

**Code Adoption Ordinance
Town of Lyme**

Be it enacted and ordained by the Town of Lyme in Town Meeting convened:

§ 1-1. Adoption of Code.

The compilation of the ordinances of the Town of Lyme, codified and consolidated into chapters and sections in the form attached hereto and made a part hereof, and consisting of Chapters 1 through 279, is hereby approved, adopted, ordained and enacted as the "Code of the Town of Lyme, Connecticut," hereinafter called the "Code." All provisions contained in the compilation provided for herein and known as the "Code of the Town of Lyme" shall be in force and effect on and after the effective date of this ordinance.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town.

§ 1-3. Repealer.

- A. All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Lyme which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.
- C. The following are specifically repealed:
 - 1) A resolution effective May 10, 1958, authorizing the Lyme Garden Club to develop certain lands in the rear of the Lyme Consolidated School for the purpose of creating a wild plant life area.

- 2) An Ordinance Providing for the Participation in the Connecticut River Estuary Planning Region, effective June 6, 1967.

§ 1-4. Severability.

If any clause, sentence, paragraph, section, article or part of this ordinance or of any ordinance appearing in the Code or included in this Code through supplementation, or the application thereof to any person or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to other persons and circumstances but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof and the persons and circumstances directly involved in the controversy in which judgment shall have been rendered.

§ 1-5. Copy of Code on file.

A copy of the Code has been filed in the office of the Town Clerk of the Town of Lyme and shall remain there for use and examination by the public until final action is taken on this ordinance, and if this ordinance shall be adopted such copy shall be certified to by the Town Clerk of the Town of Lyme, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-6. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the ordinances in the Code of the Town of Lyme, or any new ordinances, when enacted or adopted in such form as to indicate the intention that they be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be included in the Code as amendments and supplements thereto.

§ 1-7. Code to be kept up-to-date.

It shall be the duty of the Town Clerk or designee to keep up-to-date the certified copy of the Code of the Town of Lyme required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all ordinances adopted by the Town subsequent to the enactment of this ordinance in such form as to indicate the intention that they be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes until such changes are included as supplements to said Code.

§ 1-8. Sale of Code; supplementation.

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk of the Town of Lyme or an authorized agent of the Town Clerk upon the payment of a fee to be set by the Board of Selectmen. The Town Clerk may also arrange for procedures for the periodic supplementation thereof.

§ 1-9. Penalties for tampering with Code.

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Lyme, or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Lyme to be misrepresented thereby, or who violates any other provision of this ordinance, shall, upon conviction thereof, be subject to a fine of not more than \$250.

§ 1-10. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for publication as the Code of the Town of Lyme, no changes in the meaning or intent of such ordinances have been made, except as provided in Subsection B of this section. Certain grammar and spelling corrections and other minor nonsubstantive changes were made in one or more of said ordinances. It is the intention of the Town Meeting that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. The amendments as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-11. Rules of construction.

Whenever any words in any section of this Code import the plural number, the singular number shall be deemed to be included, and whenever the singular number shall be used, it shall be deemed to include the plural. Any word of masculine gender includes the feminine and the neuter and may refer to a corporation or to a board or other body or assemblage of persons, and when the sense so indicates, words of the neuter gender may refer to any gender. Words used in the present tense include the future.

§ 1-12. When effective.

This ordinance shall take effect upon passage and publication as required by law.

Schedule A
(As referenced in § 1-10B)

Throughout the Code:

1. References to "Chairman" and "Chairperson" are amended to "Chair."
2. References to the State Department of Environmental Protection and Commissioner of Environmental Protection are amended to the State Department of Energy and Environmental Protection and Commissioner of Energy and Environmental Protection, respectively.
3. References to "Inland Wetlands Commission," "Inland Wetlands Agency" and "Inland Wetlands and Watercourses Commission" are amended to "Inland Wetlands and Watercourses Agency."

Chapter 3, Affordable Housing Commission.

Throughout this chapter, references to the Lyme Housing Partnership are amended to "Affordable Housing Commission."

Chapter 15, Cemetery Commission.

Section 15-3 is amended as follows: "The Commission shall be composed of ~~nine~~ seven members who shall be appointed by the Board of Selectmen and they shall be residents of the Town of Lyme."

Section 15-5 is amended to change the term of office in Subsection B from three years to six years and to set the following initial terms in Subsection A: two members shall serve for a period of two years, two members shall serve for a period of four years, and three members shall serve for a period of six years.

Chapter 19, Conservation Commission.

Sections 19-4, 19-5A and D, 19-6 and 19-7 are amended to change "Watercourses and Inland Wetlands Agency" to "Inland Wetlands and Watercourses Agency." Section 19-6D is further amended to update the reference to the Soil Conservation Service to the Natural Resources Conservation Service.

Chapter 28, Elections.

Section 28-1 is amended to read as follows:

Pursuant to § 9-17 of the Connecticut General Statutes, as amended, those sessions of the Board for Admission of Electors to be held on the seventh day before election day shall be held from 9:00 a.m. to 8:00 p.m. and a limited session shall be held on the last weekday before each regular election from 9:00 a.m. to 5:00 p.m. for the purpose of admitting only those persons whose qualifications as to age, citizenship or residence in the municipality were attained after the last session for admission of electors prior to an election.

Chapter 34, Finance, Board of.

Section 34-3B is amended as follows: "Hereafter, at the expiration of the original term of office of each of the original alternate members, a members shall be elected ~~or his successor shall serve~~ for a term of six years."

Chapter 45, Funds.

Section 45-5 is amended as follows: "It shall be the responsibility of the Lyme Cemetery Commission and the Board of Selectmen to direct disbursement, as ~~it deems~~ they deem necessary, of said funds for the purposes set forth herein."

Chapter 66, Lake Authority.

Section 66-2 is amended to update the reference to the State Boating Commission in the opening sentence to the State Department of Energy and Environmental Protection and to revise Subsection A as follows: "Control and abate algae and aquatic weeds in cooperation with the ~~State Water Resources Commission under Sections 25.3b and 25.3c~~ Commissioner of Energy and Environmental Protection."

Chapter 75, Meetings.

Chapter 75 is amended as follows:

In § 75-1: "The purpose of this chapter is to ensure that meetings of the Town and its boards and commissions are held during hours that neither put an unreasonable burden on members of such bodies nor make the meetings virtually inaccessible to the public."

In § 75-2 to change "Park and Recreation Commission" to "Recreation Commission."

In § 75-3: "All meetings of the Town of Lyme and its boards and commissions shall recess at no later than 11:30 p.m. unless a majority of the members present vote to extend the meeting. Any such ~~committee~~ board or commission, so recessed, shall be reconvened at a time and date set by the members in attendance."

Chapter 84, Officers and Employees.

Section 84-2 is amended as follows: "This article shall apply to all elective offices and appointed offices, including but not limited to all boards, commissions, committees and bureaus, other than the Board of Finance, and shall govern the future filling of said vacancies."

Chapter 93, Planning and Zoning Commission.

Section 93-3B is amended as follows:

~~The following are hereby appointed as the original members of the Zoning Commission of the Town of Lyme for the following terms: Alberta Pfeiffer and William R. Webster until the biennial election to be held on the first Monday in October 1967; Robert B. Fiske and John H. Beebe until the biennial election to be held on the first Monday of October 1965; and Walter E. Block until the biennial election to be held on the first Monday of October 1963. Thereafter~~ As the term of each member of the Zoning Commission expires, the successor or successors shall be elected at the biennial election of the Town of Lyme to serve for a term of six years.

Section 93-3C is amended as follows:

In the event any member of the Zoning Commission shall cease to be a resident of the Town of Lyme, his office shall be deemed vacant. A vacancy from whatever cause arising shall be filled by the ~~Zoning Commission~~ Board of Selectmen for the unexpired portion of the term by the appointment of an elector of the Town of Lyme ~~of the same political party as his predecessor.~~

Section 93-4 is amended as follows:

The Planning and Zoning Commission of the Town of Lyme shall consist of seven members who shall be the five members of the Zoning Commission previously appointed and in addition thereto ~~Rowland J. Ballek and Alan N. Houghton~~ two members who shall serve for the term until the biennial election to be held on the first Monday of October 1963, and thereafter their successors shall be elected at the biennial election of the Town of Lyme to serve for a term of six years.

Chapter 103, Regional Agencies.

Article I, Lower Connecticut River Valley Council of Governments, is adopted to read as follows:

§ 103-1. Establishment ratified.

The Town of Lyme hereby ratifies, under the provisions set forth in Connecticut General Statutes § 4-124j, the resolution adopted on July 27, 2011, by the Connecticut River Valley Council of Elected Officials, of which the Town of Lyme is a member, to establish a council of governments called the "Lower Connecticut River Valley Council of Governments" and to formally adopt Connecticut General Statutes §§ 4-124i through 4-124p.

Chapter 114, Transit District.

Section 114-1 is amended to change "Connecticut River Estuary Planning Area" to "Lower Connecticut River Valley Council of Governments area."

Chapter 125, Water Pollution Control Commission.

Section 125-3 is amended as follows: "The clerk shall keep a complete record of the proceedings of the Commission and shall be the custodian of such books, records and documents ~~and~~ which shall be open for public inspection at all reasonable hours."

Chapter 129, Youth Service Bureau.

Section 129-3 is amended to read as follows: "The composition of the Youth Service Bureau shall follow the bylaws of the Bureau as revised."

Original § 4, Vacancies, is repealed.

Chapter 133, Zoning Board of Appeals.

Section 133-5 is amended as follows: "Zoning Board of Appeals members and alternate members shall be electors and shall not be members of the Planning ~~or~~ and Zoning Commission. ~~This ordinance supersedes Section 12.1 of the Zoning Board of Appeals Regulations.~~"

Chapter 145, Alarm Systems.

Section 145-1 is amended as follows: "The purpose of this chapter is to provide minimum standards and regulation applicable to burglar, holdup and fire alarm systems and alarm users as defined here within."

Section 145-5B is amended as follows: "Notification to appropriate alarm termination station shall be done prior to testing of system."

Section 145-10 is amended as follows: "Use of an automatic dial alarm or exterior alarm device in violation of the provisions of this chapter shall be subject to the following penalties:"

Chapter 157, Boating.

Section 157-23A is amended to remove the fee of \$20 and to read as follows: "All applications for mooring permits shall include a fee set by the Board of Selectmen and be submitted on appropriate forms supplied by the Town of Lyme or its designated agency. Current fees are available for review at Town Hall and on the Town's website at Townlyme.org."

Section 157-23C is amended to read as follows: "All applications for permits must be received by the Town of Lyme or its designated agency no later than April 1 of any given year. Any applications received from April 1 to April 30 will incur a penalty."

Chapter 162, Building Construction.

Section 162-1 is amended to read as follows:

Before the commencement of construction of any new building or other new structure or the alteration or repair of any existing structure in the Town of Lyme, the owner shall obtain from the Town of Lyme a building permit. The cost of such permit shall be set by the Board of Selectmen and be payable to the Town of Lyme. Current fees are available for review at Town Hall and on the Town's website at Townlyme.org. Written application shall be made upon a form to be furnished by the Town and shall be accompanied by such plot plan and shall contain such other information as may be required by the Town in order to facilitate the performance of the duties of any Town officer, board or commission.

Section 162-4 is amended to update the reference to Chapter 354 of the General Statutes of Connecticut, Revision of 1958, to Chapter 541 of the Connecticut General Statutes.

Chapter 166, Buildings, Numbering of.

Section 166-1 is amended as follows: "The purpose of this chapter is to promote the public safety, health and welfare, specifically to facilitate the timely arrival of fire protection, emergency medical service and police protection to all residences and businesses in the Town of Lyme."

Chapter 173, Citations.

The definition of "Commission" in § 173-3 is amended to read as follows:

CONSERVATION COMMISSION – The Lyme Conservation Commission, acting as the Inland Wetlands and Watercourses Agency for the Town of Lyme under § 22a-42g of the Connecticut General Statutes.

The definition of "Inland Wetlands Agent" in § 173-3 and § § 173-6B, 173-7 and 173-10J are amended to change "Conservation and Inland Wetlands Commission" to "Conservation Commission."

Section 173-4A is amended to change "Inland Wetlands and Watercourses Agent" to "Inland Wetlands Agent."

Section 173-5B is amended as follows: "That the person cited may contest liability before a hearing officer by delivering, in person or by mail, within ~~30~~ 10 days of the date of notice, a written request for a hearing pursuant to the citation hearing procedure;"

Section 173-10D is amended as follows: "Any person who does not deliver or mail a written request for a hearing within ~~30~~ 10 days of the notice provided for in § 173-5 of this article shall be deemed to have admitted liability, and the person issuing the citation shall certify such person's failure to respond to the hearing officer."

Chapter 197, Health and Sanitation.

Section 197-2 is amended to read as follows:

§ 197-2. Restrictions.

Any nonconforming building lot of less than 3/4 acre, as defined in the Town of Lyme Zoning Regulations, shall be subject to the following restrictions:

- A. No building permit shall be issued for construction that uses additional land surface, in excess of the land currently built, without prior approval by the Public Health

Department. Such approval shall be granted after adequate provisions have been made to dispose of subsurface sewage and said system satisfies the Public Health Department.

- B. No building permit shall be issued for the construction of additional space suitable for bedrooms without prior approval of the Public Health Department. Such approval shall be granted only after provisions for the construction of a subsurface sewage disposal system have been made and said provisions satisfy the Public Health Department.

Chapter 201, Historic District.

Section 201-2A is amended to change "five alternate members" to "three alternate members."

Section 201-4 is amended to change "Zoning Officer" to "Zoning Enforcement Officer."

Chapter 238, Parks and Public Areas.

Section 238-1 is amended to change "from sunset to sunrise of the following day" to "from 1/2 hour after sunset to sunrise of the following day" in Subsection A and to change "either area" to "the areas designated in Subsection A."

Section 238-5 is amended as follows: "Any person or owner or operator of any vehicle that violates ~~Section 1 or 3~~ this article shall be fined not more than \$50 for each violation."

Chapter 264, Solid Waste.

Throughout Article II the term "Sanitary Landfill Area" is amended to "Transfer Station."

Section 264-16 is amended to delete the following sentence: "If arrangements are made for transportation of solid wastes to another municipality, or out of the state, the provisions of §§ 7-161 and 7-162 of the Connecticut General Statutes shall be complied with."

Section 264-22C and D, the definitions of "contractual standards" and "disposal charge" in § 264-23 and § 264-24 are amended to change "Mid-Connecticut System" to "Materials Innovation and Recycling Authority (MIRA)."

The definition of "Mid-Connecticut System" in § 264-23 is repealed.

Section 264-26C is amended to change "landfill" to "Transfer Station" and to change the entries for "Waste oil" and "Storage batteries" to read "Container at Transfer Station – Brush Hill Road."

Chapter 272, Streets and Sidewalks.

Section 272-3C(1) is amended as follows: "An application fee ~~of \$100~~ set by the Board of Selectmen shall accompany submission of the application. Current fees are available for review at Town Hall and on the Town's website at Townlyme.org."

Section 272-5B(5), C(1) and D(3)(c) are amended to change "Planning Commission" to "Planning and Zoning Commission."

Section 272-5C(1) is further amended as follows: "In the event that the applicant does not own the land adjoining the right-of-way established for a road, said right-of-way shall have such extra width or area as is necessary to accommodate all road construction within the right-of-way ~~within~~ without encroachment on adjoining land."

Section 272-9 is amended as follows: "To ensure compliance with the terms of the permit, the Board shall inspect the construction and, if satisfactory, release the bond upon payment by the applicant of an inspection fee ~~of \$250~~ set by the Board of Selectmen which may be deducted from the cash bond. Current fees are available for review at Town Hall and on the Town's website at Townlyme.org."

Section 272-10 is amended as follows: "If the applicant fails to notify the Board when construction is completed, the Board may conduct an inspection and, if the construction is satisfactory, deduct the inspection fee ~~of \$250~~ from the cash bond and forward the balance to the applicant at his/her last known address."

Section 272-15 is amended as follows:

For the purposes of this article, the terms "road," "street" and "highway" shall have the same definition as "highway" as set forth in § 13a-1 of the Connecticut General Statutes, as amended.

Chapter 279, Taxation.

Section 279-20 is amended as follows: "and evidence of a dairy farm or milk producing permit or dairy plant or milk dealer permit, ~~as provided by Connecticut General Statutes § 22-173.~~"