance with Section 7-343 of Chapter 106, the remaining members of the Board shall, at a special meeting called by the chairman for that purpose, by a majority vote, appoint a successor, who shall serve until the next town election and until his successor is elected and has qualified. At the next town election (and not a special election or referendum) following the occurrence of such vacancy, the electors shall elect a successor to fill the vacancy for the unexpired portion of the term and the office to be filled shall be designated on the official ballot by the words "To fill vacancy for", followed by the duration of the unexpired term.

In accordance with Section 7-107 of Chapter 91, if the Board of Finance fails to fill a vacancy of an elected member within thirty days after it occurs, the board of selectmen may appoint a qualified person to fill such vacancy until the next municipal election.

4. Bylaws and Rules

The Board of Finance is authorized to adopt by-laws and such other procedures as it may deem necessary for the efficient management of its business. Copies of any such by- laws and/or rules shall be filed by the Town Clerk and placed on record before they shall be effective.

5. Powers of the Board

As authorized by state statute and this ordinance, to execute the powers and duties as authorized by

Conn. Gen.Stat Sec. 7-340 - 7-349 inclusive.

All rights and powers conferred and duties and obligations imposed by the general statutes upon boards of finance shall be held to be conferred or imposed upon the Board of Finance as soon as it is established under the provisions of this chapter.

No vote to abolish the Board of Finance shall be made until after the expiration of two years from the date of its establishment.

6. Conflicts of Interest and Temporary Disqualification of Board Members

No member of this Board may personally appear before or represent any person, firm or corporation or other entity in any matter pending before the Board of Finance.

No member of this Board who is associated with or employed by a person or entity that has business before the Board shall participate in the hearing, deliberation or decision with respect to such matter pending before the Board of Finance

No member of the Board of Finance shall participate in the hearing, deliberation or decision of the Board of any matter in which they have a personal or financial interest.

If any member of the Board is temporarily disqualified for any of the above- referenced reasons, that Board member's vacancy will be temporarily filled by an alternate for the duration of the pending matter, provided the alternate member does not have a conflict of interest.

7. Annual Town Report

In accordance with Sec. 7-406 of Chapter 112 the Board of Finance shall annually prepare and have published a town report.

8. Severability

If any section, paragraph, change or provision of this ordinance shall be deemed invalid, such adjudication shall apply only to the section, paragraph, change or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Date Approved: May 24, 2012 at Referendum. Revision passed at Annual Town Meeting June 22, 2017]

Date Published: Initial publication Willimantic Chronicle, June 11, 2012. Revision published: June 29, 2017 in Willimantic Chronicle

Effective Dates: Original Ordinance June 26, 2012. Revision: July 14, 2017

History:

Original Ordinance Revised 2017 to reflect the following:

Statutory reference: revised to include CT statute references - Sec. 7-12a; Sec. 7-107 & Sec. 7-406.

Added Definitions.

Added Sub-paragraph d to Section 1. Selection of Members and Membership Requirements

Revised Section 2. Election of Members, Terms of Office and Alternate Members: Added final three sentences to Sub-paragraph c., and added Sub-paragraph e

Added second paragraph to Section 3. Vacancies in Elected Office.

Added Section 7.

Renumbered "Severability" Section to number 8.

Withdrawal from Windham Council of Governments and Approval to Enter the Northeast Council of Governments

Statutory Reference or Authority: Conn. General Stat. CGS4-124j and CGS16a-4c as amended by Section 249 of Public Act 13-247

Purpose: To allow Hampton to enter into Northeast Council of Governments due to the closure of the Windham Council of Governments

Definitions: None

Exceptions: None

Ordinance Text:

WHEREAS, the State of Connecticut in recent Legislation has given authority to the Office of Policy and Management to redefine the boundaries of the Regional Planning Agencies.

WHEREAS, the Office of Policy and Management will be reducing the existing thirteen Council of Governments.

WHEREAS, it is in the interest of the Town of Hampton to withdraw from the Windham Regional Council of Governments.

WHEREAS, The Town of Hampton, acting herein by its legislative body, does hereby repeal and render void and of the "Regional Council of Governments Ordinance" enacted by the Town meeting held on May 21, 1997.

NOW THEREFORE, BE IT ORDAINED by the Electors of the Town of Hampton at a duly warned meeting:

The Town of Hampton according to Section 16a-4c of the General Statutes, as amended, hereby adopts the joining of the Northeast Council of Governments upon certification by the Secretary of the Office of Policy and Management.

Pursuant to Sections 4-12k and 4-12b of the Connecticut General Statutes as amended, in the absence of the chief elected official, the First Selectman shall designate one of the other members of the Board of Selectmen as the representative on the council or as a member of the executive committee.

The Town Clerk is directed to immediately prepare and file with the Secretary of the Office of Policy and Management or its designee a certified copy of this Ordinance.

Fees: N/A

Penalties: N/A

Cross References:

Date Approved: May 15, 2014 at Annual Town Meeting

Date Published: June 18, 2014, Willimantic Chronicle

Effective Date: July 4, 2014

2016: Removed Ordinance Number.

Affixing of Visible Street Numbers

Statutory Reference or Authority: Conn. Gen. Stat. § 7-148(H)xiii

Purpose: To promote public safety by facilitating the ease and speed of delivering essential emergency services.

Definitions: None.

Exceptions: N/A.

Ordinance Text:

To promote public safety and convenience and to ease and speed essential emergency services, the Town of Hampton adopts the following ordinance:

By August 1, 2004, for existing buildings, or, immediately upon receipt of a building permit, for new construction, each owner, agent, or occupant of each building shall affix, in a conspicuous place upon the building or on a mailbox or similar object located on the property, the correct assigned street number. The number must be visible and readable from the street or highway. The numbers must be a minimum of three inches high. In the case of common driveways, the number of all buildings shall be posted at the entrance to the driveway.

Each owner, agent, or occupant of any building or part thereof who shall fail to affix the number assigned within the three months shall be guilty of an infraction, and shall be liable for the imposition of a fine not to exceed twenty five dollars. Each day in which the failure to affix a number continues shall constitute a separate and distinct offense.

Fees: None.

Penalties: \$25 per violation day.

Cross References: None.

Date Approved: April 5, 2004, Town Meeting, November 17, 2008.

Date Published: April 19, 2004, Willimantic Chronicle

Effective Date: August 1, 2004.

History:

2008: November 2008:

1. Reformatted to template.
2. Requirement of 4 inch letters changed to "at least 3 inches" because ambulance corps recommended and distributed 3 inch reflective numbers.

2016: Removed Ordinance Number and corrected statutory reference.

ORDINANCE ON BIDDING FOR PURCHASES AND SERVICES

Purpose: To establish a policy of and a procedure for obtaining bids for major purchases and/or services.

Definitions: None

Exceptions: None

Ordinance Text:

1. Bidding Requirements

A) Any expenditure of funds on behalf of the Town of Hampton in excess of \$7,500 requires the obtaining and recording for public record a minimum of two (2) bids including the name, address, and amount of each bid prior to commencement of the contracted services or purchase of material. Bidding may be exempt in certain situations where used equipment is to be purchased. Bidding will be at the discretion of the Board of Selectmen or Board of Education as applicable. The Board of Selectmen or Board of Education, as applicable, may require legal notice in an area newspaper and/or posting on the Town website in certain situations if it is felt to be in the best interest of the Town.

B) Any expenditure of funds on behalf of the Town of Hampton in excess of \$20,000 shall require sealed bids.

C) The lowest responsible bidder may not necessarily be the final choice due to time constraints, availability, or other matters. Where the selected bid is not the lowest bid, reasons for the selection must be recorded and sent with the bids to the Town Clerk for retention as public record.

2. Notification/Participation:

A) Any town employee, officer, or member of any board, commission, committee or agency who has financial or personal interest in the financial outcome of, or is owner, shareholder, member, partner, officer, employee, or other participant of or in a private business or professional enterprise that will be affected by the outcome of any financial matter under consideration before them must identify this fact for public record in the minutes of a meeting. Connecticut General Statutes 7-148t is also in force governing such limitations.

B) Notification to bid for expenditures of funds in excess of \$20,000 must, at a minimum, be published in a local newspaper/periodical, one with substantial circulation in the Town of Hampton and surrounding region and posted on the Town website.

C) Notification to bid should be provided to local contractors if possible where the expertise is known to exist locally for the contracted service or purchase of material.

D) An invitation to bid or other solicitation may be cancelled or any and all bids may be rejected in whole or in part as may be specified in the solicitation, when it is for good cause and in the best interests of the Town. The reasons shall be made part of the contract file. Each solicitation issued by the town shall state that the solicitation may be canceled and that any bid may be rejected in whole or in part for good cause when in the best interests of the Town.

E) No town employee, officer, or member of any board, commission or agency shall be barred from participating in any sealed bid process, and shall be accorded all the rights given to non-member/employee bidders, including the right to contract with the Town of Hampton if their bid is selected.

3. Scope/Limitations:

A) These standard policies are directly binding upon all town employees, public officers, officials and members of boards, commissions, committees and agencies and the Board of Finance will review compliance with these standard policies during appropriation of funds and the yearly audit review.

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

4. Exceptions to Bidding Requirement:

A) In the event of an emergency or threat of immediate harm to the health, security, or safety of the citizens of the Town of Hampton, or the immediate threat to Town property, the First Selectman or Chairperson of the Board of Education or their designated alternates shall have the power to contract with any person, and to otherwise arrange with any person for the provision of such goods and services as they deem necessary for the protection of threatened citizens and property, notwithstanding that such contract or arrangement may otherwise constitute a financial conflict of interest.

B) In the event that the purchasing agent does not receive any response or any acceptable response, to any notice published or sent, the purchasing agent may then proceed to negotiate for the purchase sale of the item or service in question in any appropriate market.

C) A contract may be awarded without competition when the Board of Selectman or Board of Education determines, in writing after conducting a good faith review of available sources, that there is only one source for the required supply, service, or construction item. The respective Board shall conduct negotiations, as appropriate, as to price delivery, and terms. A record of sole source procurements shall be maintained as public record and shall include the written determination by the Board, each contractor's

name, the amount and type of each contract, and a listing of the item(s) procured under each contract.

D) Expenditures exempted by law.

E) Expenditures made through State or Federal surplus property agencies.

F) Expenditures made through or administered by the State or Federal Governments.

G) Expenditures made to a monopoly utility.

H) Expenditures made to town counsel and building inspector.

I) Expenditures made to employee health insurance and pension benefits.

This ordinance shall become effective fifteen (15) days after publication in accordance with the Connecticut General Statutes Section 7-157.

Fees: Not Applicable

Penalties: Not Applicable

Cross Reference: CGS 7-148t

Date Approved: July 9, 2019 at referendum

Effective Date: Published in Willimantic Chronicle July 15, 2019, Effective July 29, 2019

Withholding of Building Permits for Delinquent Taxes

Statutory Reference or Authority: Conn. Gen. Stat. § 7-148(c)(2)(B)

Purpose: To prohibit building permits to be issued to persons with delinquent taxes.

Definitions: None.

Exceptions: None.

Ordinance Text:

The Building Inspector shall not grant any building permit for any real property for which any taxes, water or sewer rates, charges or assessments imposed or levied by the Town of Hampton are delinquent. The Tax Collector shall maintain a current list of all properties for which taxes, water or sewer rates, charges or assessments are delinquent, as determined by the Grand List for the previous year. The tax collector must verify that there are no outstanding taxes before a building permit is issued.

Notwithstanding an applicant's qualification under this ordinance, this ordinance shall not supersede the Building Inspector's authority to deny building permits on any other permissible grounds.

Fees: None.

Penalties: None.

Cross References: None.

Date Approved: May 5, 1999 Town Meeting and May 21, 2000, Town Meeting, November 17, 2008.

Date Published: February 2009 (Hampton Gazette)

Effective Date: March 2009

History:

2008: November 2008:

- Reformatted to template
- **Deleted** "Any person denied a building permit pursuant to this ordinance may file an appeal, in writing, to the Building Inspector and by showing proof that all delinquent taxes have been paid to the Town of Hampton or the work must be completed to prevent harm to the health and safety of the property owners." **Replaced with:** "The tax collector must verify that there are no outstanding taxes before a building permit is issued."

2016: Removed Ordinance Number and corrected statutory reference.

Ordinance Establishing a Demolition Officer

Statutory Reference: Conn. Gen. Stat. §Chapter 541, Section 29-404

Purpose: To establish a Demolition Officer for the Town of Hampton.

Definitions: None.

Exceptions: N/A.

Ordinance Text: In accordance with Chapter 541, Section 29-404, as amended from time to time, the Building Inspector for the Town of Hampton shall also serve as the Demolition Officer for the Town of Hampton.

Fees: N/A.

Penalties: N/A.

Cross References: Building Permit and Fees Ordinance, Connecticut State Building Code, Ordinance Number: 29-406, Ordinance Establishing Demolition Permits and Fees.

Date(s) Approved: October 15, 1970, Town Meeting, November 17, 2008.

Date(s) Published: grandfathered per 7-157c.

Effective Date(s): October 1970.

History:

1970: Original ordinance was voted upon at Town Meeting on October 15, 1970, creating the position of Demolition Officer for the Town of Hampton.

2008: November 2008: Reformatted to template; updated statutory references.

2016: Removed Ordinance Number.

Ordinance Establishing Demolition Permits and Fees

Statutory Reference: Conn. Gen. Stat. §29-406

Purpose: To set regulations governing the issuing of demolition permits and the fees for said permits.

Definitions:

1. **“building”** as herein used shall mean any kind of structure for the housing of persons or things, or designed to provide shelter to persons or things.
2. **“demolition”** covers any kind of deconstruction, razing, removal or partial removal of a building as previously defined.

Exceptions: *As noted in Conn. Gen. Stat. §29-406:* Except in the case of (A) a person who is engaged in the disassembling, transportation and reconstruction of historic buildings for historical purposes or who is engaged in the demolition of farm buildings or in the renovation, alteration or reconstruction of a single-family residence, or (B) an owner who is engaged in the demolition of a single-family residence or outbuilding, as provided in subsection (c) of section 29-402.

As noted in Conn. Gen. Stat. §29-402(c) The provisions of this section shall not apply to (1) a person who is engaged in the disassembling, transportation and reconstruction of historic buildings for historical purposes or in the demolition of farm buildings or in the renovation, alteration or reconstruction of a single-family residence, (2) the removal of underground petroleum storage tanks, (3) the burning of a building or structure as part of an organized fire department training exercise, or (4) the demolition of a single-family residence or out building by an owner of such structure if it does not exceed a height of thirty feet, provided (A) the owner shall be present on site while such demolition work is in progress and shall be held personally liable for any injury to individuals or damage to public or private property caused by such demolition, and (B) such demolition shall be permitted only with respect to buildings which have clearance from other structures, roads or highways equal to or greater than the height of the structure subject to demolition. The local building official may require additional clearance when deemed necessary for safety.

Ordinance Text:

1. When a Demolition Permit is Necessary

Any building being demolished, (see exceptions) for a which a building permit was issued or would have been issued if the building was constructed at present time, shall require the issuance of a demolition permit from the Town of Hampton Demolition Officer.

2. Documentation Required for a Demolition Permit

No person shall be eligible to receive a permit for the demolition of a building unless they comply with or are excluded from provisions of Chapter 541, Sections 29-406, as amended from time to time.

3. Restrictions upon the Issuance of a Demolition Permit when Real Property Taxes are Delinquent

Pursuant to Section 7-148 of Chapter 98, as amended from time to time, the Demolition Officer shall not grant a demolition permit for any real property for which any taxes, water or sewer rates, charges or assessments imposed or levied by the Town of Hampton are delinquent.

The Tax Collector shall maintain a current list of all properties for which taxes, water or sewer rates, charges or assessments are delinquent, as determined by the Grand List for the previous year.

Any person denied a demolition permit pursuant to this ordinance may file an appeal, in writing, to the Demolition Officer and upon proof that all delinquent taxes have been paid to the Town of

Hampton or that a payment agreement has been reached with the Tax Collector of the Town of Hampton, or the work is an emergency repair that must be completed to prevent harm to the health and safety of the property owners, the Demolition Officer may issue a demolition permit.

4. Maintenance of Records

The Demolition Officer shall keep a record of all applications for permits and of all permits granted.

Fees: The fee for demolition of a structure shall be fifty dollars (\$50.00) for buildings up to two thousand, five hundred square feet.

The fee for demolition of a structure shall be one hundred dollars (\$100.00) for buildings in excess of two thousand, five hundred square feet.

If, in the opinion of the Demolition Office, it will be necessary to reroute traffic or provide police protection for the safety of the general public, any such cost in connection therewith shall be paid by the person or entity to which such permit has been issued.

Penalties: For any building demolished without the proper permit, the penalty shall be double the original fee for demolition, exclusive of any fee or penalty that may be imposed by the state for violation of the state demolition codes.

Cross References: Conn. Gen. Stat. §29-252-256, concerning the Connecticut State Building Code and Conn. Gen. Stat. §29-402(c).

Date(s) Approved: October 25, 1972, Town Meeting, November 17, 2008.

Date(s) Published: Grandfathered per 7-157c.

Effective Date(s): October 25, 1972.

History: 1972: Original ordinance was voted upon on October 25, 1972 and set the fees for a permit at one dollar (\$1.00).

2008: November 2008: Reformatted to template; addition of definitions; updated statutory references.

2016: Removed Ordinance Number.

Ordinance for Planning & Zoning and Zoning Board of Appeals Fee Structure

Statutory Reference: Conn. Gen. Stat. § 8-1(c)

Purpose: To establish a fee structure for the Planning & Zoning Commission and Zoning Board of Appeals

Definitions: None.

Exceptions: None.

Pursuant to Connecticut General Statutes, it is hereby ordained that the following fee structure is in place for Hampton's Planning & Zoning Commission and Zoning Board of Appeals:

FIXED FEES CHARGED

Legal Notice in newspaper	Cost of Notice
Zoning/Subdivision Regulations Change	\$250 plus Legal Notices
Zone Map Change	\$250 plus cost of map revision and Legal Notices
Site Plan	\$100 plus Legal Notices
Special Permit	\$250 plus Legal Notices except Home Business as below
Subdivision	\$100 per lot plus Legal Notices
Plus: Frontage Lots	\$0.25/Linear Foot
New Road Construction	\$1.00/Linear Foot
Zoning Board of Appeals applications	\$100 plus Legal Notices
Home Businesses	\$25 for administrative approval \$100 plus Legal Notices for approvals by special permit
Sign Permits	\$50 plus Legal Notices if needed
Zoning Permit - New House	\$100
Zoning Permit – Other	\$25

All land use applications are subject to a state of Connecticut fee land use fee, currently \$60.00, **in addition to the above stated fees.**

VARIABLE FEES

For any application, the PZC and ZBA may retain outside consultants to review applications when it finds the size, complexity or potential impact of the proposed use or activity requires specialized assistance and expertise.

- a. The fees charged by such outside consultants shall be paid for by the applicant;
- b. The applicant shall deposit with the Commission an amount equal to one hundred twenty-five (125) percent of the estimated consultant fees from written estimates prepared by the consultants on the basis of the anticipated cost of the review and, following review of the application and payment of consultant fees, the applicant shall be reimbursed any unused funds without payment of interest.
- c. Payment of any outstanding balance in the consultant fees shall be a condition of approval of any application.
- d. No final approval shall be documented until such amount is paid in full.

Approved: July 18, 2013 at Special Town Meeting

Published: August 29, 2013, Willimantic Chronicle

Effective Date: September 14, 2013

2016: Removed Ordinance Number.

Approval of Hiring or Appointment of Assistant Town Clerks and Assistant Registrars of Vital Statistics

Statutory Reference or Authority: Conn. Gen. Stat. §§7-19 and 7-38

Purpose: To provide authority to the Board of Selectmen for approval of the hiring or appointment of Assistant Town Clerks and Registrars of Vital Statistics.

Definitions:

“**registrar of vital statistics**” or “**registrar**” means the registrar of births, marriages, deaths and fetal deaths or any public official charged with the care of returns relating to vital statistics.

Exceptions: N/A.

Ordinance Text:

Be it ordained that the Board of Selectmen, retains the authority to approve the hire or appointment of Assistant Town Clerks and Assistant Registrars of Vital Statistics. Candidates for such positions will be recommended by the Town Clerk.

Fees: N/A. **Penalties:** N/A.

Cross References: Personnel Policies and Procedures (available in the Selectmen’s Office).

Date Approved: Town Meeting date October 7, 2002, Town Meeting, November 17, 2008.

Date Published: Willimantic Chronicle, October 17, 2002.

Effective Date: October 31, 2002.

History:

2008: November 2008:

1. Changed the title of the ordinance from “Approval of Appointments of Town Employees” to “Approval of Hiring or Appointment of Assistant Town Clerks and Assistant Registrars of Vital Statistics.”
2. Removed references to all other town employees because hiring practices for them are specified in the Town’s personnel policies.
3. Retained Assistant Town Clerks and added Assistant Registrars of Vital Statistics because the referenced statutes state that the requirement for Board of Selectmen approval of Assistant Town Clerk and Assistant Registrar of Vital Statistics appointments requires an ordinance.

2016: Removed Ordinance number.

Open Voting for the Board of Selectmen

Statutory Reference or Authority: Conn. Gen. Stat. § 9-188

Purpose: To allow voters to vote for the same number of candidates as there are openings.

Definitions: None.

Exceptions: None.

Ordinance Text: Each political party shall have the right to nominate a candidate for First Selectman and two other candidates for Selectmen. Electors may vote for the same number of candidates as there are members to be elected. Statutory provisions for minority representation shall determine successful candidates.

Fees: N/A.

Penalties: N/A.

Cross References: Conn. Gen. Stat. §§ 9-167a regarding minority party representation.

Date Approved: Referendum held on May 24, 2005, Town Meeting, November 17, 2008.

Date Published: May 28, 2005 (The Willimantic Chronicle).

Effective Date: June 12, 2005

Relevant History:

2008: November 2008: Reformatted to template; no substantive change.

2016: Removed Ordinance Number.

Appointment of the Tax Assessor

Statutory Reference or Authority: Conn. Gen. Stat. § 7-100k

Purpose: To provide for the appointment of the Tax Assessor rather than by election.

Definitions: None.

Exceptions: N/A.

Ordinance Text:

At a referendum held on May 22, 2001 it was resolved that, effective on the first day of the 2001-2002 Fiscal Year, the position of Tax Assessor shall no longer be one of election and, instead, shall be one of appointment.

Fees: N/A.

Penalties: N/A.

Cross References: None.

Date Approved: May 22, 2001 at referendum, Town Meeting, November 17, 2008.

Date Published: June 2, 2001 (Willimantic Chronicle).

Effective Date: June 17, 2001.

History:

2008: November 2008: Reformatted to template; no substantive change.

2016: Removed Ordinance Number and corrected statutory reference. (Original reference 9-198 repealed 10-1-2010.)

APPOINTMENT OF THE TAX COLLECTOR

Statutory Reference or Authority: Connecticut General Statute 9-189

Purpose: To allow for the position of Tax Collector to be appointed

Definitions: None

Exceptions: None

Ordinance Text:

Be it ordained by the Town of Hampton that, pursuant to Section 9-189 of the General Statutes of Connecticut, the office of Tax Collector shall no longer be elected but rather be filled by appointment by a majority vote of the Board of Selectmen for a term of four (4) years.

The term of the first appointee to such office shall commence on the expiration of the term presently in force of said office, or the occurrence of a vacancy in said office, whichever first occurs.

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

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

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

Fees: Not Applicable

Penalties: Not Applicable

Cross References: None

Date Approved: July 9, 2019 at referendum

Effective Date: Published in Willimantic Chronicle July 15, 2019, Effective July 29, 2019

Establishment of a Zoning Board of Appeals

Statutory Reference: Conn. Gen. Stat. §§ 8-5 Chapter 124 and 8-6, Chapter 126

Purpose: To create a Zoning Board of Appeals pursuant to Section 8-5 of Chapter 124 to exercise powers as granted to the Board by Section 8-6 of Chapter 124 and this Ordinance.

Definitions: None.

Exceptions: None.

Ordinance Text:

8. Membership and Membership Requirements

The Zoning Board of Appeals shall consist of five (5) regular members and three (3) alternate members, each of whom must be an Elector of the Town of Hampton and none of whom may be members or alternate members of the Planning and Zoning Commission. Any member of the Planning and Zoning Commission who shall be elected to membership on the Zoning Board of Appeals shall, upon qualification, be deemed to have resigned from said Commission.

9. Selection of Members

Members of the Zoning Board of Appeals shall be chosen as follows:

- e) The current members of the Zoning Board of Appeals as of the effective date of this Ordinance shall continue to serve as members of the Zoning Board of Appeals. The term of membership of each said member shall expire on the date in which their membership was due to have expired under the terms their election and/or the previous ordinance.
- f) At each biennial election of the Town held after the effective date of this ordinance there shall be elected to the Zoning Board of Appeals one (1) member who shall hold office for five (5) years beginning on the date of his election and one (1) member who shall hold office for five (5) years from the first anniversary of his election.
- g) There shall be minority representation on this Commission as provided in Section 9-167a of the General Statutes.
- h) Alternate members of the Zoning Board of Appeals shall be appointed for five (5) year terms by the Board of Selectmen of the Town of Hampton.

10. Vacancies

In accordance with Chapter 124, Section 8-5, any vacancies on the Zoning Board of Appeals due to death, resignation or expulsion, shall be filled by an alternate member of the Board or eligible citizen of the Town of Hampton by recommendation of the Board and appointment by the Board of Selectmen to serve the remainder of the unexpired portion of the term of the former Board member.

11. By-Laws and Rules

The Zoning Board of Appeals is authorized to adopt by-laws and such other procedures as it may deem necessary for the efficient management of their business. Copies of any such by-laws and/or rules shall be filed by the Town Clerk before they shall be effective.

12. Powers of the Zoning Board of Appeals

As authorized by state statute and this ordinance, the Zoning Board of Appeals shall have those powers conferred upon zoning boards of appeal by Section 8-6 of Chapter 124 of the Connecticut General Statutes, as amended from time to time.

The Zoning Board of Appeals shall conduct its business in accordance with applicable Connecticut statutes.

13. Conflicts of Interest and Temporary Disqualification of Board Members

No member of this Board may personally appear before or represent any person, firm or corporation or other entity in any matter pending before the Zoning Board of Appeals or the Planning and Zoning Commission.

No member of this Board who is associated with or employed by a person or entity that has business before the Board shall participate in the hearing, deliberation or decision with respect to such matter pending before the Zoning Board of Appeals or the Planning and Zoning Commission.

No member of the Zoning Board of Appeals shall participate in the hearing, deliberation or decision of the Board of any matter in which they have, directly or indirectly, a personal or financial interest.

If any member of the Zoning Board of Appeals is temporarily disqualified for any of the above-referenced reasons, that Board member's vacancy will be temporarily filled by an alternate for the duration of the pending matter, provided the alternate member does not have a conflict of interest.

14. Severability

If any section, paragraph, change or provision of this ordinance shall be deemed invalid, such adjudication shall apply only to the section, paragraph, change or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Fees: As proposed from time to time by the Zoning Board of Appeals and the Board of Selectmen and approved by Town Meeting or Special Town Meeting.

Penalties: As proposed from time to time by the Zoning Board of Appeals and the Board of Selectmen and approved by Town Meeting or Special Town Meeting.

Cross References: Conservation Commission Ordinance; Inland Wetlands and Watercourses Agency Ordinance; Planning and Zoning Commission Ordinance

Date(s) Approved: May 14, 1960; April 29, 1971, Town Meeting, November 17, 2008.

Date(s) Published: May 16, 1960; published on May 4, 1971.

Effective Date(s): May 31, 1960; May 19, 1971.

History:

1960: A Planning Commission was established by a vote of a Town Meeting on May 14, 1960. The original Planning Commission Ordinance was published on May 16, 1960 and was effective on May 31, 1960.

1971: The ordinance creating the Planning and Zoning Commission and the Zoning Board of Appeals superseded this ordinance, renaming The Planning Commission to "The Planning and Zoning Commission of the Town of Hampton" and was approved on April 29, 1971, published on May 4, 1971, and became effective on May 19, 1971.

2008: In November of 2008 the Ordinance was revised to reflect the following:

7. Reformatted to template.
8. Split ordinance into two ordinances; one for the Planning and Zoning Commission and one for Zoning Board of Appeals.
9. Added statutory references.
10. Added language regarding the powers of the Board.

- 11. Added language about conflicts of interest.
 - 12. Added sever provision.
- 2016:** Removed Ordinance Number.

Appointment of Additional Members to the Board of Assessment Appeals

Statutory Reference or Authority: Conn. Gen. Stat. § 9-199c

Purpose: Provide extra assistance to the Board of Assessment Appeals in an assessment year.

Definitions: None.

Exceptions: N/A.

Ordinance Text:

Be it ordained that, pursuant to CGS . §9-199c, during any assessment year, the legislative body of the Town of Hampton is hereby authorized to appoint at Town Meeting up to four additional members to the Board of Assessment Appeals, subject to statutory requirements for minority representation. A written request to do so must initiate from the Board of Assessment Appeals to the Board of Selectmen.

Penalties: N/A.

Cross References: Conn. Gen. Stat. § 9-167a regarding minority party representation.

Date Approved: May 24, 2005 Town Meeting, Town Meeting, November 17, 2008.

Date Published: May 28, 2005 in the Willimantic Chronicle.

Effective Date: June 12, 2005.

History:

2008: November 2008: Reformatted to template; no substantive change.

Authority for appointment changed from "Board of Selectmen" to "legislative body" as required by statute.

2016: Removed Ordinance Number and added "c" to statutory reference.

Open Voting for Members of the Board of Education

Statutory Reference or Authority: Conn. Gen. Stat. § 9-204b

Purpose: To allow voters to vote for the same number of candidates as there are openings.

Definitions: None.

Exceptions: N/A.

Ordinance Text: The Town of Hampton adopts the provisions of Section

9-204b of the Connecticut General Statutes and provides that each political party shall have the right to nominate as many persons as there are vacancies on the Board of Education and those names shall be placed on the ballot. Voters may vote for the same number of candidates as there are members to be elected. The persons receiving the greatest number of votes shall be elected, subject to statutory provisions for minority representation.

Fees: N/A.

Penalties: N/A.

Cross References: Conn. Gen. Stat. § 9-167a regarding minority party representation.

Date Approved: Referendum held on May 24, 2005, Town Meeting, November 17, 2008.

Date Published: May 28, 2005 (the Willimantic Chronicle).

Effective Date: June 12, 2005.

History:

2008: November 2008: Reformatted to template; no substantive change.

2016: Removed Ordinance Number.

Establishment of a Term of Four Years for Members of the Hampton Board of Education

Statutory Reference or Authority: Conn. Gen. Stat. § 9-206

Purpose:

To shorten the length of service for members elected to the Hampton Board of Education.

Definitions: None.

Exceptions: N/A.

Ordinance Text:

1. Pursuant to Sec. 9-206 of the General Statutes of the State of Connecticut which authorizes any town having a Board of Education of three, six, nine or twelve members established in accordance with the General Statutes which has adopted biennial elections to establish a different method of rotation and a different length of term of office.
2. Commencing with the next regular town election following the effective date of this ordinance, all members of the Board of Education of the Town of Hampton shall be elected for a term of four years.
3. Each current member of the Board of Education of the Town of Hampton shall hold office for the term for which he or she was elected and until his or her successor is elected and has qualified.
4. This ordinance shall become effective 15 days after publication hereof in a newspaper having a circulation in the Town of Hampton pursuant to the provisions of Sec. 7-157 of the General Statutes of the State of Connecticut.

Fees: N/A.

Penalties: N/A.

Cross References: N/A.

Date Approved: Town Meeting May 12, 1998, Town Meeting, November 17, 2008.

Date Published: September 4, 1998 (the Willimantic Chronicle).

Effective Date: September 19, 1998.

History:

2008: November 2008: Reformatted to template; no substantive change.

2016: Removed Ordinance Number.

Split Shifts for Election Workers

Statutory Reference or Authority: Conn. Gen. Stat. § 9-258a

Purpose: To allow poll workers to work partial shifts for an election event.

Definitions:

“split shifts” means two (2) shifts.

Exceptions: Per statute, the Election Moderator may not split shifts during an election event.

Ordinance Text:

The Town of Hampton ordains that, consistent with state statute and the exceptions noted therein, election workers be allowed to work split shifts at the polls during an election event.

The Moderator shall keep written records as specified by Conn. Gen. Stat. §§ 9-258a. All election officials working the second shift shall be bound by the provisions of such statute.

Fees: N/A.

Penalties: N/A.

Cross References: Gen. Stat. §9-235 concerning unofficial checkers and Gen. Stat. §9-259 regarding moderators.

Date Approved: Town Meeting, September 22, 1994, Town Meeting, November 17, 2008.

Date Published: February 2009 (Hampton Gazette)

Effective Date: March 2009

Relevant History:

2008: November 2008

1. Reformatted to template
2. Definitions added.
3. Ordinance text changed to reference statute for roles of election officials when working split shifts.

2016: Removed Ordinance Number.

Property Tax Exemption for Persons with Specially Equipped Vehicles for the Disabled

Statutory Reference or Authority: Conn. Gen. Stat. §12-81c

Purpose: To provide tax relief for persons with specially equipped vehicles for the disabled.

Definitions:

1. **“special license plate”** means a license plate displaying the international symbol of access in a size identical to that of the letters or numerals on the plate and in a color that contrasts with the background color of the plate.
2. **“removable windshield placard”** means a two-sided, hanger-style placard which bears on both of its sides: (A) The international symbol of access in a height of three inches or more centered on such placard and colored white on a blue background; (B) a unique identification number; (C) a date of expiration; and (D) a statement indicating that the Connecticut Department of Motor Vehicles issued such placard.
3. **“temporary removable windshield placard”** means a placard that is the same as a removable windshield placard except that the international symbol of access appears on a red background.
4. **“disabled –equipped vehicle,”** means a motor vehicle that is equipped for the purpose of adapting its use to the disability of its owner or that of its owner's spouse, child, or ward if it contains a substantial adaptation designed to aid a disabled individual's ability to operate, travel in, enter, exit, or load the vehicle. Examples of such adaptations include, but are not limited to (a) ramps, (b) lifts, (c) extended foot pedals, and (d) hand-manipulated accelerators and/or brakes.
5. **“disabled-Equipped vehicles not used for profit exempt from property tax,”** means any motor vehicle owned by a person with disabilities, or owned by the spouse, parent, or guardian of such person, which vehicle is equipped for purposes of adapting its use to the disability of such person and is not used as a commercial vehicle for monetary gain is exempt from property tax.

Exceptions: N/A.

Ordinance Text:

Resolved that effective the first day of the 2001-2002 fiscal year, the Town of Hampton adopt a property tax exemption for the owner of a motor vehicle where that motor vehicle (1) regularly is used to transport the disabled owner or a spouse, child, or ward of the owner who is disabled, (2) contains a substantial modification to aid the disabled individual's ability to operate, travel in, enter, exit, or load the vehicle, and (3) is not used as a commercial vehicle for monetary gain. In furtherance of that exemption, be it resolved that the Town include the following provisions in its body of ordinances:

Proof of disabled-equipped status required:

Individuals requesting exemption from property taxes under this section first must show proof to the Town Assessor that the subject motor vehicle was manufactured specially or modified to aid a disabled individual's ability to operate, travel in, enter, exit or load the vehicle. Acceptable forms of proof of such include, but are not limited to, (1) a photo or photos of the vehicle clearly showing the modification or portion of special manufacture and (2) a copy of an invoice showing installation of the modification to the motor vehicle.

Additionally, such individuals also must provide to the Town Assessor proof that he or she has obtained one of the following: (1) from the Connecticut Department of Motor Vehicles (as listed in Connecticut General Statute 14-253a), a valid (a) special license plate for the disabled, (b) removable windshield placard for the disabled, or (c) temporary removable windshield placard for the disabled, or (2) a letter (no older than three years) from a physician, which attests to the applicant's need for a specially

manufactured motor vehicle or a substantially modified motor vehicle due to that person's medical incapacitation.

Fees: N/A.

Penalties: N/A.

Cross References: : Conn. Gen. Stat. §14-253a

Date Approved: June 21, 2001 Town Meeting, Town Meeting, November 17, 2008.

Date Published: June 29, 2001 (the Willimantic Chronicle).

Effective Date: July 14, 2001

History:

2008: November 2008: Reformatted with statutory definitions and references added; no substantive change.

2016: Removed Ordinance Number.

Tax Exemption on Buildings Used Actually and Exclusively in Farming

Statutory Reference or Authority: Conn. Gen. Stat. §12-91(c)

Purpose: An ordinance providing for a tax exemption on buildings used actually and exclusively in farming

Definitions: Source of definitions is Conn. Gen. Stat. §1-1q

1. **“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, 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.

2. **“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.

Exceptions: Residence of the farmer.

Ordinance Text:

1. Pursuant to the authority granted under CGS 12-91(c) of the Connecticut General Statutes, as amended, any building used actually and exclusively in farming, as defined in Section 1-1 of the Connecticut General Statutes, upon proper application being made in accordance with this section, shall be exempt from property tax to the extent of an assessed value of one hundred thousand dollars.
2. This exemption shall not apply to any residence of any farmer
3. The exemption granted under this ordinance shall not exceed \$100,000 per farm.
4. Annually, within thirty days after the assessment date, each individual farmer, group of farmers, partnership or corporation shall make a written application for the exemption provided in subsection (A) of this section to the assessor, including therewith a notarized affidavit certifying that such farmer, individually or as part of a group, partnership or corporation, derived at least fifteen thousand dollars in gross sales from such farming operation, or incurred at least fifteen thousand dollars in expenses related to such farming operation, with respect to the most recently completed taxable year of such farmer prior to the commencement of the assessment year for which such application is made, on forms prescribed by the Commissioner of Agriculture. Failure to file such application in said manner and form within the time limit prescribed shall be considered a waiver of the right to such exemption for the assessment year.

Fees: N/A.

Penalties: N/A.

Cross References: N/A.

Date Approved: Date Approved: May 24, 2005 at referendum. Town Meeting, November 17, 2008.

Date Published: Date Published: May 28, 2005 (the Willimantic Chronicle).

Effective Date: Effective Date: June 13, 2005

History:

2008: November 2008: Reformatted with statutory definitions and references added; no substantive change.

2016: Removed Ordinance Number.

Waiver of Property Tax

Statutory Reference or Authority: Conn. General Stat. §12-144c

Purpose: To increase the efficiency of the Hampton Office of the Tax Collector.

Definitions: None

Exceptions: None

Ordinance Text: Pursuant to CGS 12-144c, any property tax bill due in an amount less than \$10.00 is hereby waived. This ordinance shall apply to such taxes commencing with the 10/1/2010 Grand List and in each succeeding year.

Fees: N/A

Penalties: N/A

Cross References:

Date Approved: May 16, 2011

Date Published: July 1, 2011, Willimantic Chronicle

Effective Date: July 16, 2011

2016: Removed Ordinance Number and updated publishing information.

Payment of Delinquent Motor Vehicle Taxes

Statutory Reference or Authority: Conn. General Stat. §12-146

Purpose: To require cash or a bank check for delinquent motor vehicle taxes when a clearance is requested.

Definitions: None

Exceptions: None

Ordinance Text: In the event that a resident of the Town of Hampton is delinquent in his/her Motor Vehicle Taxes, and a DMV Tax Clearance Form has been requested, said resident shall be required by the Town of Hampton to produce either cash or a bank check to compensate for said delinquent Motor Vehicle Taxes.

Fees: N/A

Penalties: N/A

Cross References:

Date Approved: May 16, 2011

Date Published: July 1, 2011, Willimantic Chronicle

Effective Date: July 16, 2011

2016: Removed Ordinance Number and updated publishing information.

Tax Payments in Excess of Amount Due

Statutory Reference or Authority: Conn. General Stat. §12-129

Purpose: To increase the efficiency of the Hampton Office of the Tax Collector.

Definitions: None

Exceptions: None

Ordinance Text: Pursuant to CGS 12-129, the Tax Collector is hereby authorized to retain unapplied payments in excess of the amount due provided the amount of the excess payment is less than \$5.00. No refund shall be offered or authorized in an amount less than \$5.00.

Fees: N/A

Penalties: N/A

Cross References: N/A

Date Approved: May 15, 2014 at Annual Town Meeting

Date Published: June 18, 2014 (Willimantic Chronicle)

Effective Date: July 4, 2014

2016: Removed Ordinance Number.

Property Tax Relief Program for Certain Elderly and Permanently Disabled

BE IT ORDAINED BY THE TOWN MEETING OF THE TOWN OF HAMPTON:

SECTION 1. PURPOSE

There are property owners within the Town of Hampton ("Town") who face hardships and difficulties in paying real property taxes even though they may be receiving some real property tax relief by virtue of other existing tax relief programs. Conn. Gen. Statute 12-129n authorizes a Town, by vote of its legislative body to provide additional tax relief for certain home owners who are age 65 or over or permanently and totally disabled. The purpose of this ordinance is to implement the additional property tax relief program for elderly and disabled persons authorized by said Statute.

SECTION 2. ELIGIBILITY.

Requirements for participating in the real property tax relief program established by this Ordinance are as follows:

(a) Participants shall be residents of the Town who (1) are sixty-five years of age and over, or (2) whose spouses, living with them, are sixty-five years of over or (3) who are sixty-five years of age or over and the surviving spouse of a taxpayer qualified under this Ordinance at the time of the taxpayer's death;

(b) Participants shall be residents of the Town and under the age of sixty-five and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security or under any federal, state or local government retirement or disability plan;

(c) The real property for which tax relief is available under this Ordinance shall be occupied as the principal residence by the taxpayers;

(d) An applicant who is not the record owner of a principal residence but who holds a life use in said property or who is the beneficiary of a trust holding such property, shall be eligible to participate if applicant meets all other requirements and establishes that applicant is responsible for payment of taxes assessed against the property;

(e) All participants shall meet the income standards set forth in the "Circuit Breaker" Tax Relief application with respect to maximum income allowable during the calendar year preceding the year in which application is made for tax relief;

(f) No property tax relief under this Ordinance when combined with tax relief under Conn. Gen. Stat. Secs. 12-129b to 12-129d, inclusive, 12-129h and 12-170aa shall exceed 75% of the aggregate of the total amount of the tax which otherwise would be laid against the taxpayer;

(g) All applicants shall declare all sources of income received during the prior calendar year as part of their application. Total income shall include, but not be limited to all income derived from wages, social security, interest and dividends.

SECTION 3. TAX RELIEF.

Eligible taxpayers shall be entitled hereunder to an abatement of the real property taxes in an amount equal to the relief provided to such taxpayers for the applicable fiscal year under the "Circuit Breaker" program created pursuant to Conn. Gen. Stats. Section 12-170aa.

SECTION 4. APPLICATIONS.

Applications for property tax relief shall be filed by eligible persons during the period commencing on February 1 and continuing through May 15. Participants in the program shall re-file their application with the Town Assessor biennially.

SECTION 5. LIMIT ON TOTAL ABATEMENT OF TAXES UNDER TAX RELIEF PROGRAM.

The total abatement of property tax revenues under this program shall not exceed 10% of the total real property tax assessed within the Town in the preceding tax year.

SECTION 6. TRANSFER OF PROPERTY OR DEATH OF PARTICIPANT.

Unless otherwise provided in this Ordinance, the real property tax relief provided by this Ordinance shall terminate upon the death of the participant or upon the sale or transfer of the property by the participant. In such a case, the relief shall be prorated to reflect the fractional portion of such property occupied by the participant.

Fees: N/A.

Penalties: N/A.

Cross References: N/A.

History: Original ordinance approved at Town Meeting May 17, 2010.

Amended ordinance approved at Town Meeting June 7, 2010,

May 2014: Previous publication date undetermined.

Approved: May 16, 2014 at Annual Town Meeting

Republished: June 18, 2014 (Willimantic Chronicle)

Effective Date: July 4, 2014

Burning Permits

Statutory Reference or Authority: Conn. Gen. Stat. §22a-174f

Purpose: The Town of Hampton urges restraint in the use of open burning due to the detrimental effects on air quality and the nuisance to the community. All practical means of legal disposal, recycling, chipping and cutting of forest products or piling them for protective cover for wildlife should be considered or used as alternatives to burning. If these options are not feasible or practical the following regulations shall be followed to control and regulate open burning within the Town of Hampton.

Definitions:

“**brush**” means any shrubs, vegetation or prunings, the diameter of which is not greater than three (3) inches on the end cut.

Exceptions:

A permit shall not be required for the following types of fires:

1. Barbecues or other outside fires for the cooking of food for human consumption.
2. Bon fires for recreational or ceremonial purposes, provided that the size of such fire does not exceed five (5) feet in any dimension.
3. Fires for the training of Volunteer Fire Departments in firefighting methods.

Ordinance Text: A Hampton resident may apply for a permit for the open burning of brush only on a property on which they reside. They may make application with any local “burning official” of the Town.

A fee of \$10.00 payable by the applicant to the Town of Hampton will be collected prior to the issuance of any permit.

All regulations and restrictions as noted on the permit shall be followed. Failure to adhere to the conditions of the permit may result in penalties and/or other enforcement actions.

Fees: Burning permits are \$10.00

Penalties: \$30.00 for not obtaining a permit as/when required.

Cross References: N/A.

Date Approved: Town Meeting date: October 25, 2006, Town Meeting, November 17, 2008.

Date Published: November 6, 2006 (the Willimantic Chronicle).

Effective Date: November 21, 2006.

Relevant History:

2008: November 2008 Reformatted to new template and definitions, Exceptions and Ordinance text based on statute added. Penalty added.

2016: Removed Ordinance Number and corrected statutory reference.

An Ordinance regarding Emergency Operations Plan

Statutory Reference or Authority: Conn. Gen. Stat. §28-7

Purpose: To protect and preserve human life and property of the community, to the greatest extent possible.

Definitions: Source of definitions is Conn. Gen. Stat. §28-1.

1. **“major disaster”** means any catastrophe including, but not limited to, any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm or drought, or, regardless of cause, any fire, flood, explosion, or manmade disaster in any part of this state that, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121 et seq., as amended from time to time, to supplement the efforts and available resources of this state, local governments thereof, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.
2. **“emergency”** means any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement state and local efforts and capabilities to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster or catastrophe in any part of this state.
3. **“civil preparedness emergency” or “disaster emergency”** means an emergency declared by the Governor under the provisions of this chapter in the event of serious disaster or of enemy attack, sabotage or other hostile action within the state or a neighboring state, or in the event of the imminence thereof.
4. **“local civil preparedness emergency” or “disaster emergency”** means an emergency declared by the chief executive officer of any town or city in the event of serious disaster affecting such town or city.
5. **“governor”** means the Governor or anyone legally administering the office of Governor.

Exceptions: N/A

Ordinance Text:

1. In the event of major disaster, local civil preparedness emergency or disaster emergency, the Chief Executive Officer of the Town of Hampton will assume complete command of all local government functions and facilities including public school facilities and personnel.
2. All available local resources will be brought to bear on the disaster under the adopted Emergency Operations Plan in an effort to protect and preserve human life and property of the community, to the greatest extent possible.
3. That the authority of the Chief Executive officer of the Town of Hampton shall be limited only by the Governor of the State of Connecticut in state-declared emergencies or the President of the United States of America in a declared national emergency.

Fees: N/A.

Penalties: N/A.

Cross References: Emergency Operations Plan located in Selectmen's Office.

Date Approved: Town Meeting date May 25, 1976, Town Meeting, November 17, 2008.

Date Published: grandfathered per 7-157c.

Effective Date: May 25, 1976.

History:

November 2008: Reformatted with statutory definitions and references added; no substantive change.

2016: Removed Ordinance Number.

Establishment of Fire Zones

Statutory Reference or Authority: Conn. Gen. Stat. §29-293

Purpose: Establishment of Fire Zones in public facilities.

Definitions: None.

Exceptions: N/A.

Ordinance Text: Be it ordained that pursuant to Conn. Gen. Stat. §29-293, the Town of Hampton authorizes the local Fire Marshal to establish one or more fire zones for the orderly access of fire and other emergency equipment to any building or facility open to the public.

Fees: N/A.

Penalties:

Cross References: N/A.

Date Approved: November 7, 2005 at a special Town Meeting, . Town Meeting, November 17, 2008.

Date Published: November 11, 2005, Willimantic Chronicle.

Effective Date: November 26, 2005.

History:

2008: November 2008

- Reformatted to template.
- Changed ordinance text from: "Be it ordained that pursuant to Conn. Gen. Stat. §29-293, the Town of Hampton authorizes the local Fire Marshal to establish *fire zones at municipal buildings as needed*.

to

"Be it ordained that pursuant to Conn. Gen. Stat. §29-293, the Town of Hampton authorizes the local Fire Marshal to establish one or more fire zones for the orderly access of fire and other emergency equipment to any building or facility open to the public."

2016: Removed Ordinance Number and updated publishing information.

Right-to-Farm Ordinance

Statutory Reference or Authority: Conn. General Stat. §§ 1-1(q), Conn. General Stat. §19a-3411

Purpose: Agriculture plays a significant role in Hampton's heritage and future. The Town officially recognizes the importance of farming to its rural quality of life, heritage, public health, scenic vistas, tax base, wetlands and wildlife, and local economy. This Right to Farm ordinance encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmland within Hampton by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.

Definitions: The terms "agriculture" and "farming" shall have all those meanings set forth in Section 1-1(q) of the Connecticut General Statutes, as amended.

Exceptions: None

Ordinance Text: No present or future agricultural operation conducted or maintained in a manner consistent with accepted agricultural practices, which is engaged in the act of farming as defined in this ordinance shall become or be considered a nuisance solely because such activity resulted or results in any changed condition of the use of adjacent land. Agricultural operations may occur any day or night provided such activities do not violate applicable health, safety, fire, zoning, wetlands, life safety, environmental or building codes and regulations and shall include, without limitation:

- 1) The incidental noise from livestock or farm equipment used in generally accepted farming practices;
- 2) Odors from livestock, manure, fertilizer or feed;
- 3) Dust and fumes associated with normally accepted farming practices;
- 4) The use of agricultural chemicals provided such chemicals and the method of their application conform to practices approved by the State of Connecticut; and
- 5) Irrigation and water management associated with generally accepted farming practices.

Inspection and approval of the agricultural or farming operation, place, establishment or facility by the State Commissioner of Agriculture or his/her designee shall be prima facie evidence that such operations follow generally accepted agricultural practices. Nothing contained in this ordinance shall restrict the powers of Hampton's Inland Wetlands Commission, Planning and Zoning Commission, Building or Health Departments under Connecticut General Statutes.

Fees: N/A

Penalties: N/A

Cross References:

Date Approved: May 16, 2011

Date Published: July 1, 2011, Willimantic Chronicle

Effective Date: July 16, 2011

2016: Removed Ordinance Number and publishing information.

Bazaar and Raffle Ordinance

Statutory Reference: Conn. Gen. Stat. §§ 7-170 to 7-186

Purpose: To set forth the rules and procedures governing bazaars and raffles held in Hampton, as authorized by state statute.

Definitions: Source of definitions is Conn. Gen. Stat. § 7-170

1. **“bazaar”** means a place maintained by a sponsoring organization for the disposal of merchandise awards by means of chance.
2. **“raffle”** means an arrangement for raising money by the sale of tickets, certain among which, as determined by chance after the sale, entitle the holders to prizes.
3. There are seven kinds of **“permits”** contemplated by the ordinance and statute, Conn. Gen. Stat. § 7-175.

“class No. 1” permits allow the operation of a raffle to be consummated within 3 months of the granting of the permit and the aggregate value of the prize or prizes offered may not be more than \$15,000.

“class No. 2” permits allow the operation of a raffle to be consummated within 2 months of the granting of the permit and the aggregate value of the prize or prizes offered may not be more than \$2,000.

“class No. 3” permits allow the operation of a bazaar for a period of not more than 10 consecutive days, excluding legal holidays and holy days on which the bazaar is not functioning. Any bazaar held under the authority of any such permit must be held within 6 months of the granting of such permit.

“class No. 4” permits allow the operation of a raffle to be consummated within 1 month of the granting of the permit and the aggregate value of the prize or prizes offered may not be more than \$100.

“class No. 5” permits allow the operation of a raffle to be consummated within 9 months of the granting of the permit and the aggregate value of the prize or prizes offered may not be more than \$50,000.

“class No. 6” permits allow the operation of a raffle to be consummated within 1 year of the granting of the permit and the aggregate value of the prize or prizes offered may not be more than \$100,000.

“class No. 7” permits allow the operation of a raffle to be consummated within 15 months of the granting of the permit, may allow no more than 12 prize drawings on separate dates and the aggregate value of the prize or prizes offered may not be more than \$50,000.

4. No more than one “class No. 1” permit, two “class No. 3” permits, one “class No. 4” permit, five “class No. 5” permits, five “class No. 6” permits or three “class No. 2” permits shall be issued to any qualifying organization within any one calendar year. The aggregate value of prizes offered under any of such permits shall represent the amount paid by the applicant for the prize or prizes or the retail value of the same if donated.

Ordinance Text:

1. This ordinance is adopted pursuant to the authority of § 7-171 of the General Statutes of the State of Connecticut which authorizes any town to adopt the provisions of §§ 7-170 to 7-186, inclusive, of the General Statutes of the State of Connecticut.

2. The Town of Hampton hereby, by ordinance, adopts the provisions of §§ 7-170 to 7-186, inclusive, of the General Statutes of the State of Connecticut.
3. No bazaar or raffle may be promoted, operated or conducted within the Town of Hampton after the adoption of this ordinance unless it is sponsored and conducted exclusively by
 - a) an officially recognized organization or association of veterans of any war in which the United States has been engaged,
 - b) a church or religious organization,
 - c) a civic or service club,
 - d) a fraternal or fraternal benefit society,
 - e) an educational or charitable organization,
 - f) an officially recognized voluntary fire company,
 - g) a town agency, or
 - h) a political party or town committee thereof.
4. Any organization desiring to operate a bazaar or raffle within the Town of Hampton shall make application, in duplicate, duly executed and verified, to the First Selectman of the Town of Hampton, on a form to be prescribed by the executive director of the Division of Special Revenue, State of Connecticut. All applications shall conform to § 7-173 of the General Statutes.
5. The promotion and operation of any bazaar or raffle shall be conducted in accordance with all applicable state laws and regulations.
6. All permits, permit fees, prizes, equipment, and advertising shall conform to the requirements of state law, including all statutes and regulations, particularly those regulations adopted in order to prevent fraud and protect the public.
7. In the event any part, provision or section of this ordinance shall be deemed invalid, such invalidity shall not affect any other part, provision or section of this ordinance.
8. This ordinance shall become effective 15 days after publication hereof in a newspaper having a circulation in the Town of Hampton pursuant to the provisions of § 7-157 of the General Statutes of the State of Connecticut.

Fees: The fees to be charged for permits shall be as follows:

- a) "class No. 1" permit: \$50; \$25 to be retained by the municipality and \$25 remitted to the state.
- b) "class No. 2" permit: \$20; \$10 to be retained by the municipality and \$10 to be remitted to the state.
- c) "class No. 3" permit: \$20 for each day of the bazaar; \$10 to be retained by the municipality and \$10 to be remitted to the state.
- d) "class No. 4" permit: \$5, to be retained by the municipality.
- e) "class No. 5" permit: \$80; \$40 to be retained by the municipality and \$40 remitted to the state.
- f) "class No. 6" permit: \$100; \$50 to be retained by the municipality and \$50 remitted to the state.
- g) "class No. 7" permit: \$100 to be retained by the state.

Penalties: Any person who violates any provision of §§ 7-170 to 7-185, inclusive, or administrative regulations issued pursuant thereto, or who makes any false statement in any application for a permit or in any report required by the provisions of said sections shall be fined not more than \$1,000 or imprisoned not more than one year or be both fined and imprisoned.

Cross References: Conn. Gen. Stat. § 7-157 (relating to effective date requirements)

Date Approved: May 13, 1992, Town Meeting, November 17, 2008.

Date Published: February 2009 (Hampton Gazette)

Effective Date: March 2009

History:

2008: November 2008, Reformatted to template and Statutory definitions and fees added.

2016: Removed Ordinance Number.

Ordinance Prohibiting the Storage, Disposal or Use of Waste from Oil and Gas Exploration or Extraction Activities, or any Derivative Thereof, in the Town of Hampton, Connecticut.

Section 1. Prohibitions.

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

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

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

Section 3. Penalties.

In addition to any other remedy the Town has in law or equity, the First Selectman or his/ her designee is authorized to issue written orders ording any person in violation of this ordinance to cease activities which do or may violate this ordinance and to desist from the same. Where such activites cause damage or injury to property within the Town, whether such property be land, a road, a building, an aquifer, a well, water course or other asset, public or private, the First Selectman or his/ her designee may appeal in accordance with the Town's Code of Ordinances.

Section 4. Definitions.

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

APPLICATION- The physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the Town of Hampton.

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

NATURAL GAS EXTRACTION ACTIVITIES- All geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing.

NATURAL GAS WASTE-

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

OIL EXTRACTION ACTIVITIES- All geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited to, core and rotary drilling and hydraulic fracturing.

OIL WASTE-

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

TOWN- The Town of Hampton.

Section 5. Transportation.

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

Date Approved: Town Meeting, April 3, 2017

Date Published: April 8, 2017

Effective Date: April 23, 2017

Disposition of Hampton Elementary School Budget Surplus

Statutory references:

Connecticut General Statutes, Title 10 - Chapter 171 - Town Management, Para 10-248a. Unexpended education funds

Connecticut General Statutes, Title 9 - Chapter 152 - Referenda, Para 9-370. Submission of local questions at elections.

Purpose: As authorized by state statute Sec. 10-248a, to establish the process and timeline for the disposition of unexpended funds from the Hampton Elementary School's (HES) approved budget appropriation.

Definitions:

HES Budgeted Appropriation: The funds designated for the operation of HES as approved by the vote of the town's legislative body and amended by the town's Board of Finance (BoF).

HES Fiscal Year: July 1st to June 30th.

HES Capital / Non Recurring (CNR) Account: A non-lapsing reserve fund for capital and nonrecurring expenditures at HES.

Surplus Funds: Unexpended funds from the prior fiscal year from the budgeted appropriation for education at HES.

Exceptions: None

Ordinance Text:

1. Establishing Amount of Unexpended Funds

At or before the July BoF regular meeting the chairperson or designee for the HES Board of Education (BoE) shall provide to the BoF the estimated (unaudited) amount of the unexpended funds.

2. Request(s) For Transfer Of Funds To The HES CNR Account.

At their Discretion, the HES BoE chairperson or designee may request in writing that the BoF approve the transfer of unexpended education funds to the HES CNR account. The written request shall include a specific dollar amount equal to or less than the total of the estimated unexpended funds. The request shall also provide a description of the projects / purchases the BoE anticipates that the funds may be used on. The BoE may make multiple requests, which in total do not exceed the estimated amount of unexpended funds.

3. Approval(s).

The BoF may approve by majority vote to transfer an amount equal to or less than the requested amount of unexpended funds to the HES CNR account. The BoF may approve multiple requests, which in total do not exceed \$20,000. For amounts requested by the BoE that exceed the \$20,000 threshold but are less than the limit imposed by state statute 10-248a the BoF shall, by a majority vote, recommend the request be put to a referendum for approval of the legislative body at the annual November election.

4. Request And Approval Period.

Request(s), which in total, do not exceed the \$20,000 threshold must be made to the BoF at or before the November regular meeting of the BoF. At the BoF chairperson's discretion, the deadline may be extended by one month to the December regular meeting if the Town audit deadline is extended past December 31st.

Request(s) that exceed the \$20,000 threshold but are less than the limit imposed by state statute 10-248a shall be submitted to the BoF for consideration at or before the August BoF regular meeting. At the BoF chairperson's discretion, a special meeting for the purpose of considering this request may be called. This meeting must occur before the deadline imposed by the secretary of state in Sec. 9-370 for adding local questions to the November ballot.

The ballot question shall read: "Shall the Town of Hampton transfer \$xx,xxx of unexpended funds from the 20xx – 20xx school year budget to the Hampton Elementary School Capital And Non-Recurring account to pay for future capital projects / purchases." Yes / No

5. Actual Transfer Of Funds.

The Town Treasurer shall, at the close of the HES fiscal year, move any and all unexpended HES education funds to the Town's general fund. If, by the end of the request and approval period as defined in section 4 of this ordinance the BoF and or the Town's legislative body has approved the transfer of funds to the HES CNR account, the Town Treasurer shall transfer those funds to the HES CNR account. The amount of this transfer shall not exceed the 'actual' amount of the unexpended funds (as determined by the final Town Audit) or the BoF / Town legislative body approved total, whichever is lower.

6. Release Of And Accounting For HES CNR Funds.

At their Discretion, the HES BoE chairperson or designee may request in writing that the BoF release funds from the HES CNR account to pay for a specific project / purchase. The written request shall include a specific dollar amount, which shall not exceed the HES CNR fund balance. The request must include a detailed description and justification for the project / purchase, as well as, detailed cost estimates / quotes and schedule information which will allow the BoF to make an informed decision. The BoF may approve by majority vote to release the requested funds, up to the HES CNR fund balance, for the specific project / purchase. Use of these funds shall be restricted to the financing of all or part of the planning, construction, reconstruction or acquisition of any specific capital improvement or the acquisition of any specific item of equipment. Upon completion of the project / purchase the BoE shall provide a detailed accounting to the BoF for each project / purchase. Any residual funds not used to complete the project / purchase shall be returned to the HES CNR fund.

7. Severability

If any section, paragraph, change or provision of this ordinance shall be deemed invalid, such adjudication shall apply only to the section, paragraph, change or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Date Approved: Special Town Meeting September 5, 2019

Effective Date: Published in Willimantic Chronicle October 15, 2019, Effective October 30, 2019

Publication of Ordinance Summaries

Statutory Reference: Conn. General Stat. Sec. 7-157

BE IT RESOLVED that pursuant to Connecticut General Statutes section 7-157(b), whenever publication of an ordinance or proposed ordinance is required by Connecticut General Statutes section 7-157(a), rather than publishing a verbatim statement of the entire ordinance or proposed ordinance, proper officials of the Town of Hampton may instead publish a summary of said item, provided that said publication and summary are in full compliance with said section 7-157 in its entirety.

Any summary so published shall bear a disclaimer as follows: "This document is prepared for the benefit of the public, solely for purposes of information, summarization and explanation. This document does not represent the intent of the legislative body of the Town of Hampton for any purpose."

This Ordinance shall take effect fifteen (15) days after publication as provided in Connecticut General Statutes section 7-157, and as set forth below.

Per Connecticut General Statutes section 7-157(b), if enacted by Town Meeting, in lieu of this entire proposed Ordinance, a summary of this Ordinance may be published in full compliance with Connecticut General Statutes sections 7-157(a) and 7-157 (b).

Fees: N/A.

Penalties: N/A.

Cross References: N/A.

Date Approved: June 22, 2017 at Annual Town Meeting

Date Published: June 29, 2017 in Willimantic Chronicle

Effective Date: July 14, 2017

