

2017



SALEM TOWN ORDINANCES AND ACTS

"On the following pages you will find the ordinances of Salem Connecticut. Please remember due to the adoption of the Town Charter, effective January 1, 2005, the Charter supersedes any ordinance or portion thereof which are inconsistent with the Charter and those ordinances or portions thereof will have no further force or effect after January 1, 2005."

Every effort is made to include accurate and up to date information in good faith; however, the Town of Salem takes no legal responsibility for the information provided or found as a consequence of this service nor for any loss or damage resulting from the information.

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BOARDS, COMMISSIONS, AGENCIES

ORDINANCE ESTABLISHING A CONSERVATION COMMISSION

Be it ordained by the legal voters of the Town of Salem, Connecticut, in Town Meeting assembled:

There is hereby established a Conservation Commission for the Town of Salem under the provisions of Section 7-131a of the General Statutes of the State of Connecticut.

Said Commission shall consist of seven (7) members to be appointed by the First Selectman as follows:

- One (1) to serve until January 1, 1973;
- One (1) to serve until January 1, 1974;
- One (1) to serve until January 1, 1975;
- Two (2) to serve until January 1, 1976; and
- Two (2) to serve until January 1, 1977.

Annually, upon the expiration of said terms of office, the First Selectman shall appoint members of said Commission for five (5) year terms. Any vacancy arising in the membership of said Commission shall be filled by appointment by the First Selectman for the unexpired portion of said term. The First Selectman may remove any member for cause.

Section 1. No more than four (4) of the members of said Commission shall be members of the same political party.

Section 2. Annually, at the first meeting of said Commission after the first day of January, a Chairman, Vice-chairman and Secretary shall be elected by the members from among the membership of said Commission.

Section 3. At all meetings of the Commission, four (4) members shall constitute a quorum and the concurrence of three (3) votes shall be necessary for the transaction of business.

Section 4. Said Commission shall keep records of its meetings and activities, file copies of its minutes with the Town Clerk within one (1) week of such meetings, and submit an annual report to the Town.

Section 5. This Ordinance shall become effective fifteen (15) days after publication in a newspaper having circulation in the Town.

Adopted at Adjourned Town Meeting: March 8, 1972.
Town of Salem, Records and Minutes; Volume 3; Pages 109, 110.

**AN ORDINANCE DESIGNATING THE SALEM CONSERVATION
COMMISSION AS THE COMMISSION AUTHORIZED
TOPROMULGATE REGULATIONS TO PROTECT THE
WETLANDS AND WATERCOURSES WITHIN THE TOWN OF
SALEM**

Be it ordained by the legal voters of the Town of Salem, Connecticut, in Town Meeting assembled:

Section 1. The Conservation Commission of the Town of Salem is hereby authorized to promulgate such regulations and amendments, in conformity with the regulations promulgated by the Commissioner of Environmental protection and pursuant to the Inland Wetlands and Watercourses Act, as amended (Public Act No. 155, Feb. Session 1972 and Public Act No. 73-571, Jan. Session 1973) as are necessary to protect the wetlands and watercourses within the territorial limits of the Town of Salem; to serve as sole agent for the licensing of Regulated Activities; to issue permits for Regulated Activities; and to change reasonable fees for receiving applications and issuing permits under said regulations.

Section 2. Such regulations may embody any regulations promulgated by said Commissioner of Environmental Protection under the said Inland Wetlands and Watercourses Act, as amended, in whole or in part, or may consist of other regulations in conformity with regulations promulgated by the said Commissioner under said Act. Any regulations shall be for the purpose of effectuating the purposes of said Act, and the Conservation Commission, in acting upon regulations shall give due consideration to the standards set forth in said Act and any amendments thereto.

Section 3. This Ordinance shall become effective fifteen (15) days after its publication in a newspaper having circulation in the Town of Salem.

Adopted at Special Town meeting: August 29, 1973.
Town of Salem, Records and Minutes; Volume 3; Page 143.

ORDINANCE PROVIDING FOR INCORPORATION OF A SALEM CEMETERY ASSOCIATION

WHEREAS, it would be desirable for the Town Cemetery of the Town of Salem to be governed by a body independent of all other Boards, Commissions and Officials of the Town of Salem, and

WHEREAS, it would be desirable for the Town Cemetery of the Town of Salem to be self-supporting to the fullest possible extent,

BE IT ORDAINED BY THE TOWN OF SALEM IN TOWN MEETING ASSEMBLED: that the operation of the Town Cemetery of the Town of Salem shall be governed by a Salem Cemetery Association, which shall be organized as a non-stock corporation in accordance with the provisions of Section 19-423 through Section 19-432 of the Connecticut General Statutes, and

BE IT FURTHER ORDAINED, that incorporation of the Salem Cemetery Association shall be accomplished by five (5) electors of the Town of Salem who shall be appointed within sixty (60) days by the Board of Selectmen, and who shall be known as incorporators of the Salem Cemetery Association, and who shall be charged with completing the task of incorporation within one (1) year of the adoption of this Ordinance, and

BE IT FURTHER ORDAINED, that said incorporators shall manage the affairs of the cemetery before incorporation, shall develop and adopt an initial set of Bylaws containing, but not limited to, provisions dealing with fees, maintenance, size and location of access roads, size and location of cemetery plots, restrictions on lot ownership, restrictions on grave marker design, and Bylaw amendment, and shall in all respects comply with the requirements of the Connecticut General Statutes regarding the creation of non-stock corporations.

Adopted at Adjourned Town Meeting: March 12, 1980.
Town of Salem, Records and Minutes; Book 3; Page 295.

ORDINANCE ESTABLISHING A CIVIL PREPAREDNESS AGENCY

Be it resolved that the Town of Salem, Connecticut, in accordance with Section 28-7 of the General Statutes of Connecticut, hereby establishes the Salem Civil Preparedness Agency consisting of a four (4) member Advisory Council and a Director, appointed by the First Selectman, to serve for two (2) year terms concurrent with the term of office of the First Selectman. With reasonable conformance to applicable Federal and State Statutes, the Director shall organize the Agency into such divisions as may be necessary for the efficient conduct of the business of the Agency.

The Agency shall be responsible for the development and maintenance of plans and programs that may be needed in response to an emergency caused by an enemy attack or any natural or manmade disaster, subject to the approval, direction and control of the State Civil Preparedness Director.

The Agency is empowered, subject to any budget appropriated, to obtain equipment and supplies needed to fulfill its responsibilities.

In an emergency situation, the First Selectman is in full charge of all town personnel and equipment and the Director of Civil Preparedness shall act as his advisor and Chief of Staff in directing the town's emergency response activities.

The First Selectman may declare a State of Emergency for the Town of Salem if, in his opinion, such a declaration is necessary. He shall file such declaration with the Town Clerk and it will be effective for up to thirty (30) days unless voided earlier by the First Selectman or action by the Board of Selectmen.

In a disaster situation, the First Selectman is empowered to apply to the State, and also through the State, to Federal Agencies for any appropriate disaster assistance that may be made available.

Adopted at Adjourned Town Meeting: March 12, 1980.
Recorded in Record and Minutes; Book 3; Page 293.

AN ORDINANCE ESTABLISHING AN ECONOMIC DEVELOPMENT COMMISSION AND DEVELOPMENT AGENCY

The Town of Salem hereby establishes an Economic Development Commission:

1. In accordance with the provisions of Section 7-136 of the Connecticut General Statutes, and
2. Intending to confer on the Economic Development Commission the powers and duties as currently enumerated in said Statute, and all other powers and duties which may thereafter be conferred by the General Statutes of the State of Connecticut, and
3. Intending to promote and develop the economic resources of the Town of Salem and make appropriations therefore in accordance of said General Statutes of Connecticut, as amended.

Section I Members:

The Economic Development Commission shall consist of five (5) members and two (2) alternates, all of whom shall be residents of voting age of the Town of Salem, who shall be appointed to the said Commission by the Board of Selectmen.

Upon adoption of this Ordinance, there shall be appointed one (1) member to serve for a term of one (1) year and until his successor shall be appointed and shall have been qualified; one (1) member to serve for a term of two (2) years and until his successor shall be appointed and shall have been qualified; one (1) member to serve for a term of three (3) years and until his successor shall be appointed and qualified; one member to serve for a term of four (4) years and until his successor shall be appointed and qualified; and one (1) member and two (2) alternates to serve for a term of five (5) years and until their successors shall be appointed and qualified. Thereafter, upon expiration of each of the said original terms each member and alternate shall be appointed to serve for a term of five (5) years from the date of said expiration and until his successor shall be appointed and qualified. Vacancies, however created, shall be filled by the Board of Selectmen for the unexpired portion of the term of the member creating the vacancy.

The First Selectman, the Chairman of the Board of Finance, the Treasurer, and the Assessor shall serve as members ex-officio of the Economic Development Commission, without voting rights, and their attendance will not be a factor determining a quorum. A majority of the voting members of the Economic Development Commission shall constitute a quorum. Alternates, as available, shall

be appointed by the Chairman to substitute at any meeting for any absent voting member. All appointments shall be made consistent with Section 9-167 A of the General Statutes, with terms of office to run from the date of their appointment or until their successors shall be appointed and qualified.

Section II Chairman and Officers:

The Economic development Commission shall annually elect from its voting membership a Chairman and such other officers as it shall from time-to-time determine may be necessary.

Section III Removal:

Any member may be removed by the Board of selectmen for cause, and, on request of such matter, after public hearing.

Section IV Appointing Employees:

The Economic Development Commission may appoint and engage employees, agents and consultants as may be necessary for the discharge of their duties, upon obtaining the approval of the Board of Selectmen, within the limits of appropriations made therefore.

Duties and Responsibilities:

The Economic Development Commission shall conduct research into the economic conditions and trends in the Town of Salem, make recommendations to appropriate officials and agencies of said town regarding action to improve its economic condition and development, shall seek to coordinate the activities of and cooperate with unofficial bodies and organizations to promote such economic development and may advertise and may prepare, print and distribute books, charts and pamphlets which, in its judgment, will further its official purposes.

State and Federal Grants:

The Economic Development Commission shall have the authority to apply for and receive State and Federal grants from State and Federal agencies and other sources on behalf of the town of Salem.

Budget:

The Economic Development Commission shall, during January of each year, submit a budget, for the forthcoming fiscal year, for approval of the Board of Finance, Board of Selectmen and Town Meeting.

Meetings and Reports:

Meetings of the Economic Development Commission shall be held at least six (6) times annually and at such other times as the Chairman shall deem necessary. The Economic Development Commission shall annually prepare and transmit to the Town Meeting a report of its activities and of its recommendations for improving the economic conditions and development of the town, and shall submit to the Board of selectmen such other reports as the Board of Selectmen may from time-to-time require.

Repeal:

All other Acts or Ordinances, or any parts hereof, inconsistent with the provisions of this Ordinance are repealed.

Effectively:

This Ordinance shall be published one (1) time in the Standard and shall become effective after its passage and immediately after its publication.

Adopted at Annual Budget Meeting: May 7, 1986.
Town of Salem, Record and Minutes: Book 4; Pages 77 and 78.

**ORDINANCE ESTABLISHING THE MEMBERSHIP OF THE
BOARD FOR ADMISSION OF ELECTORS PURSUANT TO
SECTION 9-15A, GENERAL STATUTES OF CONNECTICUT**

Be it ordained by the legal voters of the Town of Salem, Connecticut in Town Assembly:

- 1) That the Board of Admission of Electors be constituted of the Registrars of Voters and the Town Clerk.

Adopted at adjourned Town Meeting: March 13, 1971.
Town of Salem Records and Minutes; Volume 3; Page 88.

AN ORDINANCE ESTABLISHING A BOARD OF FINANCE

Be it ordained by the legal voters of the Town of Salem, Connecticut, in Town Assembly:

That pursuant to the provisions of Section 7-340 of the General Statutes of the State of Connecticut, the Town of Salem hereby establishes a Board of Finance.

Adopted at Town Meeting: October 19, 1968.
Town of Salem Records and Minutes: Volume 3; Page 41.

AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF ALTERNATE MEMBERS TO THE SALEM BOARD OF FINANCE

Be it ordained by the legal voters of the Town of Salem, Connecticut, in Town Meeting Assembled:

Section 1. The Board of Selectmen shall, pursuant to the authority provided in Public Act 75-440 (January Session, 1975), appoint three (3) electors and taxpayers of the Town of Salem as Alternate Members of the Salem Board of Finance, subject to the provisions of Section 9-167a of the General Statutes of the State of Connecticut concerning minority representation of political parties.

Section 2. Such Alternate Members shall, when seated as herein provided, have all the powers and duties set forth in the General Statutes for such Board of Finance and its members.

Section 3. The Alternate Members so appointed shall serve as follows:

1. One (1) Alternate Member to serve until the second Tuesday next following the municipal election in November, 1977;
2. One (1) Alternate Member to serve until the second Tuesday next following the municipal election in November, 1979; and
3. One Alternate Member to serve until the second Tuesday next following the municipal election in November, 1981.

Biennially, upon the expiration of said terms of office, the Board of Selectmen shall appoint an Alternate Member to serve for a six (6) year term to begin on the second Tuesday next following the municipal election. Any vacancy arising by death, disqualification or resignation of any Alternate Member of the Board of Finance shall be filled by appointment

by the Board of Selectmen for the unexpired portion of the term of such Alternate Member. The Board of Selectman may remove an Alternate Member for cause.

Section 4. If a Regular Member of the Board of Finance is absent or is disqualified, such absent or disqualified member shall designate an Alternate to so act. In the event that an absent or disqualified Regular Member shall fail or refuse to designate an Alternate to so act, the majority of the Regular Members of the Board of Finance not absent and not disqualified may designate an Alternate to so act for each absent or disqualified Regular Member.

Section 5. No Alternate Member of the Board of Finance shall hold any salaried Town of Salem office. The Alternate Members of the Board of Finance shall be sworn to the faithful performance of their duties. No Alternate Member shall receive compensation for his or her services as such, but the necessary expenses of such Alternate when seated as a member of the Board of Finance, when approved, shall be paid by the Town of Salem.

Section 6. This ordinance shall become effective fifteen (15) days after publication in a newspaper having circulation in the Town of Salem.

Adopted at Special Town Meeting: January 28, 1976.
Town of Salem, Records and Minutes; Volume 3; Page 185.

ORDINANCE GOVERNING THE ELECTION OF FIRST SELECTMAN AND SELECTMEN

The following provisions shall apply to the November 1997 Regular Municipal Election and all subsequent Regular Municipal Elections:

1. At each Regular Municipal Election, the Town shall elect a First Selectman, who shall be Town Agent, and two (2) other Selectmen. The First Selectman and two (2) other Selectmen, so elected, shall constitute the Board of Selectmen.
2. No candidate may be a candidate for both the office of the First Selectman and that of Selectman by virtue of nomination by a major or minor party or a nominating petition or registration of a write-in candidacy, or any combination thereof.
3. Each elector may vote for one (1) candidate for the office of First Selectman and two (2) candidates for the office of Selectman.
4. Votes cast, including any valid write-in votes, for an unsuccessful candidate for First Selectman shall not be counted as votes for that candidate as a member of the Board.
5. The provisions of Section 9-167a of the Connecticut General Statutes shall apply to the election of selectmen, provided that for the purpose of determining minority representation, the total membership of the Board shall be deemed to include the First Selectman.

Adopted at Referendum: May 8, 1996.

Town of Salem, Records and Minutes; Book 4; Page 287.

ORDINANCE ESTABLISHING AN INLAND WETLANDS AND CONSERVATION COMMISSION

Be it ordained by the legal voters of the Town of Salem, Connecticut, in Town Meeting assembled:

SECTION 1. There is hereby established an Inland Wetlands and Conservation Commission for the Town of Salem under the provisions of Section 7-131a of the General Statutes of the State of Connecticut.

SECTION 2. Said Commission shall consist of seven (7) members and three (3) alternates to be appointed by the Board of Selectmen as follows:

Three (3) to serve six (6) year terms until (date to be determined);
Two (2) to serve four (4) year terms until (date to be determined);
Two (2) to serve two (2) year terms until (date to be determined);
One (1) alternate to serve a four (4) year term until (date to be
determined);

Section 1: One (1) alternate to serve a two (2) year term until (date to be
determined).

Annually, upon expiration of said terms of office, the Board of Selectmen shall appoint members of said Commission for six (6) year terms. Any vacancy arising in the membership of said Commission shall be filled by a majority vote of the board of selectmen and a majority vote of the Inland Wetlands and Conservation commission members present and voting at a meeting called for that purpose. The Board of Selectmen may remove any member for cause.

SECTION 3. No more than four (4) of the members of said Commission shall be members of the same political party.

SECTION 4. Annually, at the first meeting of said Commission after the first day of January, a Chairman, Vice-chairman and Secretary shall be elected by the members from among the membership of said Commission.

SECTION 5. At all meetings of the Commission, four (4) members shall constitute a quorum. The concurrence of a simple majority of those members present and voting shall be necessary for the transaction of business.

SECTION 6. Said Commission shall keep records of its meetings and activities and file copies of its minutes with the Town Clerk, all as required by the State of

Connecticut Freedom of Information Act, as amended, and submit an annual report to the Town.

SECTION 7. The present Ordinance designating the Salem Conservation Commission as the Commission authorized to promulgate regulations to protect the inland wetlands and watercourses of the Town of Salem, dated August 29, 1973, is hereby repealed.

SECTION 8. This Ordinance shall become effective fifteen (15) days after publication in a newspaper having circulation in the Town of Salem.

Adopted at Special Town Meeting: March 4, 1992.

Town of Salem, Records and Minutes; Volume 4; Pages 213, 214.

ORDINANCE ESTABLISHING A LAKE AUTHORITY FOR GARDNER LAKE, SALEM, CONNECTICUT

Be it ordained by the legal voters of the Town of Salem, Connecticut, in Town Meeting assembled:

Section I Pursuant to the provisions of Section 7-151a of the General Statutes of Connecticut, the Town of Salem, in conjunction with the towns of Bozrah and Montville, hereby establishes a Lake Authority for that body of State water within the territorial limits of the towns of Bozrah, Montville and Salem known as Gardner Lake.

Section II At such time as enabling Ordinances have been enacted by the legislative bodies of the towns of Bozrah and Montville, the Board of Selectmen of the Town of Salem shall appoint three (3) delegates, who shall be legal voters of the Town of Salem, to serve on said Gardner Lake Authority for terms of one (1) year, two (2) years, respectively, or until their successors are appointed and qualified.

Section III The Town of Salem shall pay a sixty percent (60%) share of the expenses of the Gardner Lake Authority; PROVIDED, HOWEVER, that the legislative bodies of the towns of Bozrah and Montville shall agree to and adopt a policy for payment of the remaining forty percent (40%) of such expenses; and, PROVIDED FURTHER, that a budget for all such expenses to be paid by the Town of Salem shall be submitted to the First Selectman annually for inclusion in the General Government budget for prior approval by the Board of Finance and authorized by a Town Meeting. Be it further resolved that all remaining sections of the preexisting Ordinance remain in force.

Section IV The Gardner Lake Authority shall act as agent for the Town of Salem in cooperating with the State Boating Commission in the enforcement of the boating laws on Gardner Lake; and, in addition, the said Gardner Lake Authority shall have the power to:

- A. Control and abate algae and aquatic weeds in cooperation with the State Water resources Commission under Section 25-3b and 25-3c of the General Statutes of Connecticut;
- B. Study water management, including, but not limited to, water depth and circulation and make recommendations for actions to its member towns; and
- C. Act as agent for member towns with respect to filing applications for grants and reimbursements with the State Bonding Commission, the Water resources Commission and other State agencies in connection with State and Federal programs.

Section V This Ordinance shall become effective fifteen (15) days after its publication in a newspaper having a circulation in the Town of Salem.

Adopted at Annual Town Meeting: October 2, 1972.

Town of Salem, Records and Minutes; Volume 3; Pages 121, 122.

AMENDMENT TO ORDINANCE ESTABLISHING A LAKE AUTHORITY FOR GARDNER LAKE, SALEM, CONNECTICUT

RESCIND AND SUBSTITUTE: Section III to read as follows:

The Town of Salem shall pay a one-third (1/3) share of the expenses of the said Gardner Lake Authority; provided, however, that the legislative bodies of the towns of Bozrah and Montville shall agree to and adopt a formula for payment of the remaining two-thirds (2/3) share of such expenses; and, provided further, that a budget for all such expenses to be paid by the Town of Salem shall be submitted to the First Selectman annually for the inclusion in the General Government budget for prior approval by the Board of Finance and authorization by the Town meeting.

Adopted at Special Town Meeting: June 24, 1987.

Town of Salem, Records and Minutes; Book 4; Page 98.



**ORDINANCE TO CREATE A REGIONAL COUNCIL OF
GOVERNMENTS**

WHEREAS, Southeastern Connecticut has entered a period of complex challenges affecting the region's economy, its tax base, the demand for services, and its infrastructure; and

WHEREAS, dealing effectively with these challenges will require a high level of intergovernmental cooperation; and

WHEREAS, a need exists to establish a formal organization of municipal chief elected officials within Southeastern Connecticut to facilitate intergovernmental cooperation and collective public action at the regional level;

NOW, THEREFORE, BE IT ORDAINED, that the Town of Salem hereby adopt Sections 4-124i through Section 4-124p of the Connecticut General Statutes providing for the formation of the Southeastern Connecticut Regional Council of Governments and does hereby join such Regional Council of Governments when and as such Council is duly established in accordance with said statutes upon the adoption of said statutes by not less than sixty percent (60%) of the eligible municipalities within the Southeastern Connecticut Planning Region as defined by the Secretary of the Office of Policy and Management or his designee, and upon certification by the Secretary of the Office of Policy and Management or his designee that a Regional Council of Governments has been duly established.

When the Regional Council of Governments is duly established and the transition period called for in Section 4-124-1(b) of the Connecticut General statutes, as amended, has been completed, the Town of Salem does hereby rescind the Ordinance of January 7, 1961 and any amendments thereto that created the town's participation in the Southeastern Connecticut Regional Planning Agency.

This Ordinance shall take effect fifteen (15) days after publication.

Adopted at Special Town Meeting: August 19, 1992.
Town of Salem, Records and Minutes; Book 4; Pages 221-223



ORDINANCE FOR PARTICIPATION IN REGIONAL PLANNING

Section I. Pursuant to the provisions of Section 1 of Public Act 613 of the 1959 Session of the General Assembly, the Town of Salem hereby adopts Public Act 613 of the General Statutes and joins in the creation of the Regional Planning

Agency for the Southeastern Connecticut Planning Region as defined by the Connecticut Development Commissioner under the provisions of Public Act 448 of the 1959 Session of the General Assembly.

Section II. The Town of Salem, having a population of 925 according to the Federal Census of 1960, shall have two (2) representatives on the Agency.

Section III. Pursuant to Section 2 of Public Act 613 of the 1959 Session of the General Assembly, the Planning Commission of the Town, duly constituted pursuant to the provisions of the General Statutes, is hereby authorized to appoint to the Regional Planning Agency one (1) elector of the Town for a term of one (1) year.

Thereafter, all appointments shall be made for a term of two (2) years. Appointees under this Section shall continue to serve after expiration of their terms until their successors are appointed and take office.

Appointees may be reappointed for successive terms. Terms of office of initial appointees shall commence upon establishment of said Regional Planning Agency. The Board of Selectmen and the Planning and Zoning Commission shall appoint electors as representatives to the Regional Planning Agency within eight (8) days of the passage of this Ordinance.

Section IV. Vacancies shall be filled by appointing body.

Adopted at Town Meeting: January 7, 1961.

Town of Salem, Records and Minutes; Volume 2; Page 211.

ORDINANCE ESTABLISHING A RECREATION COMMISSION

Be it ordained by the legal voters of the Town of Salem, Connecticut, in Town Meeting assembled:

Section 1. There is hereby established a Recreation Commission for the Town of Salem, pursuant to the authority contained in Section 7-148, General Statutes of the State of Connecticut.

Section 2. The Recreation Commission shall consist of five (5) members to be appointed by the Board of Selectmen as follows:

- One (1) to serve until January 1, 1973;
- One (1) to serve until January 1, 1974;
- One (1) to serve until January 1, 1976; and
- One (1) to serve until January 1, 1977.

Annually, upon the expiration of said terms of office, the Board of Selectmen shall appoint members of said Commission for five (5) year terms. Any vacancy arising in the membership of said Commission shall be filled by appointment by the Board of Selectmen for the unexpired portion of said term. The Board of Selectmen may remove any member for cause.

Section 3. No more than three (3) of the members of said Commission shall be members of the same political party.

Section 4. Annually, at the first meeting of said Commission after the first day of January, a Chairman and Secretary shall be elected by the members from among the membership of the Commission.

Section 5. The Commission shall hold regular meetings. At all meetings of the Commission, three (3) members shall constitute a quorum. Special Meetings may be called by the Chairman or upon written petition of a majority of the members of the Commission.

Section 6. Said Commission shall keep records of its meetings, file copies of minutes of all meetings with the Town Clerk within one (1) week of the date of such meeting, and submit an annual report of its activities to the Town.

- Section 7. Said Commission shall have the following powers and purposes:
- (a) To plan, establish, maintain, supervise, and conduct Town recreation and athletic programs and the use of Town property and facilities therefore.
 - (b) To develop, improve, maintain, and expand recreation lands of the Town.
 - (c) To acquire, erect, install, maintain, improve, repair, and replace recreation and athletic facilities and equipment.
 - (d) To expand such funds for the foregoing purposes as may be appropriated by the Town of Salem or received by contributions.

Section 8. The Commission shall annually prepare a budget containing its estimates of expenses to carry out its programs pursuant to this Ordinance, and shall submit budget requests to the Board of Selectmen for inclusion in the annual General Government Budget of the Town of Salem.

Section 9. This Ordinance shall become effective fifteen (15) days after publication in a newspaper having circulation in the Town.

Section 1. Adopted at Adjourned Town Meeting: March 8, 1972.
Town of Salem, Records and Minutes; Book 3; Page 110.

**AMENDMENT OF ORDINANCE ESTABLISHING A
RECREATION COMMISSION FOR THE TOWN OF SALEM TO
INCREASE MEMBERSHIP TO SEVEN (7) MEMBERS AND FOR
CERTAIN OTHER PURPOSES**

Be it ordained by the legal voters of the Town of Salem, Connecticut, in Town Meeting assembled:

Section 2. That certain Ordinance establishing a recreation Commission for the Town of Salem adopted by an Adjourned Town Meeting on March 8, 1972, is amended as follows:

- (a) Section 2 therefore is repealed and the following is substituted in lieu thereof:

Section 3. “The Recreation Commission shall consist of seven (7) members to be appointed by the Board of Selectmen for five (5) year terms no more than three (3) of which terms shall expire in the same calendar year. Any vacancy arising in the membership of said Commission shall be filled by appointment by the Board of

Selectmen for the unexpired portion of said term. The Board of Selectmen may remove any member for cause.”

(b) Section 3 therefore is repealed and the following is substituted in lieu thereof:

Section 3. “No more than five (5) of the members of said Commission shall be members of the same political party.”

Section 2. This amendment to the Ordinance establishing the Recreation Commission shall become effective fifteen (15) days after its publication in a newspaper having a circulation in the Town of Salem.

Adopted at Special Town Meeting: January 12, 1977.
Town of Salem, Records and Minutes; Volume 3; Page 207.

AMENDMENT TO AN ORDINANCE ESTABLISHING A RECREATION COMMISSION

Be it ordained by the legal voters of the Town of Salem, Connecticut, in Town Meeting assembled:

Section 4. There is hereby established a Recreation Commission for the Town of Salem, pursuant to the authority contained in Section 7-148, General Statutes of the State of Connecticut.

Section 5. The Recreation Commission shall consist of nine (9) members to be appointed by the Board of Selectmen as follows:

One (1) to serve until January 1, 1973;
One (1) to serve until January 1, 1974;
One (1) to serve until January 1, 1976; and
One (1) to serve until January 1, 1977.

Annually, upon the expiration of said terms of office, the Board of Selectmen shall appoint members of said Commission for five (5) year terms. Any vacancy arising in the membership of said Commission shall be filled by appointment by the Board of Selectmen for the unexpired portion of said term. The Board of Selectmen may remove any member for cause.

- Section 6. No more than five (5) of the members of said Commission shall be members of the same political party.
- Section 7. Annually, at the first meeting of said Commission after the first day of September, a Chairman and Secretary shall be elected by the members from among the membership of the Commission.
- Section 8. The Commission shall hold regular meetings. At all meetings of the Commission, three (3) members shall constitute a quorum. Special Meetings may be called by the Chairman or upon written petition of a majority of the members of the Commission.
- Section 9. Said Commission shall keep records of its meetings, file copies of minutes of all meetings with the Town Clerk within one (1) week of the date of such meeting, and submit an annual report of its activities to the Town.
- Section 10. Said Commission shall have the following powers and purposes:
- (a) To plan, establish, maintain, supervise, and conduct Town recreation and athletic programs and the use of Town property and facilities therefore.
 - (b) To develop, improve, maintain, and expand recreation lands of the Town.
 - (c) To acquire, erect, install, maintain, improve, repair, and replace recreation and athletic facilities and equipment.
 - (d) To expand such funds for the foregoing purposes as may be appropriated by the Town of Salem or received by contributions.
- Section 11. The Commission shall annually prepare a budget containing its estimates of expenses to carry out its programs pursuant to this Ordinance, and shall submit budget requests to the Board of Selectmen for inclusion in the annual General Government Budget of the Town of Salem.
- Section 12. This Ordinance shall become effective fifteen (15) days after publication in a newspaper having circulation in the Town.

Adopted at Special Town Meeting: December 12, 1990.
Town of Salem, Records and Minutes; Book 4; Page 182

ORDINANCE FOR THE ESTABLISHMENT OF A ROUTE 11 GREENWAY AUTHORITY COMMISSION

WHEREAS, it is desirable to promote the completion of Connecticut Route 11 with a “Greenway”, and

WHEREAS, the Connecticut General Assembly has, in Section 40 of Public Act 00-148, Substitute House Bill No. 5204, authorized the Towns of East Lyme, Montville, Salem, and Waterford to establish, by Ordinance, a “Route 11 Greenway Authority Commission”, and

The legislative body of the Town of Salem hereby adopts the following Ordinance, entitled “Establishment of a Route 11 Greenway Authority Commission”:

- (a) In accordance with the provisions of subsections (a), (b), and (c) of Section 40 of Public Act 00-148, Substitute House Bill No. 5204, a Route 11 Greenway Authority Commission is hereby established, at such time as all the Towns of East Lyme, Montville, Salem, and Waterford shall have adopted Ordinances consistent with the provision of subsections (b) and (c) of Section 40 of said Public Act.
- (b) The membership of said Commission shall consist of the Commissioner of Environmental Protection, or said Commissioner’s designee, the Commissioner of Transportation, or said Commissioner’s designee, a member and alternate member from each of the Towns of East Lyme, Montville, Salem, and Waterford, appointed by the First Selectman of each of said towns, and a member and alternate member of the Southeastern Connecticut Council of Governments appointed by said agency. Each member and alternate member shall serve for a term of two (2) years and until such member’s successor is appointed and has qualified. Such appointment shall take effect when the last of the four (4) towns has adopted an enabling Ordinance. An alternate member shall be empowered to vote on said Commission in the absence of the member for whom such person is an alternate. The initial terms of members shall commence when the last of the four (4) towns adopting an enabling Ordinance has appointed a member and an alternate member. Any vacancy on the Commission shall be filled in the same manner as the original appointment for the balance of the unexpired term. No appointed member shall receive any compensation for service on said Commission.

Said Commission shall elect from its members a chairperson and such other officers as it deems necessary and shall establish its own rules of procedure. The Commission shall be an autonomous body within the Department of Transportation for administrative purposes only. The Commission may employ experts and such other assistants as it judges necessary and may accept funds from any source.

Notwithstanding any other provision of the General Statutes, any funds appropriated to the Commission, or received by the Commission from any other source, shall be held in custody of the Commission and expended by the Commission for the purposes set forth in this section.

- (c) The Commissioner of Environmental Protection and the Commissioner of Transportation, not later than sixty (60) days after the effective date of the enabling Ordinance adopted by the last of the four (4) towns to adopt such an Ordinance, shall call a meeting of such Commission which shall, within ninety (90) days thereafter: (1) hold public hearings for the purpose of developing standards for (A) defining the initial boundaries of the Route 11 Greenway, (B) planning the design, construction, maintenance, and management of the Route 11 Green way trail system and intermodal transportation access system, (C) identifying and prioritizing lands that shall be added to the Route 11 Greenway, (D) recommending land use within the Route 11 Greenway, and (E) acquiring land and securing conservation easements for the Route 11 greenway, except that nothing in this act shall be construed to prohibit the acquisition of land within the Route 11 Greenway by a municipality; and (2) Establish By-laws by which the Commission shall (A) conduct its meetings, including a provision specifying that no action by the Commission shall be effective except by the concurring vote of at least four (4) members, (B) protect and preserve the lands under its custody, (C) supervise staff, (D) maintain its records, and (E) report to the General Assembly, as required under subsection (d) of this section.
- (d) Notwithstanding any other provision of this section of the General Statutes, the Commission may: (1) Acquire or convey by purchase, gift, lease, devise, exchange, or otherwise, any land or interest therein including, but not limited to, conservation easements, located wholly or partly in the conservation zone, provided such acquisition does not utilize funds furnished by the State, (2) the State with or without consideration, provided any funds received thereof shall not be deemed funds furnished by the State for purposes of this section, and (3) contribute or transfer funds to, and enter into, agreements with land trusts or other conservation organizations, to carry out the purposes of this act. The Commission shall report to the General Assembly, on or before February fifteenth (15th), annually, on its activities of the preceding year and on its finances. The existence of the Commission shall terminate at such time as all of its member towns have withdrawn or it is abolished by the General Assembly.

Approved at Town Meeting: September 27, 2000.
Town of Salem, Records and Minutes; Book 5; Page 81.

ESTABLISHMENT OF A ROUTE 11 GREENWAY AUTHORITY COMMISSION

WHEREAS, it is desirable to promote the completion of Connecticut Route 11 with a "Greenway", and

WHEREAS, the Connecticut General Assembly has, in Section 40 of Public Act 00-148, Substitute House Bill No. 5204, authorized the towns of East Lyme, Montville, Salem and Waterford to establish, by ordinance, a "Route 11 Greenway Authority Commission", and

The legislative body of the Town of Salem hereby adopts the following ordinance, entitled "Establishment of a Route 11 Greenway Authority Commission":

- (a) In accordance with the provisions of subsections (a), (b) and (c) of Section 40 of Public Act 00-148, Substitute House Bill No. 5204, a Route 11 Greenway Authority Commission is hereby established, at such time as all the towns of East Lyme, Montville, Salem and Waterford shall have adopted ordinances consistent with the provision of subsections (b) and (c) of Section 40 of said Public Act.
- (b) The membership of said Commission shall consist of the Commissioner of Environmental Protection, or said Commissioner's designee, the Commissioner of Transportation, or said Commissioner's designee, a member and alternate member from each of the towns of East Lyme, Montville, Salem and Waterford, appointed by the First Selectman of each of said towns, and a member and alternate member of the Southeastern Connecticut Council of Governments appointed by said agency. Each member and alternate member shall serve for a term of two (2) years and until such member's successor is appointed and has qualified. Such appointment shall take effect when the last of the four (4) towns has adopted an enabling ordinance. An alternate member shall be empowered to vote on said Commission in the absence of the member for whom such person is an alternate. The initial terms of members shall commence when the last of the four (4) towns adopting an enabling ordinance has appointed a member and an alternate member. Any vacancy on the Commission shall be filled in the same manner as the original appointment for the balance of the unexpired term. No appointed member shall receive any compensation for service on said Commission.

Said Commission shall elect from its members a chairperson and such other officers as it deems necessary and shall establish its own rules of procedure. The Commission shall be an autonomous body within the Department of Transportation for administrative purposes only. The Commission may employ experts and such other assistants as it judges necessary and may accept funds from any source.

Notwithstanding any other provision of the General Statutes, any funds appropriated to the Commission, or received by the Commission from any other source shall be held in the custody of the Commission and expended by the Commission for the purposes set forth in this section.

- (c) The Commissioner of Environmental Protection and the Commissioner of Transportation, not later than sixty (60) days after the effective date of the enabling ordinance adopted by the last of the four (4) towns to adopt such an ordinance, shall call a meeting of such Commission which shall, within ninety (90) days thereafter: (1) hold public hearings for the purpose of developing standards for (A) defining the initial boundaries of the Route 11 Greenway, (B) planning the design, construction, maintenance and management of the Route 11 Greenway trail system and intermodal transportation access system, (C) identifying and prioritizing lands that shall be added to the Route 11 Greenway, (D) recommending land use within the Route 11 Greenway, and (E) acquiring land and securing conservation easements for the Route 11 Greenway, except that nothing in this act shall be construed to prohibit the acquisition of land within the Route 11 Greenway by a municipality; and (2) Establish by-laws by which the Commission shall (A) conduct its meetings, including a provision specifying that no action by the Commission shall be effective except by the concurring vote of at least four (4) members, (B) protect and preserve the lands under its custody, (C) supervise staff, (D) maintain its records, and (E) report to the General Assembly, as required under subsection (d) of this section.
- (d) Notwithstanding any other provision of this section or the General Statutes, the Commission may: (1) Acquire or convey by purchase, gift, lease, devise, exchange or otherwise, any land or interest therein including, but not limited to, conservation easements, located wholly or partly in the conservation zone, provided such acquisition does not utilize funds furnished by the State, (2) transfer, with the approval of the Commissioner, any land or interest therein to the State with or without consideration, provided any funds received thereof shall not be deemed funds furnished by the State for purposes of this section, and (3) contribute or transfer funds to, and enter into agreements with, land trusts or other conservation organizations, to carry out the purposes of this act. The Commission shall report to the General Assembly, on or before February fifteenth (15th), annually, on its activities of the preceding year and on its finances. The existence of the Commission shall terminate at such time as all of its member towns have withdrawn or it is abolished by the General Assembly.

Approved at Town Meeting: September 27, 2000
Town of Salem, Records and Minutes: Book 5, Page 81

**AN ORDINANCE ESTABLISHING A FREE PUBLIC LIBRARY
FOR THE TOWN OF SALEM AND PROVIDING FOR THE
MANAGEMENT THEREOF**

Be it ordained by the legal voters of the Town of Salem, Connecticut in Town Meeting assembled:

1. The Town of Salem hereby establishes a free public library to be located within the Town, to be known as the Salem Free Public Library.
2. The management of said free public library shall be vested in a Board of Directors consisting of six (6) members who shall be electors of the Town of Salem.
3. At the next Town election held after the adoption of this Ordinance, there shall be elected to said Board of Directors six (6) members; two (2) of whom shall hold office for two (2) years, two (2) for four (4) years, and two (2) for six (6) years. At each Town election held thereafter, members shall be elected for six (6) year terms to fill vacancies arising by expiration of terms. Vacancies arising before expiration of terms shall be filled until the next Town election by the Selectmen. At said next Town election, the electors shall vote on filling the unexpired terms.
4. Within thirty (30) days after the adoption of this Ordinance, the Board of Selectmen shall appoint six (6) members to said Board of Directors to serve until their successors shall be elected as hereinbefore provide.
5. No more than three (3) of the appointed or elected members of the Board of Directors shall be members of the same political party.
6. Said Board of Directors shall have and exercise all the powers conferred upon similar Boards of Directors of public libraries under the provisions of Chapter 190 of the General Statutes of Connecticut as presently in force and such amendments thereto as may subsequently be made, subject to all and the singular limitations therein contained. Said Board of Directors may make By-laws for its government consistent with the powers conferred upon it, and shall have the exclusive right to expend all money appropriated by the Town for said library.
7. All of the personal property, and the building and so much of the land reasonably required, in the judgment of the Board of Selectmen, for use in connection with such library, as may be given to the Town of Salem Library,

Incorporated, a private corporation, shall be used and devoted to the purpose of free public library herein establish.

HISTORY

Adopted: Special Town Meeting-March 3, 1962
Record: Town of Salem Records and Minutes; Volume 2, Page 231, 232

BUDGETS & FINANCE

ANNUAL BUDGET ADOPTION – REFERENDUM REQUIRED

Commencing with the annual TOWN BUDGET MEETING to be held in 1990, upon the completion of all other business proper to come before such meeting and after reasonable discussion, such Annual Meeting shall adjourn to a date not less than seven (7) nor more than fourteen (14) days thereafter (such date to be set by the Town Meeting or, if the Town Meeting does not set a date, the date shall be set by the Selectmen) for a vote by paper ballot or a “YES” or “NO” vote on the voting machine, during the hours between 12:00 noon and 8:00 pm on the estimates and recommendations of the Board of Finance (as amended by such amendments as may be adopted at such Annual Town Budget Meeting) as required by Section 7-344 of the Connecticut General Statutes.

Adopted at Referendum: March 14, 1990.
Town of Salem, Records and Minutes; Book 4; Page 157.

AMENDMENT TO ANNUAL BUDGET ADOPTION – REFERENDUM REQUIRED

Time of voting now to be between the hours of 6:00 am and 8:00 pm.

Adopted at Town Meeting: September 26, 1996.
Town of Salem, Records and Minutes; Volume 5; Page 5.

Resolved that so much of the Annual Budget Adoption, as currently provides for voting during the hours between 12:00noon and 8:00 pm, be rescinded and replaced with the following language:

“...during the hours between 6:00 am and 8:00 pm.”

Effective: October 28, 1996.
Town of Salem Records and Minutes; Volume 5; Page 6.

**AMENDMENT TO ANNUAL BUDGET ADOPTION –
REFERENDUM REQUIRED**

The “YES” or “NO” referendum vote shall be conducted as follows:

There shall be a “YES” or “NO” vote for each of the three (3) sections of the Municipal Budget (General Government, Capital Improvement and Board of Education). Only such section(s) as receive more “NO” than “YES” votes shall be reviewed and amended by the appropriate town agencies and submitted to a subsequent Town Meeting and Referendum as provided by this Ordinance. Such process shall continue until all three (3) portions of the Budget have been approved. The Board of Finance may add to any ballot such advisory questions relating to the Budget as are authorized by law.

Approved by Referendum: March 4, 1997.

Town of Salem, Records and Minutes; Volume 5; Pages 19, 20.

**AMENDMENT TO ANNUAL BUDGET ADOPTION –
REFERENDUM REQUIRED**

Commencing with the annual TOWN BUDGET MEETING to be held in 2003, upon completion of all other business proper to come before such meeting and after reasonable discussion, such Annual Meeting shall adjourn to a date not less than seven (7) nor more than fourteen (14) days thereafter (such date to be set by the Town Meeting or, if the Town Meeting does not set a date, the date shall be set by the Selectmen) during the hours of 6:00 am and 8:00 pm on the budget estimate and recommendations of the Board of Finance (as amended by such amendments as may be adopted at such Annual Town Budget Meeting)

Adopted by Special Town Meeting: April 16, 2003.

Town of Salem, Records and Minutes; Volume 5; Pages 193, 194.

ORDINANCE REGARDING APPROPRIATIONS FOR CONTRACTS INVOLVING UNUSUAL EXPENDITURES

The approval of an additional appropriation for any department, as provided for in Section 7-348 of the General Statutes, which appropriation, together with the sum of any other additional appropriations made for said department within the same fiscal year, exceeds \$200,000 shall require the affirmative vote of a majority of those qualified voters in a Referendum called for such purpose. No request for an additional appropriation shall be submitted to a Referendum by the terms of this ordinance without first having been submitted to the Board of Finance for its recommendations, and to the Town at an Informational Town Meeting (for such amendments as may be adopted at such a Town Meeting) called by the Board of Selectmen.

The date of any such referendum shall be set by the Board of Selectmen no longer than fourteen (14) days nor less than seven (7) days after said Informational Town Meeting.

Adopted by Referendum: March 14, 1990.
Town of Salem, Records and Minutes; Book 4; Page 157.

AMENDMENT TO ORDINANCE REGARDING APPROPRIATIONS FOR CONTRACTS INVOLVING UNUSUAL EXPENDITURES

The approval of an additional appropriation for any department, as provided for in Section 7-348 of the General Statutes, which appropriation, together with the sum of any other additional appropriations made for said department within the same fiscal year, exceeds \$100,000 shall require the affirmative vote of a majority of those qualified voters in a Referendum called for such purpose. No request for an additional appropriation shall be submitted to a Referendum by the terms of this ordinance without first having been submitted to the Board of Finance for its recommendations, and to the Town at an Informational Town Meeting (for such amendments as may be adopted at such a Town Meeting) called by the Board of Selectmen.

The date of any such referendum shall be set by the Board of Selectmen no longer than fourteen (14) days nor less than seven (7) days after said Informational Town Meeting.

Adopted by Referendum: March 24, 1992.
Town of Salem, Records and Minutes; Book 4; Page 214.

BUSINESS

ADULT-ORIENTED BUSINESS ORDINANCE FOR THE TOWN OF SALEM

Section I Short Title

This ordinance shall be known as the “Adult-Oriented Business Ordinance for the Town of Salem”.

Section II Policy Statement

The Town Meeting of the Town of Salem, Connecticut finds:

- A. Adult-oriented establishments located in the Town of Salem require supervision from the Town’s Public Safety and Zoning Enforcement agencies in order to protect and preserve the health, safety, and welfare of the patrons of such establishments, as well as the health, safety, and welfare of the Town of Salem’s citizens.
- B. Statistics and studies performed by a substantial number of cities and towns in the United States indicate that:
 - 1. Large numbers of persons, primarily male, frequent such adult-oriented establishments, especially those which provide closed booths, cubicles, studios, and rooms for the private viewing of so-called adult motion pictures and/or video tapes and/or live entertainment; and
 - 2. Persons under the age of eighteen (18) may be attracted to adult-oriented establishments and seek to enter or loiter about them without the knowledge or permission of their parents or guardians; and
 - 3. Closed booths, cubicles, studios, and rooms within adult-oriented establishments have been used by patrons, clients or customers of such adult-oriented establishments for the purpose of engaging in certain sexual acts; and
 - 4. Male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments within such booths, cubicles, studios, and rooms; and

5. Doors, curtains, blinds, and/or other closures installed in or on the entrances and/or exits of such booths, cubicles, studios, and rooms which are closed while such booths, cubicles, studios, and rooms are in use encourage patrons using such booths, cubicles, studios, and rooms to engage in sexual acts therein with prostitutes, thereby promoting and encouraging prostitution and the commission of sexual acts which cause blood, semen and urine to be deposited on the floors and/or walls of such booths, cubicles, studios, and rooms, which deposits could prove detrimental to the health and safety of other persons who may come in contact with such deposits; and
 6. The reasonable regulation and supervision of such adult-oriented establishments tends to discourage such sexual acts and prostitution, and thereby promotes the health, safety, and welfare of the patrons, clients, and customers of such establishments.
- C. The continued unregulated operation of adult-oriented establishments including, without limitation, those specifically cited at Paragraph 1 hereof, is and would be detrimental to the general welfare, health, and safety of the citizens of Salem.
 - D. The Constitution and laws of the State of Connecticut grant to the Town powers, especially police power, to enact reasonable legislation and measures to regulate and supervise adult-oriented establishments as hereinafter defined in order to protect the public health, safety, and welfare.
 - E. It is not the intent of the Town Meeting, in enacting this Ordinance, to deny any person rights to speech protected by the United States and/or State Constitutions, nor is it the intent of the Town Meeting to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, video tapes, books and/or other materials. Further, by enacting this Ordinance, the Town Meeting does not intend to deny or restrict the rights of any adult to obtain and/or view any sexually oriented materials protected by the United States and/or State Constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.

Section III Definitions

For the purpose of this ordinance, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

- A. *Adult bookstore* means an establishment having any portion of its stock and trade in books, films, video cassettes, compact discs or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”. This definition shall not apply to any

establishment in which such materials are concealed so as not to permit the observation of “specified sexual activities” and “specified anatomical areas” by the general public.

- B. Adult amusement machine includes any amusement machine that is regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to “specified sexual activities” or “specified anatomical areas”, as defined below, for observation by patrons.
- C. Adult entertainment means any exhibition of any motion pictures, video tapes, live performances, displays or dances of any type, which has as a significant or substantial portion of such performances any actual or simulated performance of “specified sexual activities” or exhibition and viewing of “specified anatomical areas”.
- D. Adult motion picture theater means an enclosed building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined below for observation by patrons therein.
- E. Adult-oriented establishment shall include, without limitation, “adult bookstores”, “adult motion picture theaters” and commercial establishments containing one or more “adult amusement machines”. Adult-oriented establishment further means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult entertainment when such establishment is operated or maintained for a profit, direct or indirect.
- F. Amusement machine includes any machine which, upon the payment of a charge or upon the insertion of a coin, slug, token, plate or disk, may be operated by the public for use as a game, entertainment or amusement, whether or not registering a score and whether or not electronically operated.
- G. Employee means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.
- H. Entertainer means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.
- I. Inspector means an agent of the Director of Health, the Zoning Enforcement Officer, the Building Official, any Police Officer, the Fire Marshal, and any person to whom any of those officials or the Board of Selectmen may delegate the duty to perform functions under this Ordinance.

- J. Minor shall be deemed to refer to a person under the age of eighteen (18) years.
- K. Operator means any person, partnership or corporation operating, conducting or maintaining an adult-oriented establishment.
- L. Specified anatomical areas means:
 - 1. Less than completely and opaquely covered:
 - a. Human genitals and pubic region;
 - b. Buttocks;
 - c. Female breasts below a point immediately above the top of the areola; and
 - 2. Human male genitals in a discernibly turgid state, even if completely opaquely covered.
- M. Specified sexual activities means:
 - 1. Human genitals in a state of sexual stimulation or arousal;
 - 2. Acts of human masturbation, sexual intercourse or sodomy;
 - 3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.
- N. Specified anatomical areas and specified sexual activities as used in this Ordinance do not include materials depicted in any medical publications or films, any art or photography publications which devote at least twenty-five percent (25%) of the lineage of each issue to articles and advertisements dealing with subjects of art or photography, in any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of the news, or in publications or films which describe and report different cultures which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.
- O. Town Meeting means the Town Meeting of the Town of Salem, Connecticut.

7. **Section IV Operating Requirement**

- A. No operator or employee of an adult-oriented establishment shall allow or permit any minor to enter into such establishment or to loiter upon the grounds and parking lot of such establishment.
- B. Each adult-oriented establishment shall display prominently a sign in the dimensions of twenty-four (24) inches by twenty-four (24) inches outside of,

and adjacent to, each entrance bearing the words “Adult- Oriented Establishment – Persons Under 18 Not Admitted” in white letters against a red background.

- C. No adult-oriented establishment shall be conducted in such a manner that permits the observation of any material depicting specified sexual activities or specified anatomical areas from outside of the building that houses the adult-oriented establishment.
- D. Every adult-oriented establishment doing business in the Town of Salem on and after the effective date of this Ordinance shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes or any other obstruction whatsoever. After the effective date of this Ordinance, it shall be unlawful to install closed booths, cubicles, rooms or stalls within adult-oriented establishments for the purpose of viewing adult entertainment.
- E. On and after the effective date of this Ordinance, the operator of each adult-oriented establishment shall be responsible for and shall provide that any room or other area used for the purpose of viewing adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) foot candle as measured at the floor level. It shall be the duty of the operator and its agents to ensure that the illumination described above is maintained at all times that any patron is present on the premises.
- F. Every act or omission by an employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the operator or as a result of the operator’s negligent failure to supervise the employee’s conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
- G. An operator shall be responsible for the conduct of all employees while on the licensed premises, and any act or omission of any employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the operator for purposes of determining whether the operator shall be subject to penalties imposed by this Ordinance.
- H. All adult-oriented establishments shall be open to inspection at all reasonable times by inspectors or such other persons as the Town Meeting may designate.

- I. No adult-oriented establishment shall be permitted that is less than five hundred (500) feet from an area zoned residential.
- J. No adult-oriented establishment shall be permitted that is less than three thousand (3000) feet from an existing adult-oriented establishment.
- K. No adult-oriented establishment shall be permitted that is less than two thousand (2000) feet from a public park, preexisting school, including a licensed daycare (whether public or private) or place of worship meaning to include parish houses and convents.
- L. The provisions of Sections IV I., IV J., and IV K. shall not be deemed to prohibit any use preexisting the enactment of this Ordinance. Any preexisting use which shall be discontinued for a period of thirty (30) days shall thereafter conform to Sections IV I., IV J., and IV K.

Section V **Application for License**

- A. Any person, partnership or corporation desiring to secure a license shall make application to the Town Clerk. Seven (7) copies of the application shall be filed with, and dated by, the Town Clerk. Copies of the application shall be distributed promptly, by the Town Clerk, to the Salem Police Department, the First Selectman, the Building Official, the Director of Health, the Zoning Enforcement Officer, and the Planning and Zoning Commission. (Separate permits from these and other agencies may be required in addition to the license.)
- B. The application for a license shall be upon a form provided by the Town Clerk. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, and all officers or directors of a corporate applicant, and all stockholders holding more than five percent (5%) of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business, shall furnish the following information:
 - 1. Name and address, including all aliases;
 - 2. Written proof that the individual is at least eighteen (18) years of age;
 - 3. All residential addresses of the applicant for the past ten (10) years;
 - 4. The applicant's height, weight, color of eyes, and hair;
 - 5. The businesses, occupations or employment of the applicant for ten (10) years immediately preceding the date of application;

6. Whether the applicant previously operated in this or any other county, town, city or state under an adult-oriented establishment license or similar business license; whether the applicant has ever had such license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
 7. All criminal statutes, whether federal or state, or Town Ordinance violation convictions, forfeiture of bond and pleading of nolo contendere on all charges, except minor traffic violations;
 8. Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant;
 9. The address of the adult oriented establishment to be operated by the applicant; and
 10. If the applicant is a corporation, the applicant shall specify the name of the corporation, the date and state of the incorporation, the name and address of the registered agent, and the name and address of all shareholders owning more than five percent (5%) of the stock in said corporation and all officers and directors of the corporation.
- C. Within seventy-five (75) days of receiving an application for a license, the Town Clerk shall notify the applicant whether the application is granted or denied.

The Town Clerk shall grant the application upon written certification from the First Selectman, Salem Police Department, the Building Official, the Director of Health, and the Zoning Enforcement Officer that all applicable requirements have been met and upon the following circumstances:

1. The required fees have been paid;
2. The applicant conforms in all respects to the provisions of this Ordinance;
3. The applicant has not made a material misinterpretation of the facts in the application;
4. That neither the applicant, if an individual, nor any person financially interested, if a corporation, or any of the partners, including limited partners, nor the holder of any profit interest, nor the manager or other person principally in charge of the operation of the proposed business has been convicted of, pleaded nolo contendere or guilty to any felony or to a misdemeanor involving moral turpitude;

5. The applicant has not had a license, similar to the one issued pursuant to the provisions of this Ordinance, issued by another local authority suspended or revoked for cause within the five (5) year period immediately preceding the date of the filing of the application;
6. The proposed business complies with all applicable regulations of the Town of Salem Planning and Zoning Commission; and
7. The applicant, manager or other person principally in charge of the operation of the business is at least eighteen (18) years of age.

The Town Clerk shall deny the application if all of the requirements set forth in paragraphs 1 – 7 above have not been met.

- D. Whenever an application is denied, the Town Clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of the notification of denial, a public hearing shall be held within thirty (30) days thereafter before the Board of Selectmen, as hereinafter provided.
- E. Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination regarding said application, or his or her refusal to submit to cooperate with any investigation required by this Ordinance shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the Town Clerk.

Section VI Standards for Issuance of License

- A. To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:
 1. If the applicant is an individual:
 - a. The applicant shall be at least eighteen (18) years of age;
 - b. The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application; and
 - c. The applicant shall not have been found to have previously violated this Ordinance within five (5) years immediately preceding the date of the application.
 2. If the applicant is a corporation:

- a. All officers, directors and stockholders required to be named under Section V B. of this Ordinance shall be at least eighteen (18) years of age;
 - b. No officer, director or stockholder required to be named under Section V B. of this ordinance shall have been convicted of or pleaded nolo contendere to a felony or crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
 - c. No officer, director or stockholder required to be named under Section V B. of this Ordinance shall have been found to have previously violated this Ordinance within five (5) years immediately preceding the date of the application.
3. If the applicant is a partnership, joint venture or any other type of organization where two (2) or more persons have a financial interest:
- a. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age;
 - b. No person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
 - c. No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated any provision of this Ordinance within five (5) years immediately preceding the date of the application.
- B. No license shall be issued unless the Salem Police Department has investigated the applicants' qualifications to be licensed. The results of that investigation shall be filed in writing with the Town Clerk no later than sixty (60) days after the date of the application.

Section VIII Fees

- A. A license fee of two hundred fifty dollars (\$250.00) shall be submitted with the completed application for a license. If the application is denied, one-half (1/2) of the fee shall be returned.

Section VIII Renewal of License Permit

- A. Every license issued pursuant to this Ordinance will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Town Clerk. The application for renewal shall be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the Town Clerk.
A copy of the application for renewal shall be distributed promptly by the Town Clerk to the Salem Police Department and to the operator. The application for renewal shall be upon a form provided by the Town Clerk and shall contain such information and data as is required for an application for a new license.
- B. A license renewal fee of two hundred fifty dollars (\$250.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the total fees collected shall be returned.
- C. If the Salem Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Town Clerk.

Section IX Revocation of License

- A. The Board of Selectmen shall revoke a license or permit for any of the following reasons:
 - 1. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application;
 - 2. The operator or any employee of the operator violates any provision of this Ordinance or any rule or regulation adopted by the Board of Selectmen pursuant to this Ordinance; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the Board shall find that the operator had no actual or constructive knowledge of such violation and could not, by the exercise of due diligence, have had such actual or constructive knowledge;
 - 3. The operator becomes ineligible to obtain a license or permit;

4. Any cost or fee required to be paid by this Ordinance is not paid; or
 5. Any intoxicating liquor or cereal malt beverage is served or consumed on the premises of the adult-oriented establishment.
- B. The Board of Selectmen, before revoking or suspending any license or permit, shall give the operator at least ten (10) days written notice of the charges against him and the opportunity for a public hearing before the Board within thirty (30) days after receipt of the notice.
 - C. The transfer of a license or any interest in a license shall automatically and immediately revoke the license.
 - D. Any operator whose license is revoked shall not be eligible to receive a license for one (1) year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for six (6) months from the date of revocation of the license.
 - E. The Board of Selectmen shall give notice to the Town Clerk of any revocations or suspensions.

This ordinance shall become effective fifteen (15) days after a synopsis of this ordinance has been published in a newspaper having circulation in the Town of Salem.

Adopted at Special Town Meeting: February 29, 1996.
Town of Salem Record of Minutes; Book 4; Page 275.

ELDERLY

ORDINANCE CONCERNING TAX RELIEF FOR THE ELDERLY AND DISABLED

The Town of Salem hereby enacts a tax credit for elderly and totally disabled homeowners pursuant to Section 12-129n of the Connecticut General Statutes, as it may be amended from time to time, for eligible residents of the Town of Salem, on the terms and conditions provided herein. This ordinance is enacted for the purpose of assisting elderly and totally disabled homeowners with a portion of the costs of property taxation.

SECTION I

General Introduction:

Individuals and/or related couples who have permanent legal residence in Salem pursuant to CGS 12-85 as defined by the Connecticut Attorney General on the assessment date (normally October 1st), and who individually or jointly own the home in which s/he or they reside, may apply for Town tax relief on the amount of taxes assessed on their home and its building lot if one or both meet the eligibility requirements below and are granted such relief by the Salem Assessor after making timely application for same.

SECTION II

Eligibility:

1. An eligible homeowner (or couple) is one who is sixty-five (65) years of age or over at the close of the preceding calendar year, or whose spouse, residing with said person, is sixty-five years of age or over at the close of the preceding calendar year, or who is sixty (60) years of age or over and the surviving spouse of a taxpayer qualified in Salem under this ordinance at the time of his or her death, or

An individual homeowner under sixty-five (65) years of age and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security, or has not been engaged in employment covered by Social Security and accordingly have not qualified for benefits thereunder, but has become qualified for permanent total disability benefits under any federal, state, or local government retirement or disability plan, including the Railroad Retirement Act and any government related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under Social Security, and

2. Who owns real property in the Town of Salem or who is liable for the payment of taxes thereon under Section 12-48 of the Connecticut General Statutes, and occupies that property as his or her principal residence, shall be eligible for real property tax relief as set forth in Section III below provided all of the following conditions are met:
 - a. Such person has been a resident of the Town of Salem for a period of one (1) year prior to the most recent October 1st assessment date, and occupies such property as his or her principle residence. “Principal Residence” shall be defined as that real property occupied as his or her residence for more than one hundred eighty-three (183) days of each calendar year.
 - b. Such person has applied for and is eligible for the elderly/disabled tax relief program available from the State of Connecticut pursuant to Connecticut General Statute 12-170aa, as it may be amended from time to time, provided that this person is eligible for the State program in all respects except that his or her income exceeds the income limits of the State program, but qualifies in accordance with 2) of this section.

SECTION III

Application:

Applications for benefits under this program shall:

1. Be made on forms provided by the Assessor of the Town of Salem and shall be accompanied by a copy of the applicant’s most recent federal tax returns or other documentation of all income for the preceding calendar year.
2. Be filed each year with the Assessor of the Town of Salem at any time between February 1 and May 15 to obtain a tax credit for the next fiscal year. Applicants will be required to file each and every year with the Town Assessor.

SECTION IV

Computation of Benefits:

1. The Assessor of the Town of Salem shall determine whether each applying taxpayer is entitled to a tax credit under this program and shall compute the amount of tax credit to which each qualified taxpayer is entitled and advise the Tax Collector in what amount to reduce the amount of tax levied against the taxpayer.
2. The method for computing the credit will follow either (a) **OR** (b) below, depending on the taxpayer’s participation in the State program:

- a. **Circuit Breaker Participants:** Qualified taxpayers who also qualify for tax credits from the State of Connecticut:
 - i. The local credit shall be equal to 110% of credit granted by the State, except that the local credit is subject to a minimum local credit of \$300.
 - ii. However the total of all tax credits (State plus local credits) shall never exceed 75% of the annual levy on the property. If the combined credits exceed 75%, the local credit will be equal to 75% minus the State credit.
- b. **Local-Only Participants:** Qualified taxpayers who are eligible for the State program in all respects except that their total annual income exceeds the State income limits by up to \$10,000:
 - i. The local credit per household, regardless of marital status, shall be the lesser of:
 - a. 110% of the State program's credit percentage for married couples in the highest income bracket, subject to a minimum local credit of \$300, **OR**
 - b. The maximum local credit will be \$500 for local-only Participants.
 - ii. The total tax credit shall never exceed 75% of the annual tax levy on the property. If the local credit exceeds 75%, the Assessor will reduce the local credit to equal 75% of the tax levy on the property.

Note: The tax credit available to an individual who qualifies under the Town program only shall be no more than ten percent (10%) of the normal tax for a related couple, [(5% for an individual homeowner)], subject to a minimum credit of fifty dollars (\$50) and a maximum credit of two hundred fifty dollars (\$250)

- 3. If, during a tax year, a qualifying taxpayer dies leaving a spouse who would also qualify under this program, the surviving spouse shall be entitled to receive the remaining benefits for that tax year
- 4. If any person entitled to a tax credit pursuant to this program sells the property on which the tax credit is granted, no additional tax credit shall be allowed for his or her interest in the property for any fiscal years commencing after the date of such sale of the property, and, provided further, that the purchaser of the property shall pay the Town of Salem a prorated share of the tax credit the same as provided to the State of Connecticut by Section 12-170aa(1) of the Connecticut General Statutes.

SECTION V

Administration of Program and Amendments:

- 1. The Assessor of the Town of Salem shall determine whether each applying taxpayer is entitled to a tax credit under this program and shall compute the amount of tax

- credit to which each qualified taxpayer is entitled and advise the Tax Collector in what amount to reduce the amount of tax levied against the taxpayer.
2. The Town of Salem hereby waives any lien rights given to it by Section 12-129n of the Connecticut General Statutes.
 3. Persons aggrieved by any act or determination of the Assessor under this program may appeal to the Salem Board of Assessment Appeals.
 4. The Board of Selectmen, with the approval of the Board of Finance, is hereby authorized to amend this plan from time to time as allowed by applicable regulations. However, the Board of Selectmen may not reduce or eliminate benefits as herein provided, and the Board of Selectmen shall publish any changes in the same manner as prescribed by law for the publication of ordinances and that such changes shall become effective thirty (30) days after said publication.
 5. This program shall be effective with the Grand List of October 1, 2001, and thereafter.

Adopted at Special Town Meeting on January 23, 2002.
Town of Salem, Records and Minutes: Volume 5 Page 110

Adopted at Special Town Meeting: October 1, 2008,
Town of Salem, Records and Minutes: Volume 6, Page 295

EMERGENCY RESPONDERS

ORDINANCE CONCERNING THE APPOINTMENT OF CONSTABLES

WHEREAS, the Town of Salem presently elects Constables pursuant to Section 9-200 of the Connecticut General Statutes, and

WHEREAS, it would be desirable for all Constables of the Town of Salem to be appointed rather than elected,

THEREFORE, be it ordained by the Town of Salem in Town Meeting assembled:

Pursuant to Section 9-185 of the Connecticut General Statutes, in lieu of election, Constables for the Town of Salem shall be appointed by the Board of Selectmen which makes such appointments.

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

Approved at Town Meeting: July 24, 1985.
Town of Salem, Records and Minutes; Book #4; Page 68.

ORDINANCE CONCERNING REIMBURSEMENT FOR COST OF AN EMERGENCY RESPONSE FOR SALEM CIVIL PREPAREDNESS FORCES

- 1) The purpose of this Ordinance is to establish guidelines and procedures regarding reimbursement of Town agencies and Civil Preparedness forces serving during a declared State of Emergency over two (2) hours in length.

The Declaration of Emergency may be ordered by the President, the State's Governor or the Town's First Selectman. Town agencies will be reimbursed for labor costs and material expenses. Civil Preparedness organizations will be reimbursed for labor costs and material expenses and compensation for time (see 5).

- 2) Civil Preparedness forces are defined as any organized personnel engaged in carrying out Civil Preparedness functions in accordance with the provisions of Section 28-1(e) or any regulation or order thereunder. All the police and fire forces of the State or any political subdivision of the State or any part of any political subdivision, including all the auxiliaries of these forces, shall be construed to be a part of the Civil preparedness forces. Ambulance personnel are included as well due to the fact that they are organized personnel recognized in the Town's local emergency plan of operations. Town agencies are defined as organized personnel paid by the Town to provide certain services; they include, but are not limited to, Police Department, Department of Public Works, etc.
- 3) It is accepted that routine emergencies for volunteers, i.e. Fire Police, fire, ambulance, average two (2) hours in length. Therefore, any emergency, as described in paragraph 1), over two (2) hours is deemed to be over and above the regular responsibilities of such forces and should therefore be compensated for. This compensation is in consideration of the fact that for events over two (2) hours in length, volunteer personnel must lose time from work, i.e. vacation, personal or unpaid time off.
- 4) Civil Preparedness organizations shall be compensated for documented hours of service. Each Chief of Services will be responsible for providing an accurate schedule of personnel and hours worked to the Emergency Management Director within twenty-four (24) hours after a declared State of Emergency has ended.
- 5) Civil Preparedness organizations shall be compensated at a rate applicable to the cost of obtaining similar services from a commercial service rendering such services. The responsibility for obtaining this information lies with each Chief of Service. This information will be submitted to the Emergency Management Director as close to the end of the emergency as is possible.
- 6) Town agencies shall be reimbursed for labor costs for the emergency. Costs for town personnel shall be submitted to the Emergency Management Director within one (1) week of the emergency. Each agency head will be responsible for submitting this information.
- 7) Each agency providing emergency services, both Town agencies and Civil Preparedness organizations, shall submit to the Emergency Management Director a written schedule outlining materials used, lost or damaged during the emergency. Along with this schedule, additional support should be submitted; for example, purchase orders, paid invoices, etc.
- 8) Reimbursement of these expenses is allowed pursuant to Section 22a-451a of the Connecticut General Statutes which states, in summary, "any person, firm or corporation which directly or indirectly causes pollution and contamination ... shall be liable for all

costs and expenses incurred in containing, removing or mitigating such pollution and contamination ...”

- 9) The Emergency Management Director shall submit, in writing, to the person, firm or corporation who appears to be most liable in the emergency, a schedule of costs and expenses by department. This invoice shall be submitted within three (3) weeks of the emergency.
- 10) In the event that reimbursement cannot be settled within ninety (90) days of the submission of a formal invoice, the Town Attorney will initiate proceedings to collect one hundred and fifty percent (150%) of the billing in addition to reasonable fees.

Adopted at Special Town Meeting: October 14, 1992.
Town of Salem Records and Minutes; Book 4; Pages 227, 228

ORDINANCE RELATING TO FIRE PROTECTION

WHEREAS, fire protection for the Town of Salem has long been provided by the Salem Volunteer Fire Company, Inc., and

WHEREAS, it would be beneficial for the Town to have a formal agreement or agreements with both companies providing for the continuation of such services, the provision of financial assistance by the Town and the orderly management of fire houses and fire protection equipment,

NOW, BE IT ORDAINED, pursuant to Section 7-301 of the Connecticut General Statutes, that the Board of Selectmen of the Town of Salem is hereby authorized, in their discretion, to enter into an agreement or agreements with the Salem Volunteer Fire Company, Inc. and the Gardner Lake Fire Company, Inc. for such services and protection as are commonly provided by fire departments and/or fire companies. (Such agreement to include, but not be limited to, financial assistance and use of the fire houses and equipment.)

Adopted at Special Town Meeting: October 14, 1992.
Town of Salem, Records and Minutes; Book 4; Pages 227, 228.

LANDFILL & WASTE

ORDINANCE REGULATING MUNICIPAL LANDFILL USE

I. GENERAL PROVISIONS:

On and after June 1, 1983, access to the Salem Municipal Landfill for the purpose of refuse disposal shall be limited to vehicles, which display the proper Landfill Use Permit. For purposes of this Ordinance, the term "refuse" shall include all those categories of items generated within the Town of Salem, which may properly be accepted for disposal by the landfill custodian(s). No refuse generated outside the Town of Salem will be accepted or permitted for disposal in the Town landfill. (NO HAZARDOUS MATERIAL, AS DEFINED BY THE DEP, WILL BE ACCEPTED.)

II. PERMIT CATEGORIES:

- A. Private Use: The owner of any vehicle included on the Tax List of the Town of Salem will be provided a Private Use Permit. A Private Use Permit will permit the vehicle owner to dispose of refuse generated by non-commercial activities within the Town of Salem.
- B. Commercial Use: The owner of any vehicle included on the Tax List of the Town of Salem may purchase a Commercial Use Permit. A Commercial Use Permit shall enable the vehicle owner to dispose of refuse generated by commercial activities within the Town of Salem including, but not limited to, the activities of paid refuse haulers and those engaged in the building and construction trades.
- C. Temporary Use: The owner of any real property within the Town of Salem will be provided a Temporary Use Permit. A Temporary Use Permit will enable the owner of any one (1) vehicle, which is not included on the Tax List of the Town of Salem, to dispose of refuse generated on the property of the permit applicant.

III. PERMIT DURATION:

- A. A Private Use Permit will be valid for one (1) year from July 1 through June 30.
- B. A Commercial Use Permit will be valid for one (1) year from July 1 through June 30.
- C. A Temporary Use Permit will be valid for such time as may be determined by the issuing authority.

PERMIT APPLICATIONS:

Applications for all permits shall be made to the Selectmen's Office on forms approve by the Board of Selectmen. These forms shall contain sufficient information to enable the Selectmen's Office to determine the applicant's eligibility for the permit requested.

IV. ENFORCEMENT:

A. On and after July 1, 1933, any vehicle which does not display a proper Landfill Use Permit will be denied access to the Salem Municipal Landfill.

B. Any person who violates this Ordinance by disposing of refuse generated outside of the Town of Salem shall forfeit and pay for the use of the Town of Salem a fine of twenty-five dollars (\$25.00) for each such violation.

V. The Board of Selectmen is hereby empowered to establish a fee schedule for Commercial and Temporary Use Permits and to amend such schedules from time-to-time as the Board deems advisable.

Adopted at Adjourned Town Meeting: March 9, 1983.
Town of Salem, Records and Minutes; Book 4; Pages 29, 30.

**AMENDED ORDINANCE REGULATING
MUNICIPAL LANDFILL USE**

1. GENERAL PROVISIONS:

On and after February 1, 1993, access to the Salem Municipal Landfill for the purpose of refuse disposal shall be limited to vehicles, which display the proper Landfill Use Permit. For purposes of this Ordinance, the term "refuse" shall include all those categories of items generated within the town of Salem, which may properly be accepted for disposal by the landfill custodians. No refuse generated outside the Town of Salem will be accepted or permitted for disposal in the Town landfill. (NO HAZARDOUS MATERIAL, AS DEFINED BY THE DEP, WILL BE ACCEPTED.)

2. PERMIT CATEGORIES:

A. Private Use: The owner of any vehicle included on the Tax List of the Town of Salem will be provided a Private Use Permit (sticker). This permit will allow the vehicle owner to dispose of refuse generated by non-commercial activities within the Town of Salem.

- B. Commercial Use: The owner of any vehicle included on the Tax List of the Town of Salem may PURCHASE a Commercial Use Permit (ticket). This permit will enable the vehicle owner to dispose of refuse generated by commercial activities within the Town of Salem, including, but not limited to, the activities of paid refuse haulers and those engaged in the building and construction trades.
- C. Temporary Use: The owner of any real estate property within the Town of Salem will be provided a Temporary Use Permit (letter). This will enable the owner of any vehicle which is not included on the Tax List of the Town of Salem to dispose of refuse generated on the property of the applicant.

3. PERMIT DURATION:

- A. A Private Use Permit will be valid as recorded on the sticker.
- B. A Commercial Use Permit will be valid for one (1) year for haulers and until the ticket is turned in for trades.
- C. A Temporary Use Permit will be valid for such time as determined by the issuing authority.

4. PERMIT APPLICATION:

Permits will be issued through the Town by a system established by the Board of Selectmen.

Stickers will be affixed to each vehicle after the following procedures:

- a. Present proof of residency (as in item C.).
- b. Vehicle to be decaled must be with you (additional vehicles must do the same).
- c. Present vehicle registration.
- d. Part-time residents must have a paid tax bill for the property.
- e. Contact Office of the First Selectman if unable to meet the above requirements.

5. ENFORCEMENT:

- A. On and after February 1, 1993, any vehicle which does not display a proper Landfill Use Permit will be denied access to the Salem Municipal Landfill.
- B. Any person who violates this Ordinance by disposing of refuse generated outside of the Town of Salem shall pay a fine of twenty-five dollars (\$25.00) for each violation and forfeit the use of the landfill.

6. PROPOSED FEE SCHEDULE:

- 1) Bulky Waste: furniture, mattresses, sofas, etc. \$5.00 a piece
- 2) Demolition: building materials \$5.00/30 gals.
\$10.00/cu. yd.
- 3) Metal (white goods must be certified freon free): FREE
- 4) Brush (not larger than three inches (3")):
Commercial: \$10.00/cu. yd.
Residential customers: FREE
- Non-bagged leaves:
Commercial: \$10.00/cu. yd.
Residential: \$10.00/cu. yd.
- 5) Tires (we do not accept super singles or off-road tires):

Used auto tires (0-16.5) \$2.00
Truck tires (16.5 – 24.5) \$10.00
(All tires must be off rims.)

7. REPEAL:

All other Acts or Ordinances, or any parts thereof, inconsistent with the provisions of the Ordinance are repealed.

Fees will be collected by the landfill operator.

This amended Ordinance shall become effective fifteen (15) days after its publication, in accordance with Sect. 7-157 of the Connecticut General Statutes.

Amended Ordinance adopted at Special Town Meeting: December 22, 1992
Town of Salem, Records and Minutes; Book #4; Pages 235, 236

Amended Ordinance adopted at Special Town Meeting: February 17, 1993
Town of Salem, Records and Minutes; Book #4; Pages 241, 242.

**ORDINANCE CONCERNING THE MANDATORY SEPARATION,
RECOVERY, COLLECTION, REMOVAL, STORAGE, AND
DISPOSITION OF GARBAGE, RUBBISH, AND OTHER REFUSE,
INCLUDING RECYCLABLES**

1. The following material shall be classified as recyclable, and will be accepted at the Salem Landfill only if deposited in trailer hoppers or other containers provided for the purpose of collecting recyclables:
 - a) Unbroken glass containers and all types of metal cans,
 - b) Newspapers and magazines,
 - c) Corrugated cardboard,
 - d) White office paper (excluding envelopes with plastic windows),
 - e) Scrap metal,
 - f) Lead acid storage batteries,
 - g) Waste oil,
 - h) Leaves,
 - i) Plastic food and beverage containers, and
 - j) Such items as shall be added to the list of recyclable materials contained in Chapter 446d of the Connecticut General Statutes and the regulations of the

State Department of Environmental Protection or as shall be added by the Board of Selectmen.

2. Contractors, firms, and individuals will be required to separate their recyclables in accordance with the categories specified in paragraph 1. and shall be required to dispose of their separated recyclables in buildings, areas, or containers designated by the Selectmen or their agent(s) before proceeding to the landfill proper and before disposing of any other material at the Landfill.
3. All garbage, rubbish, recyclables, and other refuse shall be set out for collection in an orderly and sanitary condition so as not to constitute a nuisance or otherwise be objectionable.
4. No person having custody or control of any premises within the Town of Salem shall permit or cause any garbage, rubbish, recyclables, or other refuse within his control to become a hazard or potential hazard or nuisance of any sort.
5. Each vehicle entering the landfill will be subject to inspection by the Landfill Attendant prior to disposal of any garbage, rubbish, recyclables, or other refuse and all such disposal shall take place as directed by the Attendant.
6.
 - a) Commercial haulers are subject to civil penalties of \$1,000.00 for a first violation and \$5,000.00 for each subsequent violation for knowingly mixing recyclables with solid waste.
 - b) Commercial establishments are subject to a penalty of \$500.00 for each such violation.
 - c) Any other person who violates any provision of this Ordinance shall be subject to a written warning for the first offense and a fine in an amount not to exceed \$50.00 for each subsequent violation.
7. In addition to the penalties herein provided, the Town of Salem or its agent(s) reserves the right to refuse to allow disposal in the Town of Salem Landfill where the spirit or letter of this Ordinance is ignored.
8. The Landfill will be open to receive garbage, rubbish, recyclables, and other refuse on such days and at such times as shall be determined by the Board of Selectmen and posted at the Landfill by the Selectmen or their agent(s).
9. The Selectmen shall be and are hereby authorized to enter into such agreements with private contractors as are necessary to provide for the manner in which recyclables shall be assembled at the landfill site and collected and removed from the landfill site.
10. The Selectmen shall have full discretionary authority to assess fines pursuant to this Ordinance and to decide all disputes over the applicability of this Ordinance. Any appeal of a decision by the Landfill Attendant shall be filed in writing with the Office of the First Selectmen no later than ten (10) days after the date of the dispute.

Adopted at Special Town Meeting: January 30, 1991.

Town of Salem, Records and Minutes; Book 4; Pages 184, 185.

Previous Ordinance Concerning Mandatory Separation and Recovery

Adopted: December 19, 1984.

Town of Salem, Records and Minutes; Book 4; Pages 59, 60.

Revisions to original Ordinance (Section I, items 6-11 revised)

January 30, 1991.

ORDINANCE REGULATING WASTE DISPOSAL

Be it enacted by the Board of Selectmen of the Town of Salem:

- Section 1. The throwing or placing of waste material or paper in the highways of the Town of Salem or in the areas adjacent thereto is prohibited.
- Section 2. Each violation of this By-law shall be punishable by a fine or penalty not exceeding \$10.00.

Dated at Salem, Connecticut, this 16th day of August, 1948.

Kenneth Avery
Michael Urbanik
Joseph Ploszaj

(e) Board of Selectmen

Board of Selectmen enactment: August 16, 1948.

Town of Salem, Records and Minutes; Volume 2; Page 13.

MOTOR VEHICLES & MOTOR BOATS

ORDINANCE PROVIDING FOR THE REMOVAL OF ABANDONED MOTOR VEHICLES BY THE TOWN OF SALEM

Pursuant to authority provided in Section 14-150a of the Connecticut General Statutes, the Zoning Enforcement Officer of the Town

of Salem may arrange for removal and disposition of abandoned, inoperable, or unregistered motor vehicles located within the Town of Salem which are either unmoved or in violation of the applicable provisions of the Salem Zoning Regulations for thirty (30) days after:

- 1) Notice to the owner of the property on which such motor vehicle so remains requesting that such motor vehicle be removed or brought into compliance with the Salem Zoning Regulations, and
- 2) Notice in a newspaper having a substantial circulation in the Town of Salem.

Adopted at adjourned Town Meeting: March 12, 1980.
Town of Salem Records and Minutes; Book 3; Page 294.

AN ORDINANCE PROHIBITING THE OPERATION OF MOTORBOATS ON MITCHELL POND AND HORSE POND IN THE TOWN OF SALEM

RESOLVED, that the following Ordinance is hereby approved and adopted as an Ordinance for the Town of Salem, Connecticut:

BE IT ORDAINED by the legal voters of the Town of Salem, Connecticut, in Town Meeting Assembled:

Section 2: Definitions

As used in this Ordinance, unless the context otherwise requires:

“Vessel” means every description of watercraft used or capable of being used as a means of transportation on water.

“Motorboat” means any vessel fitted with or propelled by machinery, whether or not such machinery is the principal source of propulsion.
“Operate” means to navigate or otherwise use a vessel.

Operation of Motorboats Prohibited

Adopted: Special Town Meeting August 29, 1973
Record: Town of Salem Records and Minutes Volume 3 page 144, 145
Status: Effective Date April 1 1974
Reference Connecticut General Statutes §15-136

**CT CONCERNING THE OPERATION OF MOTOR BOATS ON
GARDNER'S LAKE**

Any person who operates a boat having a motor or engine of more than seven horsepower on Gardner's Lake in the Towns of Salem, Montville and Bozrah shall be fined not more than fifty dollars (\$50.00).

Approved July 21, 1949
(Special Acts, Volume 25, page 1046; General Statutes, 1958, Section 53-191(b).)
(Public Act 86-89, 1986, amended this Act by prohibiting the operation of a motor boat in excess of six (6) mph between sunset and 8:00 am.)

**ORDINANCE CONCERNING TAX RELIEF FOR CERTAIN
MODIFIED HANDICAP ACCESSIBLE VEHICLES**

The Town of Salem hereby enacts a tax exemption for certain motor vehicles pursuant to Section 12-81c of the Connecticut General Statutes, as it may be amended from time to time, for eligible residents of the Town of Salem, on the terms and conditions provided herein. This Ordinance is enacted for the purpose of assisting disabled residents with a portion of the costs of personal property taxation.

SECTION I

Purpose:

Individuals who have permanent legal residence in Salem pursuant to CGS 12-85 as defined by the Connecticut Attorney General on the assessment date (normally October 1st of each year), and who individually or jointly own a motor vehicle for the use of a disabled person as described herein, may receive a Town tax exemption on the amount of taxes assessed on said motor vehicle provided that the requirements of SECTIONS II through V of this Ordinance are met.

SECTION II

Eligibility:

Any individual who is a resident with disabilities or parent or guardian of a person with disabilities and owns a motor vehicle described herein shall be eligible for exemption of the personal property taxes for one (1) said motor vehicle.

SECTION III

Exemption:

The Town of Salem hereby ordains, pursuant to C.G.S. §12-81c, that there shall be exempt from personal property taxation:

- A. Any ambulance-type motor vehicle that is used exclusively for the purpose of transporting any medically incapacitated individual, except any such vehicle used to transport any such individual for profit;
- B. Any property owned by nonprofit ambulance company; and
- C. Any motor vehicle owned by a person with disabilities, or owned by the parent or guardian of such person, which vehicle is equipped for purposes of adapting it use to the disability of such person.

SECTION IV

Definitions:

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

ADAPTIVE CONTROL DEVICES-Includes, but shall not be limited to, any mechanical or electrical devices added to a standard motor vehicle to enable an individual with mobility restrictions to control the accelerator, foot brake, turn signals, dimmer switch, steering wheel and /or parking brake.

MOTOR VEHICLE-A vehicle that has been altered, reconfigured or has undergone mechanical or structural changes that permit a person with a disability to safely drive such vehicle or ride as a passenger therein. "Motor Vehicle" shall include, but shall be limited to, vehicles equipped with hand controls, hoists, lifts and other adaptive control devices.

SECTION V

Application:

Applications for benefits under this program shall:

- A. Be made on forms provided by the Assessor of the Town of Salem.
- B. Be filed each year with the Assessor of the Town of Salem at any time between October 1 and November 1 to obtain a tax exemption for the next fiscal year.
- C. This program shall be effective 30 days from the date of its passage and shall be applicable to the assessment year commencing with the Grand List of October 1, 2014 and thereafter until modified or repealed.

Adopted at Special Town Meeting: September 3, 2014
Town of Salem, Records and Minutes; Volume 7; Pages 130-131.

PERMITS & FEES

ORDINANCE ADOPTING THE STATE OF CONNECTICUT BASIC BUILDING CODE AS THE BUILDING CODE FOR THE TOWN OF SALEM, CONNECTICUT

Be it enacted by the voters of Salem in Town meeting Assembled:

SECTION 1.

In accordance with Chapter 354, Section 19-395, of the General Statutes of Connecticut, revision of 1958, as amended, and as it may in the future be amended, a certain document, three (3) copies of which have been on file for over thirty (30) days in the Office of the town Clerk of the Town of Salem, Connecticut, being marked and designated as *STATE OF CONNECTICUT BASIC BUILDING CODE*, is hereby adopted as the Building Code of the Town of Salem, Connecticut, for the control of buildings and structures as therein provided, and each and all regulations, provisions, penalties, conditions, and terms of the *State of Connecticut Basic Building Code* are hereby referred to and adopted and made a part hereof as it is previously set out in this Ordinance.

The effective date of this Ordinance shall be September 29, 1970, or fifteen (15) days after the publication of this Ordinance in a newspaper having a circulation in said Town of Salem, Connecticut, whichever of said dates shall be latter.

Adopted at Special Town Meeting: September 12, 1970.
Town of Salem, Records and Minutes; Volume 3; Page 73.

ORDINANCE REQUIRING A BUILDING PERMIT

- 1) On and after December 5, 1959, no person, firm or corporation shall construct or erect any dwelling house within the Town of Salem without first having obtained a permit therefore from the Town Clerk.
- 2) Application for such permit shall be made to the Town Clerk in writing, with an endorsement by the Town Health Officer stating that the plans for sewage facilities have been examined by him and that they are approved by him as being in conformity

with the State Sanitary Code, and with all applicable ordinances of the Town of Salem and the regulations of the Planning Commission.

- 3) The fee for such permit shall be \$2.00.
- 4) No permit shall be issued for the construction of a dwelling on any lot abutting on an accepted highway or street, unless approved by the Planning Commission, in accordance with its duly adopted rules and regulations.
- 5) No permit shall be issued for the construction of a dwelling on any lot less than one (1) acre in area, unless approved by the Planning Commission in accordance with its duly adopted rules and regulations.
- 6) Any person found guilty of violating this Ordinance or any provision thereof, shall be deemed guilty of a misdemeanor and shall be fined not more than \$25.00, and each day any construction shall continue or shall remain in violation thereof shall constitute a separate offense.
- 7) If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Adopted at Special Town Meeting: November 14, 1959. Effective: December 5, 1959.
Town of Salem, Records and Minutes: Volume 2; Pages 181, 183, 196.

ORDINANCE REPEALING AN ORDINANCE REQUIRING A BUILDING PERMIT

Be it ordained by the legal voters of the Town of Salem, Connecticut, in Town Assembly:

- 1) That the Ordinance adopted at Special Town Meeting held on November 14, 1959, entitled *AN ORDINANCE REQUIRING A BUILDING PERMIT*, be and is hereby repealed.

Adopted at Town Meeting: March 24, 1962.
Town of Salem, Records and Minutes; Volume 2; Pages 233, 235.

ORDINANCE CONCERNING PERMIT FEES

BE IT ORDAINED, that the following fees are established for permits issued by the Building Official of the Town of Salem:

- 1) BASIC BUILDING PERMIT - \$3.00 per thousand based on the computed value of the completed structure. ($\$40 \times \text{sq. ft.} = \text{value} \times \$3.00 = \text{price}$) \$5. minimum permit fee.
- 2) SEWAGE SYSTEM – (New Construction Only) \$10 Repair of or replacement of existing sewage system, except commercial, no cost for permit.
- 3) ELECTRICAL PERMIT – (New Construction Only) \$6 Repair of or replacement of existing electrical system, except commercial, no cost for permit.
- 4) PLUMBING PERMIT – (New Construction Only) \$6 Repair of or replacement of existing plumbing, except commercial, no cost for permit.
- 5) HEATING PERMIT – (New Construction Only) \$6 Repair or replacement of existing heating system, except commercial, no cost for permit.
- 6) Building Permits for Energy Conservation measures to be exempt from permit fees.

Adopted at Special Town Meeting: December 8, 1982.
Town of Salem, Record and Minutes; Volume 4; Page 25.

ACTION OF SPECIAL TOWN MEETING CONCERNING PERMIT FEES

Motion by Hugh Teel, seconded by James Cogar to increase the Building Permit fees and authorize the Board of Selectmen to amend the schedule from time to time, as the Board deems advisable.

Basic Building Permits – increased from \$3.00 to \$5.00 per thousand.

Sewage System – increased from \$10.00 to \$20.00.

Electric, Plumbing, Heating – increased from \$6.00 to \$10.00.

By a show of hands: Yes – 15; No – 6, the motion to increase the Building Permit fees carried.

Action at Special Town Meeting: January 17, 1990.
Town of Salem, Records and Minutes; Volume 4; Page 154

ORDINANCE CONCERNING PERMIT FEES

RESOLVED, that the Ordinance concerning Building Permit fees adopted by a Special Town meeting on December 8, 1982, and recorded in the Records and Minutes Book of the Town of Salem, Volume 4, Page 25, as amended by a Special Town Meeting vote on January 17, 1990, is hereby rescinded and the following ordinance concerning Building Permit fees adopted in its stead. (Provided, however, that until said new ordinance shall become effective, the current schedule for building, septic, electrical, plumbing, and heating permits shall remain in effect.)

BE IT ORDAINED, that the Board of Selectmen is hereby authorized and empowered to establish a Schedule of Fees for basic building permits, sewer system permits, electrical permits, plumbing permits, and heating permits, and further, that the Board of Selectmen is authorized to amend said Schedule from time to time as the Board of Selectmen deem advisable.

Adopted at Special Town Meeting: September 16, 1998.
Town of Salem, Records and Minutes; Volume 5; Page 45.

ORDINANCE CONCERNING FEES FOR ENGINEERING REVIEW AND EVALUATION OF LAND USE APPLICATIONS AND INSPECTION OF LAND USE PERMIT COMPLIANCE

The purpose of this Ordinance is to establish a schedule of reasonable fees for the processing of applications by the Salem Planning and Zoning Commission and the inspection of compliance with permits, as enabled by Section 8-1c Connecticut General Statutes¹. This Ordinance is necessary as the Town has seen many land use applications which require a consultant's review and inspection; such review and inspection are necessary for the protection of the public health, safety, welfare; and such costs are currently borne by the Town.

Herein, "Commission" means the Salem Planning and Zoning Commission.

¹ **Section 8-1c. Fees for municipal land use applications.** Any municipality may, by Ordinance, establish a schedule of reasonable fees for the processing of applications by a municipal zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands commission. Such schedule shall supercede any specific fees set forth in the general statutes, or any special act or established by a planning commission under section 8-26.

“Consultant” may include, but not be limited to: Town Engineer, Transportation Engineer, Radio-frequency Engineer, Landscape Architect, Hydrologist, Geologist, etc. “Consultant” does not include the Town Planner, Zoning Enforcement Officer, Administrative Assistant, Sanitarian, Building Inspector, Fire Marshal, Public Works Director, or Town legal counsel.

This fee is in addition to fees required under other applicable Town regulations.

Applications by the Town of Salem are exempt from this Ordinance.

Fees for Application Review.

By a two-thirds (2/3) vote of the full Planning and Zoning Commission, the Commission may require the applicant to bear the consultant costs for applications for site plans (pursuant to Section 11A of the Salem Zoning Regulations), Special Exceptions (pursuant to Section 11 of the Salem Zoning regulations), amendments to the Zoning test, amendments to the Zoning Map, subdivisions resulting in five (5) or more additional building lots, and resubdivisions resulting in five (5) or more additional building lots.

Administration.

- A. The expenses shall be paid by the applicant on an actual and reasonable cost basis.
- B. The fee shall be determined by the Commission and assessed to the applicant after the administrative fees are paid.
- C. All such applications shall be accompanied by an agreement signed by the applicant specifically agreeing to pay the aforesaid additional project review fees as determined by the Commission. Such agreement shall state the conditions imposed and the obligations of the applicant.
- D. The applicant shall maintain on deposit with the Commission an amount of money estimated to be sufficient to cover the said consultant expenses. The Commission may revise such estimate from time-to-time, and thereupon require additional sums to be deposited to cover such fees. Said agreement shall be signed and initial estimated fees shall be deposited prior to the consultant’s review of the application.
- E. No application will be considered complete until such fee or fees have been paid and such agreement has been submitted.
- F. Fees shall be payable in cash, check or money order. Checks or money orders shall be made payable to the Town of Salem.
- G. Fees shall be placed in a fund named for the application.
- H. Upon completion of the consultant’s review and final action on the application by the Commission, the Commission or its staff shall determine the costs incurred for the consultant review and refund the excess funds to the applicant.
- I. If an applicant withdraws an application, the applicant shall be responsible for the consultant review fees incurred up until the date when the applicant has submitted a written notice of withdrawal to the Commission’s Administrative Assistant.

Fees for Inspections.

Upon approval of an application for site plan (pursuant to Section 11A of the Salem Zoning Regulations), Special Exception (pursuant to Section 11 of the Salem Zoning Regulations), subdivisions resulting in five (5) or more additional building lots, and resubdivisions resulting in five (5) or more additional building lots, by two-thirds (2/3) vote of the entire Commission, the Commission may require the permittee to pay the costs associated with monitoring compliance with permit conditions or Commission orders.

Administration.

- A. The expenses shall be paid by the permittee on an actual and reasonable cost basis.
- B. The fee shall be determined by the Commission and included in an agreement signed by the permittee specifically agreeing to pay the aforesaid fees. Such agreement shall state the conditions imposed and the obligations of the permittee. Said agreement shall be signed and such estimated fees shall be deposited prior to the beginning of construction.
- C. The permittee shall maintain on deposit with the Commission an amount of money estimated to be sufficient to cover the said consultant expenses. The Commission may revise such estimate from time-to-time, and thereupon require additional sums to be deposited to cover such fees. Fees shall be payable in cash, check or money order. Checks or money orders shall be made payable to the Town of Salem.
- D. Fees shall be placed in a fund named for the project.
- E. Upon completion of project construction, the Commission or its staff shall determine the costs incurred for the consultant review and refund the excess funds to the permittee.
- F. A Certificate of Occupancy shall not be issued until the permittee has reimbursed said expenses.

This Ordinance shall become effective thirty (30) days after publication in a newspaper having circulation in the Town.

Adopted at Annual Town Meeting: May 1, 2002.

Town of Salem, Records and Minutes; Volume 5; Page 118.

**AN ORDINANCE PERTAINING TO FOOD SERVICE
SANITATION AND SETTING LICENSE REQUIREMENTS, FEES
FOR SAME AND PENALTIES FOR VIOLATIONS**

PURSUANT TO SECTION 19a-26a OF THE GENERAL STATUTES OF THE STATE OF CONNECTICUT, BE IT ORDAINED BY THE DIRECTOR OF HEALTH, TOWN OF SALEM, THAT:

SECTION 1. DEFINITION:

“Food service establishment” means any place where food that is intended for individual service and consumption is provided. The term includes any such place regardless of whether there is a charge for the food. The term does not include a private home where food is prepared for individual family consumption and it does not include the location of food vending machines.

SECTION 2. LICENSE:

No person shall operate a food service establishment who does not have a valid license issued to him by the Director of Health. Only a person who complies with the requirements of this Ordinance and the Public health Code of the State of Connecticut shall be entitled to receive or retain such a license. Licenses are not transferable. A valid license shall be posted in every food service establishment. Licenses for temporary food service establishments shall be issued for a period of time not to exceed fourteen (14) consecutive days.

SECTION 3. ISSUANCE OF LICENSES:

- a) Any person desiring to operate a food service establishment shall make written application for a license on forms provided by the Director of Health. Such application shall include the name and address of each applicant, the location and type of the proposed food service establishment and the signature of each applicant. It shall also include the date of the proposed application.
- b) Prior to approval of an application for a license, the Director of Health or his authorized agent shall inspect the proposed food service establishment to determine compliance with the provisions of this Ordinance and the Public health Code of the State of Connecticut.
- c) The Director of Health shall issue a license to the applicant if the inspection reveals that the proposed food service establishment complies with the requirements of this Ordinance and the Public Health Code of the State of Connecticut.
- d)

SECTION 4. ESTABLISHMENT OF CLASSES AND FEES:

There shall be a non-refundable ten dollar (\$10.00) initial application fee for any Food Service License.

The following special classes of food service establishments and annual permit fees are adopted:

- | | |
|--|-----------|
| a) Food service establishment with a seating capacity of one (10) to forty-nine (49) persons | \$ 150.00 |
| b) Food service establishment with a seating capacity of fifty (50) to one hundred (100) persons | \$ 200.00 |
| c) Food service establishment with a seating capacity of one hundred and one plus (101+) persons | \$ 225.00 |
| d) Convenience store, take out service, bakery, grocery store, deli | \$ 125.00 |
| e) Itinerant food vendors and caterers | \$ 80.00 |
| f) Seasonal food establishments | \$ 75.00 |
| g) Temporary food establishments (maximum of fourteen (14) days | \$ 50.00 |
| h) Nonprofit social, fraternal and recreational organizations with permanent kitchen facilities | \$ 50.00 |
| i) Public schools, churches, synagogues, and community service organizations | \$ 1.00 |

SECTION 5. EXPIRATION OF PERMANENT LICENSES:

All licenses shall expire on January 1 and may be renewed for another year upon application and payment of the annual fee. There will be no administrative charge for a renewal application. Renewal applications will be routinely accepted and processed in the month of December.

SECTION 6. SUSPENSION OF LICENSES:

- a) The Director of Health may, without prior warning, notice or hearing, suspend any license to operate a food service establishment if the license holder does not comply with the requirements of this Ordinance, or the Public Health Code of the State of Connecticut, or if the operation of the establishment does not comply with the requirements of this Ordinance or the Public health Code of the State of Connecticut, or if the operation of the food service establishment otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice as required by Section 8. When a license is suspended, food service operations shall immediately cease. Whenever a license is suspended, the license holder shall be afforded an opportunity for an appeal within ten (10) days of the receipt of the suspension.

- b) Whenever a license is suspended or revoked, the license holder or person in charge shall be notified in writing that the license is, upon service of the notice immediately suspended, and that an opportunity for an appeal is provided if a written request for an appeal is filed with the Director of Health by the license holder within forty-eight (48) hours. If no request is filed within forty-eight (48) hours, the suspension becomes final. The Director of Health may end the suspension at any time if reasons for suspension no longer exist.

SECTION 7. REVOCAION OF LICENSES:

The Director of Health may, after providing an opportunity for an appeal, revoke a license for serious or repeated violations of any of the requirements of this Ordinance or the Public Health Code of the State of Connecticut, or for interference with the Director of Health or his authorized agent in the performance of their duties. Prior to revocation, the Director of Health shall notify the license holder or person in charge, in writing, of the reasons for which the license is subject to revocation, and that the license shall be revoked at the end of ten (10) days following service of such notice unless a request for an appeal is filed with the Director of Health by the license holder within forty-eight (48) hours. If no request for an appeal is filed within forty-eight (48) hours, the revocation of the license becomes final.

SECTION 8. SERVICE OF NOTICES:

A notice provided for in this Ordinance is properly served when it is delivered to the license holder or person in charge or when it is sent by registered or certified mail, return receipt requested, to the last known address of the license holder. A copy of any notice shall be filed in the records of the Director of Health.

SECTION 9. HEARINGS:

The appeals provided for in this Ordinance shall be conducted by the Director of Health at a time and place designated by the Director of Health. Based upon the recorded evidence of such appeal, the Director of Health shall make a final finding, and may vacate, modify or affirm any notice or order considered in the appeal. A written report of the appeal decision shall be furnished to the license holder by the Director of Health.

SECTION 10. REAPPLICATION:

Whenever a suspension or revocation of a license has become final, the holder of the suspended or revoked license may make written application for reinstatement of the license or for a new license, as provided for in Section 3, after the expiration of sixty (60) days. No administrative application fee will be charged for a requested reinstatement of a suspended license, but an application fee of ten dollars (\$10.00) will be required when applying to be licenses again following the loss of a license.

SECTION 11. SUBMISSION OF PLANS:

Whenever a food service establishment is constructed or remodeled, and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, remodeling or alteration shall be submitted to the Director of Health or his authorized agent for review and approval before construction, remodeling or alteration is begun. The plans and specifications shall indicate the proposed layout and the type and model of proposed fixed equipment and sanitary facilities. The Director of Health or his authorized agent shall approve the plans and specifications if they meet the requirements of this Ordinance and the Public Health Code of the State of Connecticut. No food service establishment shall be constructed, remodeled or altered except in accordance with plans and specifications approved by the Director of Health or his authorized agent.

SECTION 12. PRE-OPERATIONAL INSPECTION:

Whenever plans and specifications are required by Section 11 of this Ordinance to be submitted to the Director of Health or his authorized agent, the Director of Health or his authorized agent shall inspect the food service establishment prior to its beginning operation to determine compliance with the approved plans and specifications and with the requirements of this Ordinance and the Public Health Code of the State of Connecticut.

SECTION 13. EXAMINATION AND CONDEMNATION OF FOOD:

General: Food may be examined or sampled by the Director of Health as often as necessary for enforcement of this Ordinance or the Public Health Code of the State of Connecticut. The Director of Health may, upon written notice to the owner or person in charge specifying with particularity the reasons therefore, place a hold order on any food which he believes is in violation of the Public health Code of the State of Connecticut or any section of this Ordinance. The Director of Health or his authorized agent shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall

be used, served, or moved from the establishment. The Director of Health shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The holder shall state that a request for hearing may be filed with the Director of Health within forty-eight (48) hours and that if no hearing is requested, the food shall be destroyed. A hearing shall be held if so requested, and on the basis of evidence produced at that hearing, the hold order may be vacated or the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this Ordinance or the Public Health Code of the State of Connecticut.

SECTION 14. FOOD SERVICE ESTABLISHMENTS OUTSIDE THE JURISDICTION OF THE TOWN OF SALEM

Food from food service establishments outside the jurisdiction of the Director of Health of the Town of Salem may be sold within the Town of Salem if such food service establishment conforms to the provisions of this Ordinance or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Director of Health may accept reports from responsible authorities in other jurisdictions where such food service establishments are located.

SECTION 15. PENALTIES OTHER THAN SUSPENSION AND REVOCATION OF LICENSES:

Any person who shall violate any of the provisions of this Ordinance and/or the Public Health Code of the State of Connecticut shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00). In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

SECTION 16. REPEAL AND DATE OF EFFECT:

This Ordinance shall be in full force and effect thirty (30) days after its adoption and publication as provided by law and, at that time, all Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 17. UNCONSTITUTIONALITY:

Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional for any reason, the remainder of said Ordinance shall not be affected thereby.

Adopted at Special Town Meeting: January 11, 1984.
Town of Salem, Records and Minutes; Book 4; Pages 40, 41.

Amended at Special Town Meeting: September 16, 1998.
Town of Salem Record and Minutes; Book 5; Pages 43, 44, 45, 46.

ROADS, DRIVEWAYS, & RESIDENTIAL

RESIDENTIAL DRIVEWAY ORDINANCE FOR THE TOWN OF SALEM

PURPOSE:

It is the purpose of this Ordinance to regulate the construction of residential driveways in the Town of Salem in order to provide safe and structurally adequate access to properties from public roads. Driveways that access State roads must also meet State requirements. All commercial driveways must comply with the applicable current zoning regulations.

PROCEDURE:

1. No person shall construct a new residential driveway or relocate an existing residential driveway leading onto a public road in Salem without first obtaining a written Driveway Construction Permit from the Director of Public Works or the First selectman of the Town of Salem.
2. No building permit(s) for projects that include construction of residential driveways shall be issued until a Salem Driveway Construction Permit has been issued.
3. No Certificate of Occupancy for projects that include construction of residential driveways shall be issued until the Director of Public Works or the First Selectman of the Town of Salem issues a final approval of the driveway installation or a bond has been posted in accordance with Procedure #5 (below).
4. Application for a Driveway Construction Permit shall be made to the Director of Public Works or the First Selectman and shall include a sketch of the lot and a plan showing the proposed location and dimensions of the residential driveway, public road right-of-way and existing pavement boundaries. In order to adequately evaluate the safety of the proposed residential driveway, other information may be required as stipulated by the Director of Public Works or the First Selectman. The application shall include a fee of twenty-five dollars (\$25.00).
5. During the months where required materials cannot be procured (generally November through March), a two thousand dollar (\$2,000.00) cash or passbook bond shall be posted until the Director of Public Works or the First Selectman

of the Town of Salem issues a final approval of the residential driveway installation.

STANDARDS:

1. In no case shall a residential driveway grade exceed five percent (5%) of the first thirty (30) feet extending in from a public road. No residential driveway shall have a grade greater than fifteen percent (15%) at any point.
2. Residential driveways shall be paved for a minimum of fifteen (15) feet from the edge of a public road into the property, in accordance with “Typical Treatment of Driveway” detail drawings.
3. All residential driveways shall be a minimum of twenty-four (24) feet wide at the edge of the public road and shall taper to a minimum of twelve (12) feet wide at twenty-two (22) feet into the property, which shall be cleared of all obstructions for an additional three (3) feet on either side. Residential driveway width shall not be less than twelve (12) feet throughout its length. Other configurations may be required by the Director of Public Works or the First Selectman to address special sites.
4. Residential driveways shall intersect public roads at an angle of approximately ninety (90) degrees, but not less than sixty (60) degrees.
5. Residential driveways shall be accessible to emergency vehicles. Obstructions shall be cleared throughout the width and length of the driveway to a height of twelve (12) feet. At no point in a driveway shall the radius of curvature be less than fifty (50) feet.
6. As a minimum, paved residential driveway cross-sections shall consist of a compacted six (6) inch base of bank run gravel that meets all requirements of CONNDOT gradation A and a two (2) inch finish course of broken or crushed stone, or equal.
7. All residential driveways that include sections with grades of ten percent (10%) or greater, and all sections adjacent to these sections with grades of five percent (5%) or greater, shall consist of a compacted six (6) inch base of bank run gravel that meets all requirements of CONNDOT gradation A, and a two (2) inch finish course of class 2 bituminous concrete.
8. A clear line-of-sight distance of two hundred (200) feet measured five (5) feet back from the edge of road pavement shall be provided at the intersection of a residential driveway and the public road. Greater distances may be required by the Director of Public Works or the First Selectman.
9. Driveways shall be designed, to the satisfaction of the Director of Public Works or the First Selectman, to ensure that water does not flow from the driveway onto the road pavement or from the road pavement onto the driveway.

WAIVERS:

Applications to waive any of the provisions of this ordinance must be submitted in writing to the First Selectman, who may waive provisions at his sole discretion.

MODIFICATIONS:

The Board of Selectmen may make necessary modifications to the standards in this Ordinance.

Adopted at Special Town Meeting: September 18, 2002.

Town of Salem, Records and Minutes; Volume 5; Page 138-140

**AN ORDINANCE REGULATING EXCAVATIONS, CUTS, FILL,
AND CHANGE OF GRADE IN PUBLIC HIGHWAYS**

Be it ordained by the legal voters of the Town of Salem, Connecticut, in Town Meeting assembled:

Section 1:

- (a) No person shall excavate in, fill, cut or change the grade of or cause any excavation, fill, cut or change of grade to be made of any highway or street maintained by the Town of Salem without first having obtained a permit to do so from the First Selectman of the Town of Salem.
- (b) No permit to excavate, fill, cut or change the grade of any such highway or street shall be granted to any person until he shall have filed with the First Selectman an application for such permit, which application shall be accompanied by a description of the location, extent and time during which such is proposed to be performed and with such Bond, assurance, plan, and insurance for the restoration of such highway or street as to good condition as it was before such excavation, fill, cut or change of grade, as may be required and shall be satisfactory to and be approved by the First Selectman.
- (c) As used herein, highway or street shall include any portion of the entire width of the right-of-way, including the traveled portion, the shoulders or any unimproved or undeveloped portion of the highway or street.
- (d) This Ordinance shall not apply to work being done by or on behalf of the Town of Salem.
- (e) Any person who shall violate this Ordinance may be fined not more than one hundred dollars (\$100.00) a day for each day that a violation shall exist.

Section 2: This Ordinance shall become effective fifteen (15) days after its publication in a newspaper having a circulation in the Town of Salem.

Adopted at Annual Town Meeting: October 6, 1976.
Town of Salem, records and Minutes; Volume 3; Page 197.

ORDINANCE TO ESTABLISH FIRE LANES WHERE NEEDED

WHEREAS, in the Town of Salem it is essential that fire fighting equipment respond to alarms without obstruction, danger or inconvenience caused by parked vehicles,

BE IT RESOLVED, that the Fire Marshal of the Town of Salem shall have the authority to designate fire lanes, in accordance with the provisions of the State Fire Safety Code, that the owner(s) of property benefited by the establishment of fire lanes shall be required to mark the lanes in a manner acceptable to the Fire Marshal, and that parking shall be prohibited within designated fire lanes; and

BE IT FURTHER RESOLVED, if any vehicles are parked in designated fire lanes, the owners of said vehicles shall forfeit and pay for the use of the Town of Salem a fine of twenty-five dollars (\$25.00) to be recovered by an action on this Ordinance brought in the name of the Treasurer of the Town.

In addition, any vehicle parked in designated fire lanes, in violation of this Ordinance, may be towed away by the Town of Salem at the vehicle owner's expense.

Adopted at Adjourned Town Meeting: March 12, 1980.
Town of Salem, Records and Minutes; Book 3; Page 294

ORDINANCE TO DISCONTINUE RIGHTS GOVERNOR'S ROAD

Motion to abandon and discontinue any rights that the Town of Salem may have of all of that road formally known as Governor's Road and lying north of the northerly highway line of Morgan Road and west of the westerly highway line of Connecticut Route 85.

Adopted at Town Meeting: January 11, 1984.

Town of Salem, Records and Minutes; Book 4; Page 41.

HOUSE NUMBERING ORDINANCE

WHEREAS, it would be beneficial to establish an orderly method of assigning street and highway addresses in the Town of Salem to assist the Town in proper and useful planning, to promote public safety and convenience and to ease and speed essential emergency services, the Town of Salem hereby adopts the following Ordinance:

The House Numbering System, as shown on a set of maps labeled as "House Numbering Maps" and on file in the Office of the Assessor, is hereby adopted as the House Numbering System of the Town of Salem.

Furthermore, to ensure that the House Numbering System of the Town of Salem is correct and understandable and there is no confusion in street and highway names, the following streets and highways shall be official recognized by the names indicated herein:

- Route 82 will be known as East Haddam Road to the west of the Four Corners and as Norwich Road to the east of the Four Corners.
- Route 85 will be known as Hartford Road north of the Four Corners and as New London Road to the south of the Four Corners.
- Route 354 will be known as Old Colchester Road.

Properties on all streets and highways within the Town of Salem have been numbered, regardless of whether or not they are on Town accepted roads. This has been done only for consistency and convenience in the numbering process and shall not be interpreted as acceptance of any street or highway by the Town, nor as acknowledgement of any particular property as a building lot or subdivision lot.

The Assessor shall utilize the “House Numbering Maps” to assign numbers to those buildings, parts of buildings and undeveloped parcels now in existence and to buildings hereafter erected, and parcels hereafter created which front on streets and highways in the Town of Salem, and a record of those number assignments shall be kept in the Office of the Assessor. Notification of the number assignment shall be made to all property owners or occupants.

Each owner or occupant of a numbered building shall affix, in a conspicuous place, either on the building or on a mailbox or other object on the property, the number that will identify the address as assigned by the House Numbering System. The numbers must be visible and readable from the street or highway and shall be no smaller than three (3) inches if displayed on a building or object set back behind the front building setback line.

Each owner or occupant of a numbered building shall be required to affix the assigned number within ninety (90) days of the receipt of the notice of assignment of the number. Failure to do so shall be considered a violation of this Ordinance and punishable by a fine of not less than one dollar (\$1.00) nor more than twenty dollars (\$20.00) per day for each offense.

Whenever a driveway leading to a house or building is off a common driveway, the owner or occupant of the numbered house/building shall affix and maintain, in a conspicuous place at the interconnection of the individual driveway with the common driveway, the number that will identify the address as that assigned by the House Numbering System.

Approved at Town Meeting: July 24, 1985.
Town of Salem, Records and Minutes; Book 4; Pages 66, 67.

Approved at Town Meeting: February 13, 2008.
Town of Salem, Records and Minutes: Book 6, Pages 243, 244.

ORDINANCE RELATING TO THE DEPOSITING OF SNOW AND ICE ON TOWN ROADS

No owner of real property within the Town of Salem shall deposit, or cause or allow to be deposited any snow or ice upon any town property or right of way in such a manner as to interfere with proper operation of any storm drainage system, or upon the traveled portion of any town road. For purposes of this Ordinance, "traveled portion" shall mean that area of any town road from which ice and snow have been plowed by the Town of Salem, its employees or agents.

Any person who violates any portion of this Ordinance shall pay a fine of one hundred dollars (\$100.00) for each violation and shall pay and hold the town harmless for any actual damages suffered by the Town as a result of such violation(s).

Adopted at Special Town Meeting: September 21, 1994.
Town of Salem, Records and Minutes; Volume 4; Page 261.

ORDINANCE AUTHORIZING TAX EXEMPTIONS FOR SOLAR HEATING OR COOLING SYSTEMS AND FOR SOLAR ENERGY ELECTRICITY GENERATING SYSTEMS

Be it ordained by the legal voters of the Town of Salem, Connecticut, in Town Meeting Assembled, that pursuant to Public Act No. 77-490, January Session, 1977, tax exemptions provided in subsections 56 and 57 of Section 12-81 of the General Statutes are authorized as follows:

Section 1. Tax exemptions are authorized for any building, the construction of which is commenced on or after October 1, 1976, and before October 1, 1991, which is equipped with a solar energy heating or cooling system, or any building to which a solar energy heating or cooling system is added on after October 1, 1976, and before October 1, 1991, to the extent of the

amount by which the assessed valuation of such real property equipped with such solar heating or cooling system exceeds the assessed valuation of such real property equipped with the conventional portion of the heating or cooling system, exclusive of any portion of such system to solar energy, provided this exemption shall only apply to the first fifteen (15) assessment years following construction of such building or addition of any such system to a building.

Section 2. Tax exemptions are authorized for any solar energy electricity generating system installed for the generation of electricity for private residential use, provided such installation occurs on or after October 1, 1977, and before October 1, 1991. This exemption shall only be applicable in the first fifteen (15) assessment years following the installation of such systems.

Section 3. This Ordinance shall become effective fifteen (15) days after its publication in a newspaper having a circulation in the Town of Salem.

Adopted at Annual Town Meeting: October 5, 1997.
Town of Salem, Records and Minutes; Volume 3, Page 219.

**AMENDMENT TO ORDINANCE AUTHORIZING TAX
EXEMPTIONS FOR SOLAR HEATING OR COOLING SYSTEMS
AND FOR SOLAR ENERGY ELECTRICITY GENERATING
SYSTEMS**

Be it ordained by the legal voters of the Town of Salem, Connecticut, in Town Meeting Assembled, that pursuant to Public Act No. 98-28, passed in February, 1988, tax exemptions provided in subsection 57 of Connecticut General Statute 12-81 are authorized as follows:

Section 4. Tax exemptions are authorized for any building, the construction of which commenced on or after October 1, 1977, which is equipped with a solar energy heating or cooling system, or any building to which a solar energy heating or cooling system is added on or after October 1, 1977, to the extent of the amount by which the assessed valuation of such real property equipped with such solar heating or cooling system exceeds the assessed valuation of such real property equipped with the conventional portion of the heating or cooling system, exclusive of any portion of such system to solar energy.

Section 5. Tax exemptions are authorized for any solar energy electricity generating system installed for the generation of electricity for private residential use, provided such installation occurs on or after October 1, 1977.

Section 6. This Ordinance shall become effective fifteen (15) days after its publication in a newspaper having a circulation in the Town of Salem.

Adopted at Special Town Meeting: September 16, 1998.
Town of Salem, Records and Minutes; Volume 5, Page 45.

ORDINANCE TO LICENSE AND REGULATE SINGLE PARKED TRAILERS LOCATED OFF THE PUBLIC HIGHWAY

The purpose of this Ordinance is to promote the health, sanitation and welfare of the Town of Salem, to reduce fire hazards and to mitigate congestion and the influx of transients which would increase the burden of educational and other facilities.

SECTION I. DEFINITIONS:

HEALTH OFFICER shall mean the legally designated health authority of the Town of Salem or his authorized representative.

LICENSE shall mean a written license issues by the Board of Selectmen, or their authorized representative, permitting a trailer coach to be parked or located off the public highways in the Town of Salem.

TRAILER COACH shall mean any vehicle used or so constructed as to permit its use not only as a conveyance upon the public streets or highways, but as a dwelling and sleeping place occupied by one (1) or more persons, whether such vehicle is designated as a trailer, trailer coach or mobile home. Herein the term "trailer" will be used for brevity as designating trailer coaches and mobile homes interchangeably.

DEPENDENT TRAILER shall mean a trailer, which does not have a toilet and bathtub or shower.

INDEPENDENT TRAIL shall mean a trailer, which has a toilet and bathtub or shower.

SINGLE TRAILER SPACE shall mean a space on which a single trailer is accommodated on one parcel of real estate.

OCCUPY, when applied to trailers, shall mean occupy for sleeping and dwelling purposes.

The pronoun, HE, when used in opposition to a licensee, owner or applicant, shall include persons of both sexes or corporations.

SECTION II. PARKING OF SINGLE TRAILERS:

- A) On or after December 1, 1959, no person, firm or corporation shall park a trailer off the public highways within the limits of the Town of Salem for more than thirty (30) days except in a licensed Trailer Camp, or in compliance with this Ordinance.
- B) Any individual who owns a trailer may park it and occupy it only in conformity with this Ordinance.
- C) Such individual shall apply to the Board of Selectmen for a license for single parking through a written application signed by the applicant and accompanied by an affidavit as to the truth of the statements contained therein. Such application shall set forth the following:
 - 1) Name and address of applicant.
 - 2) Ownership, make, model, serial number, and motor vehicle registration number of the trailer.
 - 3) Description of the plot of land upon which the applicant intends to park such trailer, its location, area, and the name of the owner and his relationship to the applicant.
 - 4) The sewage disposal arrangements; provided or to be provided.
 - 5) The water supply arrangements; provided or to be provided.
 - 6) Whether the trailer is dependent or independent.
 - 7) The number of occupants of the trailer.
- D) Such application shall be filed in the Office of the Town Clerk for processing together with a deposit of \$50.00, which, upon approval of the application, shall become the license fee.
- E) The Board of Selectmen shall approve or disapprove such application within thirty (30) days after the date of filing. No approval of an application shall be granted until the Health Officer has inspected the site, examined the sanitation plans and facilities, and approved the granting of such license.
- F) No single trailer shall be parked for occupancy in the Town of Salem and no application shall be approved and no license issued unless:
 - 1) The plot upon which it is parked shall not be less than one (1) acre in area with a frontage of not less than one hundred and fifty (150) feet on the public highway.
 - 2) An area immediately surrounding the trailer shall be free from heavy and dense growth of brush or other growth constituting a fire hazard.
 - 3) The trailer space shall be provided with a sewage disposal outlet conforming to the State Sanitary Code and to the Town Ordinance regulating trailer camps.
 - 4) The trailer space shall be supplied with an adequate supply of potable water for all the occupants of the trailer together with a water connection for the trailer.
 - 5) The storage and disposal of garbage and refuse shall conform to the State Sanitary Code and to the Ordinance regulating trailer camps. Garbage and refuse shall be kept in a fly-tight,

watertight, rodent proof container and shall be disposed of at intervals frequent enough so that an unsanitary condition will not be created.

6) The trailer is parked more than twenty-five (25) feet distant from any public highway or fifty (50) feet from any other dwelling.

G) If the Board of Selectmen shall approve the application, a license shall be issued.

H)

SECTION III. TAXATION OF SINGLE TRAILERS:

Any single trailer licensed for parking as provided in Section II of this Ordinance shall be assessed for taxation purposes as part of the real estate of the plot owner. The license fee provided in Section II may be credited against the property tax levied on the trailer when the tax becomes due for the first taxing period, provided that if the tax is less than the license fee, no refund shall be payable.

SECTION IV. EXEMPTION:

The provisions of this Ordinance shall not apply to any owner-occupant of a single trailer already parked off the public highway in the Town of Salem at the time this Ordinance takes effect, whether occupying the trailer in its original or a subsequent trailer space, or occupying a replacement thereof on the original trailer space, if such replacement is made by the owner-occupant within thirty (30) days of sale.

SECTION V. PENALTIES:

Any person found guilty of violating this Ordinance or any provision thereof, shall be deemed guilty of a misdemeanor and shall be fined not more than \$5.00, and each day such violation exists shall constitute a separate offense and shall be punished as such hereunder. In addition to such penalties, the Board of Selectmen shall be authorized to revoke or suspend any license whenever he licensee has violated any provision of this Ordinance or the regulations thereunder. The Board may on such conditions as may be just, restore any license when the violation is remedied and compliance resumed.

SECTION VI. INSPECTIONS:

The Health Officer or his deputy and the Fire Marshal or his deputy shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance or of regulations promulgated thereunder.

SECTION VII. ADOPTION OF REGULATIONS:

The Board of Selectmen are hereby authorized to make and to adopt such written regulations as may be necessary for the proper enforcement of the provisions of this

Ordinance, provided that such regulations shall not be in conflict with the provisions of the Ordinance. Such regulations shall have the same force and effect as the provisions of this Ordinance and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this Ordinance as above provided.

SECTION VIII. ELECTRICITY:

If a trailer uses electricity, it is recommended that the installation shall comply with the National Electrical Code of the National Board of Fire Underwriters and that all electrical outlets outside the trailer shall be weatherproof.

SECTION IX. FIRE PROTECTION:

Every single trailer space shall be kept free of flammable material at all times and shall be equipped with one (1) or more portable fire extinguishers maintained in good repair for use in fighting fires. Fires shall be made in stoves or other equipment designated for that purpose and in incinerators when otherwise permissible.

SECTION X. FUEL:

Liquefied petroleum gas for cooking purposes shall not be used at any trailer space unless the containers are properly connected by copper or other suitable metallic tubing. Liquefied petroleum cylinders shall be securely fastened in place and adequately protected from the weather. No cylinder containing liquefied petroleum gas shall be located in any trailer nor within five (5) feet of the door thereof.

SECTION XI. LICENSES NOT TRANSFERABLE:

No license granted hereunder shall be transferable. Every person holding such license shall within five (5) days of selling, transferring or otherwise disposing of a trailer, file a written notice thereof with the Town Clerk designating the name and address of the transferee of the trailer.

SECTION XII. VALIDITY:

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be severable.

Adopted at Town Meeting: October 24, 1959. Effective: December 1, 1959.
Town of Salem, Records and Minutes; Volume 2; Pages 178, 193.

AMENDMENT TO ORDINANCE TO LICENSE AND REGULATE SINGLE PARKED TRAILERS LOCATED OFF THE PUBLIC HIGHWAY

Be it enacted by the voters of Salem in Town Meeting assembled:

The Ordinance entitled “Ordinance to License and Regulate Single Parked Trailers Located off the Public Highway” adopted October 24, 1959 is hereby amended to read as follows:

The purpose of this Ordinance is to promote the health, sanitation and welfare of the Town of Salem, to reduce fire hazards, to mitigate congestion, and to promote equitable distribution of the burden of supporting town services as between occupants of trailers and of permanent dwellings.

SECTION I. DEFINITION:

As used in this Ordinance, the word TRAILER shall be deemed to be any vehicle, whether designated a trailer coach, mobile home, camper or otherwise, and whether or not placed on a foundation which is used, or so constructed as to permit its use, as sleeping or living quarters, which is or may be mounted on wheels and which is or may be propelled either by its own power or by another power-driven vehicle to which it may be attached.

SECTION II. PARKING OF SINGLE TRAILERS:

- A) After the effective date of this amendment, no person, firm or corporation shall park a trailer, or permit a trailer to be parked, or occupy a parked trailer, off the public highways within the limits of the Town of Salem without having obtained a permit therefor.
- B) Such trailer permit shall be issued in the name of the Town of Salem by the Enforcement Officer of the Planning and zoning Commission.
- C) The owner of the trailer and the owner of the land on which the trailer is to be parked, if different therefrom, shall apply to the Enforcement Officer of the Planning and Zoning Commission for such trailer permit through a written application. Such application shall be accepted by the
- D) Enforcement Officer only when made in conjunction with an application for a Zoning Building Permit for a detached dwelling, in accordance with the Zoning Regulations of the Planning and Zoning Commission or when made for a renewal of a trailer permit granted prior to the effective date of this amendment. Such application shall set forth the following:
 - 1) Name and address of the owner of the trailer and the owner of the land on which the trailer is to be parked.

- 2) Name and address of the proposed occupant of the trailer, if not the applicant, and his relationship to the applicant or applicants.
 - 3) Description of the trailer including make, model, serial number, and motor vehicle registration number, if any.
 - 4) Description of the plot of land upon which the applicant intends to park such trailer including the former owner of the land, its location and area.
 - 5) The water supply provided or to be provided.
 - 6) The sewage disposal system provided or to be provided.
 - 7) The number of persons to use the water supply and sewage disposal system.
- E) Such application shall be filed in the Office of the Town Clerk for processing together with a deposit of the permit fee, which, upon the disapproval of the application shall be returned to the applicant.
- F) The Enforcement Officer shall approve or disapprove such application within thirty (30) days after the date of filing.
- G) No application shall be approved and no trailer permit issued unless all requirements for a Zoning Building Permit are met with respect to the trailer.
- H) If the Enforcement Officer shall approve the application, he shall issue a permit.
- D) The fee for any trailer permit or the renewal thereof, including the renewal of a permit issued prior to the effective date of this amendment, shall be \$200.00, but an owner-occupant of a trailer who has paid property taxes to the Town of Salem during the twelve (12) months next before his application for a permit or renewal thereof under this section, or who is entitled to a tax exemption, shall have the fee remitted to the extent of such taxes paid or exempted, and the Selectmen may abate the fee of any person whose taxes they may, by law, abate.
- J) All trailer permits issued prior to the effective date of this amendment shall expire as of such date. Renewal of such permits shall be valid for one (1) year and they may be renewed from year to year in case of continuous ownership of a trailer or replacement thereof, provided no permit shall be renewed for a trailer whose enclosed living space has been added to or expanded during the previous year.
- K) All trailer permits issued subsequent to the effective date of this amendment shall expire one (1) year after date of issue. Renewal of such permits, whether upon their expiration or subsequently, shall be valid for only six (6) months and only one (1) such renewal shall be granted except that upon completion, to the satisfaction of the Enforcement Officer, of sixty percent (60%) of the dwelling for which a Building Permit was issued in conjunction with the trailer permit, one (1) additional renewal for six (6) months without additional fee shall be granted.

SECTION III. TAXATION OF SINGLE TRAILERS:

Any single trailer licensed for parking as provided in Section II of this Ordinance shall be assessed for taxation purposes as part of the real estate of the plot owner.

SECTION IV. EXEMPTIONS:

The provisions of this Ordinance shall not apply to a trailer used as an office at the site of a building under construction, nor to an unoccupied trailer, nor to a trailer parked in a licensed seasonal trailer camp, nor to a trailer parked by a transient visitor of a resident of Salem for not more than thirty (30) days, nor to an owner-occupant of a trailer parked in the Town of Salem on or before December 1, 1959, whether occupying the trailer in its original or a subsequent trailer space, or occupying a replacement thereof on the original trailer space, if such replacement is made by the owner-occupant within thirty (30) days of sale.

SECTION V. PENALTIES:

Any person found guilty of violating this Ordinance or any provision thereof, shall be deemed guilty of a misdemeanor and shall be fined not more than \$5.00, and each day such violation exists shall constitute a separate offense and shall be punished as such hereunder. In addition to such penalties, the Enforcement Officer, with the approval of the Planning and Zoning Commission, shall be authorized to revoke or suspend any license whenever he licensee has violated any provision of this Ordinance or the regulations thereunder. The Enforcement Officer, with the approval of the Planning and Zoning Commission, may on such conditions as may be just, restore any license when the violation is remedied and compliance resumed.

SECTION VI. INSPECTIONS:

The Health Officer or his deputy and the Fire Marshal or his deputy shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance or of regulations promulgated thereunder.

SECTION VII. REGULATIONS AND APPEALS:

The Planning and Zoning Commission is hereby authorized to incorporate any of the provisions of this Ordinance in the Zoning Regulations and to adopt such additional Zoning Regulations as may be necessary and proper for their enforcement, provided that such additional regulations shall not be in conflict with the provisions of this Ordinance. Appeals from any action or failure to act on the part of the Enforcement Officer or of the Planning and Zoning Commission may be taken to the Zoning Board of Appeals in the same manner as appeals under the Zoning Regulations.

SECTION VIII. ELECTRICITY:

If a trailer uses electricity, any permit is granted on the condition that the installation shall comply with the National Electrical Code of the National Board of Fire Underwriters and that all electrical outlets outside the trailer shall be weatherproof.

SECTION IX. FIRE PROTECTION:

Every single trailer space shall be kept free of flammable material at all times and shall be equipped with one (1) or more portable fire extinguishers maintained in good repair for use in fighting fires. Fires shall be made in stoves or other equipment designated for that purpose and in incinerators when otherwise permissible.

SECTION X. FUEL:

Liquefied petroleum gas for cooking purposes shall not be used at any trailer space unless the containers are properly connected by copper or other suitable metallic tubing. Liquefied petroleum cylinders shall be securely fastened in place and adequately protected from the weather. No cylinder containing liquefied petroleum gas shall be located in any trailer nor within five (5) feet of the door thereof.

SECTION XI. PERMITS NOT TRANSFERABLE:

No PERMIT granted hereunder shall be transferable. Every person holding such permit shall within five (5) days of selling, transferring or otherwise disposing of a trailer, file a written notice thereof with the Town Clerk designating the name and address of the transferee of the trailer.

SECTION XII. VALIDITY:

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be severable.

Adopted at Special Town Meeting: May 3, 1969.
Town of Salem, Records and Minutes; Volume 3; Pages 47, 48.

ORDINANCE TO REGULATE PARKED TRAILERS IN TRAILER CAMPS

The purpose of this Ordinance is to insure the protection of the health, peace and welfare of the residents of the Town of Salem.

SECTION I.

As used in this Ordinance, the following words shall have the following respective definitions:

“Trailer” shall be deemed to be any vehicles which is used as sleeping or living quarters, which is or may be mounted on wheels, and is or may be propelled either by its own power or by another power-driven vehicle to which it may be attached.

“Trailer Camp” shall be deemed to be any lot or parcel of land which is used or permitted to be used for the parking of two (2) or more trailers occupied by separate family units.

“Trailer Plot” shall be deemed to be that section of ground in a trailer camp used or designed for use as a location for a single automobile and trailer or a single house car.

“Permittee” shall be deemed to apply to any person, firm or corporation receiving a permit to conduct or maintain a trailer camp.

SECTION II.

On or after January 1, 1954, no person, firm, or corporation shall establish, maintain, conduct, or operate any trailer camp within the limits of the Town of Salem without first having obtained a permit therefore from the Town Clerk.

- A) Application for such permit shall be made in writing to the Town Clerk. The applicant shall file with his application:
 - 1) A complete plan, drawn to scale, showing the proposed camp, the locations of the trailer plots and such other details as are hereinafter more fully described;
 - 2) Proof of ownership of the premises or of a lease or written permission from the owner thereof;
 - 3) Written approval from the Town Health Officer; and
 - 4) A permit bond of \$1,000.00 to guarantee compliance with this Ordinance.
- B) The permit obtained from the Town Clerk shall be for the calendar year or any part thereof.

- C) The permittee shall pay to the Town Clerk the following amount of money as the annual fee, or the proper proportionate part thereof, for a permit to operate a trailer camp:
 - 1) If the area on which such business is to be operated is 15,000 square feet or less: \$25.00
 - 2) For each additional 5,000 square feet or part thereof on which such business is to be operated: \$ 3.00
One dollar (\$1.00) of permit fee to be retained by the Town Clerk, balance to be paid to the Treasurer.
- D) Posting of permit:
The permit which shall be issued pursuant to the provisions of this Ordinance shall at all times be posted in a conspicuous place on the premises at which any trailer camp is operated.
- E) Limitations:
No trailer camp shall be permitted if any part of the premises intended for use as part of such camp is within one hundred (100) yards of any residence, church, school, or public library.

SECTION III.

- A) Parking Space:
No trailer at camp shall be:
 - 1) Parked within one hundred (100) feet from the traveled portion of any public highway.
 - 2) Parked on any plot of land less than 5,000 square feet.
 - 3) Parked within fifteen (15) feet of any trailer at said camp.
- B) Roadways:
All trailer plots shall be grouped in blocks abutting roads or driveways of not less than twenty-five (25) feet in width, giving easy access to and from such plots. Such roadways or driveways shall be properly maintained by permittees so as to prevent ruts, depressions and flying dust.
- C) Water Supply:
An adequate supply of clean water, but not less than 1,000 gallons per trailer plot per day, from a source approved by the Town Health Officer, shall be obtainable at each individual plot from faucets only. Drinking utensils are hereby prohibited at said faucets. Any hose used for distributing water shall, when not in use, be stored in a manner to protect it against contamination and at all times be maintained in a sanitary condition.
- D) Water closets, Lavatories and Showers:
Every trailer camp shall have separate and adequately lighted and ventilated toilet rooms for each sex, within a distance of not more than two hundred (200) feet of any part of said camp, with the following minimum sanitary facilities, supplied with running water, provided for each. Water closet accommodation shall be provided in the ratio of at least one (1) water closet for every fifteen (15) females, and at least one (1) water closet for every twenty-five (25) males; in addition, one (1) urinal for each male toilet so

provided. Said water closets shall be distinctly marked “Men” and “Women”, and the location of the water closets plainly indicated by signs. Such water closet accommodation shall be based on the total camp capacity, according to the accepted plans and specifications submitted with the application for a permit, and shall be computed on the basis of a minimum of three (3) persons to each trailer.

For the purpose of this computation, the sexes shall be considered as being equal in number. There shall be provided in every toilet room, or within ten (10) feet of the entrance thereof, proper facilities for washing hands, in the ratio of at least one (1) lavatory or sink for every two (2) or less water closets and urinals. Separate facilities shall be provided for each sex. No drinking water faucets or outlets shall be placed in any toilet room or water closet compartment. One (1) shower shall be provided for every six (6) trailer plots or fraction thereof up to fifty (50), and one (1) shower for each twelve (12) trailer plots over fifty (50). Toilet and wash rooms shall be maintained in a clean and sanitary condition by the permittee.

E) Construction:

The floor of all water closets or compartments containing bathing facilities shall be constructed and maintained in a waterproof condition by using cement, concrete, tile, or other type of waterproofing material.

F) Disposal of Waste:

All excreta and liquid waste not emptying directly into a sewage system shall be collected in proper receptacles and emptied into suitable sewer connected fixtures located at or in toilet buildings, completely partitioned for privacy, ventilated and equipped with facility for rinsing containers. Connections to sewer or sewage disposal systems shall be trapped to prevent dissemination of odors. Spilling or drainage of waste water upon the superficial area of any trailer camp is hereby prohibited. The permittee, or employees under his control, shall furnish such services as may be necessary to maintain sanitary conditions at all times. The sewage disposal system shall include one (1) or more septic tanks with a total capacity of not less than five hundred (500) gallons per trailer plot, with suitable drainage fields or filter beds, and shall be installed in accordance with plans approved by the Town Health Officer and shall be altered or extended or the operation modified whenever required by the Town Health Officer.

G) Garbage and Rubbish:

Metal containers with tight fitting covers appropriately labeled shall be provided by the permittee for garbage and rubbish. Where mixed collection is practiced, such containers shall be in the proportion of at least one (1) for every two (2) trailers or fractional part thereof. Where separate collection of garbage and rubbish is practiced, there shall be provided at least one (1) garbage container for every four (4) trailers or fractional part thereof, and at least one (1) rubbish container for every two (2) trailers or fractional part thereof. All containers for garbage and rubbish shall be emptied each day and refuse removed from the premises and disposed of in a sanitary manner approved by the Town Health Officer.

- H) Grading and Drainage:
All trailer plots and abutting roads or driveways shall be kept free from heavy or dense growth of brush or weeds and from any poisonous or obnoxious weeds, and so graded as to insure rapid drainage.
- I) Toilets in Trailers:
It shall be unlawful for any person to use or permit to be used or operated any toilet installed or maintained in any trailer, except a flue type chemical, or toilet of other type approved by the Town Health Officer, while said trailer is located or camped within the confines of any trailer camp.
- J) Registration of Guests:
There shall be kept by the permittee a book register upon which the owner or person in control of the automobile and trailer, or house car, upon arrival shall register his or her name and address and all persons using same, the date of arrival, the state license plate number thereon, together with the name of the state issuing such license. The permittee shall be responsible for entering the departure of trailers and guests in the book register and for keeping such register in a legible form so as to indicate at all times the trailer count and population at the camp to the satisfaction of State and local Police and Health Departments. Said register shall be available at all times for inspection by representatives of such police and health departments.
- K) Limitation of Trailers and Population:
The permittee shall not admit any trailer in excess of the number specified in his application and permit, nor if the population per trailer exceeds four (4), without written approval of the Town Health Officer.
- L) Taxation:
Each person licensed to operate a trailer camp shall, between the first and fifteenth of October of each year, file with the Assessors of the Town of Salem a statement under oath giving the license number of each trailer and each motor vehicle parked and registered at said trailer camp on the first day of October of that year.
- M) Posting of Ordinance:
Each permittee operating a trailer camp shall cause a legible copy of this Ordinance to be posted and kept posted at all times in a conspicuous place at such trailer camp.

SECTION IV.

Any person who shall violate, or take part or assist in any violation of any provision of this Ordinance, shall, upon conviction be fined not more than \$100.00 for each offense.

SECTION V.

Each and every provision of this Ordinance shall be deemed a separate, distinct and independent provision, and the invalidity of any provision or section thereof shall not affect the validity of the remaining sections or provisions of this Ordinance.

Adopted at Town Meeting: November 7, 1953. Effective: January 1, 1954.
Town of Salem, Records and Minutes; Volume 2; Pages 102, 197 – 199.

AMENDMENT OF ORDINANCE ON TRAILER CAMPS

Be it enacted by the voters of Salem in Town Meeting assembled:

The Ordinance entitled “Ordinance to Regulate Parked Trailers in Trailer Camps”, adopted November 7, 1953, and amended May 25, 1968, is hereby further amended to read as follows:

The purpose of this Ordinance is to insure the protection of the health, peace, and welfare of the residents of Salem.

SECTION I.

As used in this Ordinance, the following words shall have the following respective definitions:

A “Trailer” shall be deemed to be any vehicle, whether designated a trailer coach, mobile home, camper, or otherwise, and whether or not placed on a foundation, which is used or so constructed as to permit its use as sleeping or living quarters, which is or may be mounted on wheels, and which is or may be propelled either by its own power or by another power-driven vehicle to which it may be attached.

“Trailer Camp” shall be deemed to be any lot or parcel of land which is used or permitted to be used for the parking of two or more trailers occupied by separate family units.

A “Trailer Plot” shall be deemed to be that section of ground in a trailer camp used or designated for use as a location for a single automobile and trailer, or a single house car, camper, or tent.

“Permittee” shall be deemed to apply to any person, firm or corporation receiving a permit to conduct or maintain a trailer camp.

A “Seasonal Trailer Camp” shall be deemed to be a trailer camp used only between the months of May to October, inclusive.

SECTION II.

On or after the effective date of this amendment, no person, firm or corporation shall establish, maintain, conduct, or operate any trailer camp within the limits of the Town of Salem except a Seasonal Trailer Camp, nor establish, maintain, conduct, or operate a seasonal Trailer Camp without having obtained a permit therefore from the Town Clerk.

- A) Application for such permit shall be made in writing to the Town Clerk. The applicant shall file with his application:
 - 1) A complete plan, drawn to scale, showing the proposed camp, the location of the trailer plots, and such other details as are hereinafter more fully described.
 - 2) Proof of ownership of the premises or of a lease or written permission from the owner thereof.
 - 3) Written approval from the Town Health Officer with a specific finding that the plan for the proposed trailer camp is in accord with the sanitary requirements of the state Public Health Code and this Ordinance, and written approval of the Planning and Zoning Commission of the Town of Salem, with a specific finding that the plan for the proposed trailer camp is in accord with the Plan of Development and the Zoning regulations of the Town of Salem and with this Ordinance.
 - 4) A permit bond of \$1,000 to guarantee compliance with this Ordinance.
- B) The permit obtained from the Town Clerk shall be for the calendar year, or any part thereof.
- C) The permittee shall pay the Town Clerk the following amount of money as the annual fee, or the proper proportionate part thereof.
 - 1) If the area on which such business is to be operated is 15,000 square feet or less - \$25.00.
 - 2) For each additional 5,000 square feet or part thereof on which such business is to be operated - \$3.00. But the permit fee for a Seasonal Trailer Camp shall not exceed \$50.00.
 - One dollar (\$1.00) of the permit fee to be retained by the Town Clerk, balance to be paid to the Town Treasurer.

D) Posting of Permit:

The permit, which shall be issued pursuant to the provisions of this Ordinance, shall at all times be posted in a conspicuous place on the premises at which any trailer camp is operated.

E) Limitations:

No trailer camp shall be permitted if any part of the premises intended for use as part of such camp is within one hundred (100) yards of any year-round residence, church, school, or public library.

SECTION III.

A) Trailer Plots:

- 1) Not more than one (1) trailer or tent shall be placed on any trailer plot.
- 2) No trailer or tent shall be placed:
 - a) Within one hundred (100) feet from the traveled portion of any public highway;
 - b) On any plot of less than 2,000 square feet;
 - c) Within fifteen (15) feet of any other trailer or tent or any building.
- 3) No cottage, cabin, seasonal dwelling or other buildings shall be placed on a trailer plot, or elsewhere in a trailer camp, except in conformity with the Zoning Regulations, but any such cottage, cabin, seasonal dwelling or other building in a trailer camp on or before May 25, 1968, shall not be considered a violation of this Ordinance.

B) Roadways:

All trailer plots shall be grouped in blocks abutting roads and driveways of not less than fifteen (15) feet in width, giving easy access to and from such plots. Such roadways or driveways shall be properly maintained by permittees so as to prevent ruts, depressions, and flying dust.

C) Water Supply and Sanitation:

The provisions of the Public Health Code of the State of Connecticut concerning sanitation of campgrounds, including trailer camps, mobile home parks, motels, and overnight cabins, are declared applicable to any trailer park operated under this Ordinance and are hereby incorporated in this part of this Ordinance.

D) Grading and Drainage:

All trailer plots and abutting roads or driveways shall be kept free from heavy or dense growth of brush or weeds from any poisonous or obnoxious weeds, and so graded as to insure rapid drainage.

E) Registration of Guests:

There shall be kept by the permittee a book register upon which the owner or person in control of the automobile and trailer or house car, upon arrival, shall register his or her name and address and all persons using same, the

date of arrival, the state license plate number of the automobile and trailer, or if a house car, the state license plate number thereon, together with the name of the state issuing such license. The permittee shall be responsible for entering the departure of trailers and guests in the book register and for keeping such register in a legible form so as to indicate at all times the trailer count and population at the camp to the satisfaction of state and local police and health departments. Said register shall be available at all times for inspection by representatives of such police and health departments.

F) Limitation of Trailers and Population:

The permittee shall not admit any trailer or tent in excess of the number of trailer plots, or any trailer or tent designed for or used by more than eight (8) persons without written approval of the Town Health Officer.

G) Taxation:

Each person licensed to operate a trailer camp shall, between the first and fifteenth of October of each year, file with the Assessors of the Town of Salem a statement, under oath, giving the license number of each trailer and each motor vehicle parked and registered at said trailer camp on the first day of October of that year. No permittee shall be deemed to be operating other than a seasonal trailer park because of the parking of trailers between the months of November to April inclusive, provided such trailers remain unoccupied and unused during such period.

H) Posting of Ordinance:

Each permittee operating a trailer camp shall cause a legible copy of this Ordinance to be posted and kept posted at all times in a conspicuous place at such trailer camp.

SECTION IV.

Any person who shall violate, or take part or assist in, any violation of any provision of this Ordinance shall, upon conviction, be fined not more than one hundred dollars (\$100.00) for each offense, and each day such violation exists shall constitute a separate offense.

SECTION V.

Each and every provision of this Ordinance shall be deemed a separate, distinct, and independent provision and the invalidity of any provision or section thereof shall not affect the validity of the remaining sections or provisions of this Ordinance. Any trailer camp permitted in the Town of Salem at the time of the adoption of these amendments shall be exempted therefrom.

Adopted at Special Town Meeting: May 3, 1969.

Town of Salem, Records and Minutes; Volume 3; Pages 47, 48.

ORDINANCE PROVIDING FOR PARKING BAN ON TOWN ROADS DURING WINTER STORMS

PURPOSE

It is hereby declared to be in the best interest of the public safety, convenience and welfare of the Town to regulate and restrict the parking of vehicles on Town roads during a period of snow emergency, so as not to impede the transportation and movement of food, fuel, medical care, fire, health, police protection, and other vital facilities of the Town.

DEFINITIONS

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

MOTOR VEHICLE or VEHICLE-As defined in C.G.S. § 14-1(a)(47) and (90), as amended

PARKED VEHICLE-As defined in C.G.S. § 14-1(57), as amended.

SNOW EMERGENCY-A period of time as forecasted by a weather service or the United States Weather Bureau, during which period vehicular and/or pedestrian traffic is expected to be hazardous or congested due to the elements, and during which period the parking of vehicles could hinder, delay or obstruct the safe flow of such traffic and/or the proper cleaning, clearing and making safe of the public roads of the Town.

ROAD-Any approved public road, or street of the Town of Salem.

OPERATOR- Refers to the operator, if known, of any motor vehicle found to be in violation of this ordinance. If the operator is not known, it shall be prima facie evidence that the registered owner is the operator, as in accordance with C.G.S. § 14-107.

PARK or PARKING-Defined in accordance with C.G.S. § 14-297(4) and shall mean to permit a motor vehicle to remain stationary upon the public highway, whether occupied or not, other than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or goods, or in obedience to traffic regulations or traffic signs or signals.

1. DECLARATION OF SNOW EMERGENCY

A. A snow emergency shall be declared by the First Selectman or his designee, either before, during or after a fall of snow, sleet or freezing rain, when in his

judgment the circumstances warrant determination of such an emergency in the interest of safety upon the public roads of the Town.

B. The First Selectman or his designee shall cause public announcement of such determination of snow emergency prior to the time of becoming effective, after which time a snow emergency shall be in effect. The First Selectman or his designee shall determine when such emergency no longer exists and shall make public announcement of the same.

2. PARKING RESTRICTED

It shall be unlawful at any time during the period of any declared snow emergency under provisions of this article for the operator of a vehicle to allow, permit or suffer said vehicle to remain parked on any road in the Town of Salem. If the operator is not known, it shall be prima facie evidence that the registered owner is the operator as in accordance with C.G.S. § 14-107.

3. VEHICLE OWNER

In any prosecution or proceeding hereunder, the last registered owner, either by registration plate or vehicle identification number, shall constitute prima facie evidence that the owner of such vehicle left said vehicle at the place where such violation occurred.

4. TOWING OF VEHICLES; TOWING AND STORAGE CHARGES.

A. Whenever any motor vehicle shall be found parked on any Town road during a declared snow emergency, such vehicle may be removed under the direction of the Director of Public Works by means of towing the same.

B. Such removal shall be at the risk of the owner, and before the owner or person in charge of such vehicle shall be permitted to remove the same from the custody of the Director of Public Works, he shall furnish evidence of his identity and ownership or right to possession and shall sign a receipt for said vehicle; and he shall pay a reasonable towing charge and a reasonable storage charge. The Town of Salem is not responsible for any damage during the removal and storage of such vehicle.

HISTORY:

Adopted: Town Meeting-November 17, 2011
Record: Town of Salem Records and Minutes; Volume 6 Page 489.

Status: Effective.

Reference: Connecticut General Statutes §; C.G.S. § 14-107, C.G.S. § 14-297(4), C.G.S. § 14-107, . C.G.S. § 14-1(57), C.G.S. § 14-1(a)(47) and (90)

TOWN

ORDINANCE RELATING TO GIFTS TO THE TOWN OF SALEM

WHEREAS, it would be desirable for the Town of Salem to adopt a method of accepting gifts of money and/or personal property without the necessity of Town Meeting approval:

IT IS HEREBY ORDAINED, that the Board of Selectmen may, by majority vote accept gifts to the Town of Salem or any of its agencies, of money and/or personal property from any person or entity in conformance with the donor's directions as to the use of the gift(s), and in amounts not to exceed five thousand dollars (\$5,000.00) from any person or entity during any single fiscal year, upon such terms and conditions as a majority of the Board of Selectmen may prescribe.

Adopted at Special Town Meeting: September 21, 1994.
Town of Salem, Records and Minutes; Volume 4; Page 261.

ORDINANCE TO PROTECT TOWN EMPLOYEES

The Town of Salem shall protect and save harmless any officer or employee thereof from financial loss and expense, including legal fees and expenses, if any, arising out of any claim, demand, suit or judgement by reason of alleged negligence or other act resulting in accidental bodily injury to or death of any person, or in accidental damage to or destruction of property, provided such officer or employee, at the time of the accident resulting in such injury, damage or destruction, was acting in the discharge of his duties within the scope of his office or employment, or under the direction of any such officer.

Adopted at Town Meeting: March 2, 1957.
Town of Salem, Records and Minutes; Volume 2; Page 144.

Effective: March 20, 1957.

NATIONAL FLOOD INSURANCE PROGRAM ORDINANCE

1. The purpose of this Ordinance is to establish policies, permit requirements and application procedures related to land use and development in Special Flood Hazard Areas of the Town of Salem consistent with the regulations of the National Flood Insurance Program, as published in the Federal Register, Volume 41, No. 207, October 26, 1976, which will make the Town of Salem eligible for participation in that program. Said Special Flood Hazard Areas shall be those areas designated by the federal Insurance Administrator and shown as Zone A on the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for the Town of Salem, a copy of which is on file in the Office of the Town Clerk and with the Building Official.
2. The Town Meeting of the Town of Salem hereby authorizes the First Selectman to apply on behalf of the Town to the federal Emergency Management Agency, Division of Insurance and Mitigation, for participation in the National Flood Insurance Program, and designates the Building Official as the official responsible for maintaining information and records relating to the Town's participation in this program.
3. All official Boards and Commissions of the Town of Salem shall take into account flood and flood related erosion hazards to the extent that they are known, in all official actions relating to land management and use.
4. The Building official shall obtain, review and reasonably utilize any base flood (one hundred [100] year flood) elevation data from Federal, State or other sources. Such information shall be made available to the Planning and Zoning Commission.
5. Before issuing a permit for new construction within A Zones on the FHBM or FIRM, the Building Official shall review the permit application to determine that all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall (a) be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure, (b) be constructed with materials and utility equipment resistant to flood damage, and (c) be constructed by methods and practices that minimize flood damage.
6. Before issuing a permit for new construction or substantial improvement of residential structures within A Zones on the FHBM or FIRM, the Building Official shall require that the lowest floor (including the basement) be elevated to or above the base flood level.
7. Before issuing a permit for new construction or substantial improvement of non-residential structures within A Zones on the FHBM or FIRM, the Building Official shall require that the structure either (a) have the lowest floor area (including the basement)

elevated to or above the base flood level or (b) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Where such flood proofing is utilized, a registered professional engineer or architect shall certify that the flood proofing methods are adequate to withstand loads and forces associated with the base flood and a record of such certification shall be maintained by the Building Official.

8. The Building Official shall (a) obtain the elevation of all new or substantially improved structures within A Zones on the FHBM or FIRM and whether or not such structures contain a basement, (b) obtain, if the structure has been flood-proofed, the elevation (in relation to mean sea level) to which the structure was flood-proofed, and (c) maintain a public record of all such information.
9. The Building Official shall require all mobile homes placed within Zone A on the FHBM or FIRM be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that (a) over-the-top ties be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations and mobile homes less than fifty (50) feet long requiring one (1) additional tie per side; (b) frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long requiring four (4) additional ties per side; (c) all components of the anchoring systems be capable of carrying a force of four thousand eight hundred (4,800) pounds, and (d) any additions to the mobile home be similarly anchored; and
10. The Building Official shall require that an evacuation plan indicating alternate vehicular access and escape routes be filed with appropriate Disaster Preparedness Authorities for mobile home parks and mobile home subdivisions located within Zone A on FHBM or FIRM.
11. The Building Official shall, prior to issuing any permit for construction or other development located in Zone A on the FHBM or FIRM require evidence from the applicant for such permit that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Act Amendments of 1972, 33 U.S.C., 1334.
12. Variances to the provisions of this Ordinance may be granted by majority vote of the Board of Selectmen in accordance with the following:
 - a) Variances shall be issued only upon (1) showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

- b) Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c) The Board shall notify the applicant, in writing, over the signature of the Building Official that (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars [\$25.00] for one hundred dollars [\$100.00] of insurance coverage and (2) such construction below the base flood level increases risks to life and property.
- d) The Board shall (1) maintain a record of all variance actions, including justification for their issuance, and (2) report such variance issued in its annual report to the Federal Insurance Administrator.

Adopted at Special Town Meeting: July 7, 1982.

Town of Salem, records and Minutes; Book 4; Pages 2, 3, 4.

ORDINANCE REGARDING CANINE CONTROL IN PUBLIC PLACES

Section 3: The owner or keeper of any dog shall be required to keep such dog on a leash or lead while within the confines of public streets, sidewalks, highways, parks, and other public places and grounds within the Town of Salem.

Dogs found roaming at large, in violation of the provisions of this Ordinance, shall be subject to the provision of Section 22-332 of the Connecticut General Statutes relating to impounding and disposition.

In addition, any owner or keeper who allows his or her dog to roam at large in violation of the provisions of this Ordinance, shall forfeit and pay the Town of Salem a fine of \$25.00 to be recovered by an action on this Ordinance brought in the name of the Treasurer of the Town.

Adopted at Special Town Meeting: January 11, 1984.
Town of Salem, Records and Minutes; Volume 4; Page 41.

APPLICABILITY OF GENERAL STATUTES SUBJECT TO VOTE OF THE TOWN

LOCAL OPTION ON SALE OF ALCOHOLIC LIQUOR

The Town of Salem duly voted in favor of *Permit for all Alcoholic Liquor* at a Special Town Election on November 7, 1950.

(General Statutes, 1958, Section 30-10)

BAZAARS and RAFFLES

The Town of Salem duly voted *For Allowing the Operation of Bazaars and Raffles* at a Special Town Meeting on September 14, 1957.

(General Statutes, 1958, Section 7-171)

RESOLVE INCORPORATING THE TOWN OF SALEM

Resolved by this Assembly, that all those parts of the Towns of Colchester, Lyme and Montville, lying within the following limits, viz. beginning at the southeast corner of East-Haddam; thence running easterly by the southerly line of the late forfeited lands of William Brown to the line that formerly divided the Town of New London and Lyme; thence northerly by said line, and the former east line of Colchester to Gardner's Lake, and still northerly through said lake to the west line of the Town of Bozrah; thence still northwardly by the west line of Bozrah to Lebanon corner; thence westerly by the south line of the First Society of Colchester to the east line of East Haddam; thence southerly by said East Haddam line to the place of beginning, with all the inhabitants residing in said limits, be, and the same are hereby incorporated into a district town, by the name of "Salem" and the inhabitants aforesaid, and their successors forever, residing within said limits, shall have and enjoy all the powers, privileges and immunities which are enjoyed by the other towns within this State, with the right of sending one Representative to the General Assembly of the State.

And said Town of Salem shall pay its proportion of all debts, charges, expenses, suits, petitions and claims, already due and accrued, commenced or existing against said Towns of Colchester, Lyme and Montville respectively, or for which the said towns may respectively be made liable hereafter by force of any claim now existing. And the poor now supported by said respective towns, who belong to such part of said towns respectively, as is hereby incorporated into the Town of Salem, shall be deemed inhabitants of said Town of Salem and be maintained accordingly.

And said Town of Salem shall take of the poor persons now maintained by said Towns of Colchester, Lyme and Montville respectively, such proportion as (counting on the Grand List of the year of our Lord one thousand eight hundred eighteen) the list of such part of said respective town hereby embraced in the Town of Salem, shall bear to the whole list of said towns respectively, and no more, except as is provided in case of absentees.

And the Selectmen of the respective towns, with the Selectmen of said Salem, associating with them Sylvester Gilbert, Esq. of Hebron, in case of disagreement, are hereby empowered to apportion the poor according to the rule aforesaid. And said Town of Salem shall be liable to maintain all such poor of said respective towns as are, or may be absent therefrom, provided each poor person or persons, at the time of departure, belonged in such part of said respective towns as is by this resolve hereby incorporated into the Town of Salem.

The Collectors of the State taxes for the year 1819, already appointed in said respect towns, are hereby authorized and empowered to collect of the inhabitants of said Town of Salem their proportion of said tax, according to the lists on which the same was laid, in the same manner as though this resolve had not passed.

The first Town Meeting in said Town of Salem, shall be holden at the Presbyterian Meeting House in New Salem Society, on the third Tuesday of June next; Mumford Dolbear, Esq. shall be the moderator of said meeting and shall call said meeting by setting up a notification thereof on the public sign post in said New Salem Society at least eight days before said first meeting; and in case of the death, incapacity or absence of said Dolbear, the duties assigned to him shall be performed by Joseph Morgan, Esq. aforesaid; and said Town of Salem, at said first meeting, shall hold their offices respectively, until the next meeting of said town, prescribed by law for the choice of its annual offices. And the Town Meetings, and meetings of the electors, shall be holden at the Meeting House in the said society of New Salem.

Passed May 1819

(Resolves and Private Laws of the State of Connecticut from the year 1789 to the year 1836, Volume 11, pages 1182 – 1183.)

EMERGENCY RESPONDERS AWARDS ORDINANCE FOR THE TOWN OF SALEM

PURPOSE:

As prescribed by Connecticut General Statute Section 12-81w, this ordinance authorizes incentives to promote the recruiting and retention of Volunteer Firefighters, Emergency Medical Technicians (EMT's) and Fire Police in the Town of Salem.

PROGRAM YEAR:

The program year as defined in this ordinance will be May 1st through April 30th of each year.

AWARDS:

The Town shall award up to sixty (60) Emergency Responders Awards to Volunteers serving in the two Fire Departments. The qualification criteria will determine how many awards are earned and how the number of awards is divided between the two Fire Departments.

Awards will be initiated in July of the Town fiscal year immediately following each program year.

Volunteer Firefighters, EMT's, and Fire Police who meet the qualifications criteria for an annual award shall receive the following:

The volunteer members selected for award will receive an abatement of up to \$1000 on real estate taxes levied by the Town of Salem in the next fiscal year (commencing July 1st)

NO abatement of taxes levied on motor vehicles or personal property will be allowed for any award recipient.

The \$1000 abatement of taxes owed on real estate can in no instance exceed the amount of tax levied. Thus, for an individual, if only \$900 is owed, that is the limit of the abatement. If, two qualified recipients share property and jointly owe real estate taxes, the amount abated will be \$2000, or less if the tax due is less than \$2000. In no instance can any portion of the abatement be used for prior or future years.

QUALIFICATION GUIDELINES AND APPROVAL:

Qualification Criteria. Criteria for these awards are outlined in the Town of Salem Firefighter/EMS/Fire Police Incentive program, approved at the March 3, 2003 Board of Selectmen meeting; revised on 04/28/06, and most recently revised at the July 19, 2017 Special Town Meeting to include the following "or any individual who is a retired volunteer Firefighter, Fire Police, emergency medical technician, or emergency responder who has reached the age of 59 and has completed at least twenty-five years of service as a volunteer Firefighter, Fire Police, emergency medical technician or emergency responder in the Town

of Salem.” Oversight and administration of the qualification program is provided by the Fire Chiefs of the Salem Volunteer and Gardner Lake Volunteer Fire Departments.

Review of Qualification Criteria. The qualification criteria proposed by the Fire Chiefs to determine award recipients in the next program year will be shared with the Board of Selectmen at the regular March meeting of said Board. Upon their review, the Board of Selectmen may require adjustments to the qualification criteria. Records of the Fire Marshal and KX Dispatch Center are available to verify sufficient participation to earn awards. The final criteria will be agreed upon by the Fire Chiefs and the Board of Selectmen at the regular May meeting of the Board of Selectmen.

Recommendations to the Board of Selectmen. The Fire Chiefs will recommend the names of those who qualify for an award at the end of the most recently concluded program year (April 30th) at the regular May meeting of the Board of Selectmen. Names of members who qualify (during the previous program year) for an award shall be submitted in writing. The Board of Selectmen shall review the Fire Chief recommendations. Upon approval, the Board of Selectmen shall direct the Tax Collector to apply the appropriate tax abatement for members who qualified for abatements. Records of abatements shall be maintained by the Treasurer and the Tax Collector.

ADOPTION/EFFECTIVE DATE:

This ordinance shall become effective January 19, 2011, with the first tax abatement occurring on July 1, 2011; and each July 1st thereafter. This ordinance may be revised or amended from time to time by adoption at Town Meeting. This ordinance shall remain in effect until amended.

Adopted at Special Town Meeting: January 19, 2011.
Town of Salem, records and Minutes, Book 6, Pages 433.

Amended at a Special Town Meeting: July 19, 2017.
Town of Salem, Records and Minutes Book 7, Page 190.