

TOWN COUNCIL. PROSPECT, CONNECTICUT

ORDINANCE

36-03-18-75

TO BAN AND PROVIDE PENALTIES FOR LITTERING

IT IS HEREBY RESOLVED that the Town of Prospect adopt the following ordinance:

SECTION 1. It shall be unlawful for any person to deposit or cause to be deposited, on any public way or other public place in the Town or in any drain, sewer or receiving basin within the jurisdiction of the Town, any kind of dirt, rubbish, trash or waste article of any substance whatsoever.

This section shall not apply to the depositing of the aforementioned materials by authorized persons at the sanitary landfill area in the Town.

SECTION 2. Any person found in violation of Section 1 shall be fined not less than ten (10) dollars nor more than fifty (50) dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

*Robert O'Brien*  
 Robert O'Brien, Chairman  
 TOWN COUNCIL OF PROSPECT

Dated at Prospect, Connecticut this 18th day of March, 1975

BE IT ORDAINED BY THE TOWN COUNCIL OF PROSPECT:

1. Pursuant to Chapter 3, Section 4 of the Charter of the Town of Prospect, the position of Assistant Director of Public Works is hereby created.

2. The term of employment shall be indefinite and shall terminate upon the resignation or removal of the Assistant Director of Public Works from the position as set forth below.

3. The Assistant Director of Public Works shall be appointed by the Mayor and shall be chosen on the basis of his professional qualifications, character, training and experience in construction, maintenance, engineering, personal supervision and other matters related to the operation of the Public Works Office as described in the attached job description entitled, "Job Description for the Position of Assistant Director of Public Works."

4. Nothing herein shall diminish the power and duty of the Mayor to direct and control the Office of Public Works pursuant to Chapter 5, Section 3, of the Prospect Charter. ~~The Mayor may continue to give specific direct orders to the Assistant Director of Public Works and to employees in the Office of Public Works, and may delegate so much of his authority over the Public Works Office as he deems it to the Assistant Director of Public Works.~~

5. It shall be the duty of the Assistant Director of Public Works to carry out the specific directions of the Mayor, where given, and to operate, supervise and control the Office of Public Works to the extent that the Mayor delegates authority to do so.

6. The Assistant Director of Public Works may be removed from the position by the Mayor for just cause. "Just cause" shall be deemed to include, without limitation, insubordination to the specific directives of the Mayor, incompetence, disability, unauthorized absence, malfeasance or misconduct while on duty and misconduct, whether or not on duty, involving an act of moral turpitude.

When the Assistant Director of Public Works is removed from the position, the Mayor shall place in writing the reasons for his finding that just cause for removal exists, including specific examples giving rise to such cause, and the Assistant Director of Public Works shall have the opportunity to rebut such charges by means of a public hearing to be held by the Mayor upon the request of the Assistant Director of Public Works within ten (10) days after delivery to him of the Mayor's written charges. If a hearing is held, the Mayor shall act either to remove the Assistant Director of Public Works from the position or to continue him in the position within thirty (30) days following conclusion of the hearing. In the event that no hearing is requested within ten (10) days of the delivery of the Mayor's written charges to the Assistant Director of Public Works, the Assistant Director of Public Works shall be considered removed and the position deemed vacant upon the expiration of the ten (10) day period.

36 - 01 - 04 - 77

JOB DESCRIPTION  
FOR THE POSITION OF  
ASSISTANT DIRECTOR OF PUBLIC WORKS

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General Statement of Duties

Assistant Director of Public Works is responsible for participating in and formulating long-term programs covering such department functions as highways, parks and recreation, and sewage disposal as required by the Mayor.

Supervision Received

Works under the direction of the Mayor who reviews work for accomplishment of objectives and/or programs and for conformance to general policies.

Supervision Exercised

Assigns work objectives to Public Works employees and reviews work for accomplishment of objectives.  
Issues instructions regarding work assignments and reviews work assignments for conformance to instructions.  
Functional supervision of contractors performing contractual services for the Town.

Examples of Duties

~~Plans, organizes, and directs the work of the Public Works Department.~~  
Lays out projects and assigns men, equipment and material to be used on the projects.  
Follows up on projects to assure completion.  
Inspects all facets concerning Public Works and keeps informed of existing conditions and takes corrective measures where necessary.  
Is responsible for the inspection and maintenance of parks, roads, bridges, sidewalks, storm sewer systems, street equipment, structures and other Town properties.  
Works in conjunction with State officials on projects entailing State aid monies.  
Estimate cost for projects.  
Maintains and approves time cards for payroll records.  
Inventory records, performs any function related to overall responsibilities of the Public Works Department.  
Verifies daily work slips from State.

Minimum Qualifications

Knowledge, Skill and Ability:

Considerable knowledge of the principles and practices of civil engineering related to Public Works.  
Thorough knowledge of the methods, materials, equipment and practices usual to highway and storm water drainage and building construction and maintenance.  
Considerable ability in the analysis of all available data and making decisions that serve as guides to the development of general policy.  
Considerable knowledge of manpower management and office management including budgeting, etc.

Ability to prepare written reports of department operations including use of some simple statistical techniques.

Ability to deal with the public, Town officials and associates in a courteous manner.

#### Experienced Required

A minimum of Five (5) years' employment in a supervisory capacity in a highway or public works construction and maintenance operations.

PROSPECT ORDINANCE ESTABLISHING

A PROCEDURE TO BE FOLLOWED BY

THE POLICE HEARINGS BOARD

BE IT ORDAINED BY THE TOWN COUNCIL OF PROSPECT: -

SECTION 1

The composition of the Hearings Board (hereinafter referred to as the "Board") shall be as provided in Chapter 7, Section 1 of the Town Charter and the procedures of the Board shall be as provided herein.

SECTION 2

The Board shall be convened by the Mayor if he determines, after reasonable investigation, that responsible accusations, as provided in Chapter 7 - Section 1 of the Town Charter, have been made concerning an officer, of such a nature and gravity, which, if sustained, would warrant removal of the officer by the Board for the officer's failure to fulfill his responsibilities as a police officer. The Mayor may, but shall not be required to, recommend to the Board that the officer be removed.

SECTION 3

a. The Mayor shall schedule and arrange for the hearing and give written notice to the other members of the Board and the accused police officer of the time, place and date of the hearing. The hearing shall be convened not less than fifteen (15) days, nor more than thirty (30) days from the date of the notice, provided that, for good cause shown, the

-Page Two-

Mayor may postpone the hearing date beyond thirty (30) days.

b. The notice of the hearing shall include the nature of the accusations, a statement of the police officer's rights as set forth in Section 4h hereof, including the right to be heard and represented by counsel, and the Mayor's recommendation, if any. The Mayor shall arrange for an accurate record of the hearing to be made.

#### SECTION 4

a. The Mayor shall convene the hearing on the date, time, at the place specified, and act as temporary chairman. A majority of the members of the Board shall constitute a quorum.

b. The first order of business shall be to select a permanent chairman from among those Board members present. The permanent chairman shall be selected by simple majority vote of the Board members present and voting. If no nominee for permanent chairman receives a majority vote, the Mayor shall designate a permanent chairman from among those Board members present and voting, which designee may, subject to Section 5b hereof, include the Mayor.

c. The Board may, after the notice provided for in Section 3 hereof has been given, seek the legal advice of the Town Attorney or, in the case where the Town Attorney states in writing to the Board that he is unable to advise the Board, another attorney admitted to practice in the State of Connecticut,

th respect to the matter referred to the Board by the Mayor.

d. The permanent chairman shall preside over the hearing, determine the order of procedure during the hearing, insure that all participants in the hearing have a reasonable opportunity to present relevant oral and documentary evidence, and maintain decorum.

e. The hearing need not be conducted strictly according to rules of law relating to the examination of witnesses or presentation of evidence. Any relevant matter upon which responsible persons customarily rely in the conduct of serious affairs shall be considered, regardless of the existence of any common law or statutory rule which might make evidence inadmissible over objection in civil or criminal action. The Board may require that witnesses testify under oath or affirmation.

f. The Mayor or his designee shall present facts in support of removal of the officer. The designee may, but need not be, the Town Attorney. It shall be the obligation of either the Mayor or his designee to present appropriate evidence in support of removal.

g. The officer accused shall have the following rights: to be represented by counsel at the officer's own expense, to call and examine witnesses, to introduce written evidence, to cross-examine any witness on any matter relevant to the issue of the hearing, to challenge any witness, and to rebut any evidence.

h. If the accused officer fails without good cause shown to appear at the hearing, the Board may hold the hearing in the officer's absence and reach its conclusion.

## SECTION 5

a. The Board may recess the hearing and reconvene the same from time to time for the convenience of the participants or for the purpose of obtaining new or additional evidence. Upon the conclusion of the presentation of evidence, the Board shall, at a time convenient to itself and subject to Section 6a hereof, conduct its deliberations. The deliberations of the Board may, subject to any applicable federal, state or town law, regulation or ordinance concerning public attendance at such discussions, be conducted in private outside the presence of the accused police officer. The decision of the Board shall be based solely on the evidence presented at the hearing.

b. The Mayor shall not participate in the deliberations of the Board, vote in determining the decision of the Board, act as permanent Chairman of the Board, be counted in determining the quorum required in Section 4a hereof, or vote, as provided in Section 4b hereof, to select a permanent chairman, if he has either presented the facts in support of removing the officer or recommended to the Board, as provided in Section 2 hereof, that the officer be removed.

c. The decision of the Board shall be by a simple majority of those members present at the hearing and voting, provided that at least five (5) affirmative votes shall be

-Page Five-

required to remove the police officer.

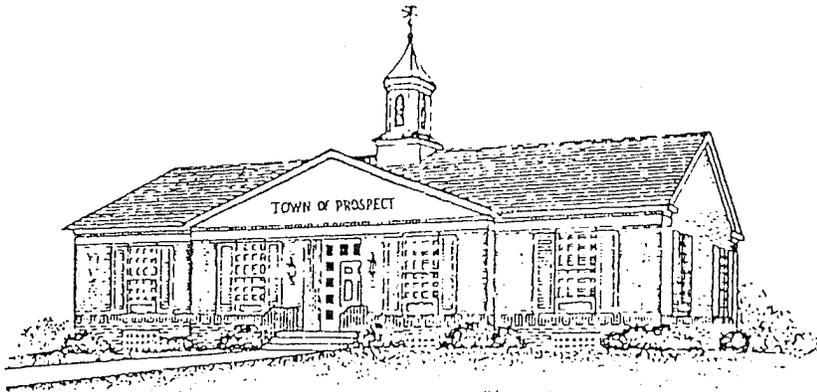
#### SECTION 6

a. Within ten (10) days after the close of the hearing, the Board shall render its decision in writing stating the reasons therefor. Copies of the decision shall be forwarded by the permanent chairman of the hearing to all Board members and the affected officer.

b. The decision of the Board shall be limited to whether or not the accused officer shall be removed from the police force. Any decision of the Board shall not alter or limit in any respect the exercise by the Mayor of his authority to supervise the Town police force and discipline the accused officer other than by removal.

c. If the decision is to remove the officer, the officer shall be considered removed from the police force effective immediately upon the rendering of the decision.

d. The Mayor shall have the authority to suspend the accused police officer pending a hearing and decision by the Hearings Board.



TOWN COUNCIL. PROSPECT, CONNECTICUT

#38-09-06-77

AN ORDINANCE PROVIDING PROPERTY TAX EXEMPTION FOR SOLAR ENERGY SYSTEMS

BE IT ORDAINED by the Town Council of Prospect that the Town of Prospect hereby authorizes the property tax exemption for Solar Energy heating or cooling systems set forth in Section 12-31 (56) (a) (b) (c) of the Connecticut General Statutes.

This ordinance shall become effective as provided in the Prospect Town Charter.

Robert T. O'Brien, Chairman  
Town Council of Prospect

Approved: 9/5/77

AN ORDINANCE CONCERNING PENSIONS,  
FOR  
EMPLOYEES OF THE TOWN OF PROSPECT

SECTION 1. DEFINITIONS

As used in this act, the following terms, unless a different interpretation is plainly required by the context, shall be defined as follows: "Retirement system" shall mean the plan for retirement of town employees as established by this act; "retirement board" and "board" shall mean the Mayor and four (4) members of the Town Council for the administration of the retirement system; "pension" shall mean a payment made to an employee, other than a return of contributions; "retirement fund" shall mean the fund derived from contributions made as herein provided for the payment of pensions; "fiscal year" shall mean the twelve months from July first of any year to June thirtieth of the following year; "pay" shall mean salary or wages, exclusive of expenses allowed, of an employee for services rendered to the Town.

SECTION 2. RETIREMENT BOARD

There shall be a retirement system for the employees of the Town of Prospect, the management of which shall be vested in a retirement board from the Town Council, consisting of the Mayor, two Majority members and two Minority members.

The board shall employ such medical, clerical and other services as may be necessary for the proper operation of the retirement system. The board shall render, on July first of each year, a statement of the pension funds in its possession and the cost of administration of this act. The board shall be the trustee of the retirement fund or shall name a trustee who shall have full control and management thereof, with power to invest same in accordance with the laws governing the investment of trust funds.

### SECTION 3. EMPLOYEES TO WHOM THIS ACT APPLIES

The terms of this act shall apply to all full-time employees of the Town of Prospect. All employees who shall enter the service of the Town at any time after July 1, 1979, shall, apply for the right to participate in the retirement system and shall be granted such right.

### SECTION 4. CONTRIBUTIONS BY THE TOWN

The Town of Prospect shall be liable for an amount or amounts, not less than 4% of regular payroll (no overtime included) on account of future pensions representing services of employees rendered prior to the inception of the retirement system but after July 1, 1979, as may be determined by the retirement board. However, in the event that there is no General Fund Surplus in a given year, (General Fund Surplus shall mean the audited General Fund Surplus from the fiscal year immediately preceding the date of the proposed appropriation) it will be the option of the retirement board to make no contribution, or to make a lesser contribution for that fiscal year. The Town of Prospect shall also be liable for an amount or amounts, not less than 4% of regular payroll (no overtime included) on account of future pensions representing services rendered by employees subsequent to the date upon which each shall begin participation in the retirement system.

### SECTION 5.

Each employee participating in said retirement system shall not be required to make any contribution but each employee may make voluntary supplemental contributions in an amount no less than 2% nor more than 10% of each employees gross pay. In the event of withdrawal of the employees from the retirement system, the board shall pay to him an amount equal to his contributions under this section plus regular interest thereon compounded annually. In no event shall an employee have a vested interest in any funds of the retirement system other than in an amount equal to his own contributions plus regular interest thereon, except as specified in the appended vesting schedule.

## SECTION 6. QUALIFICATIONS FOR RETIREMENT

Any member of the retirement system who has completed ten (10) years of continuous service as an employee of the Town of Prospect and has attained the age of sixty-five (65) years shall be eligible for retirement under the provisions of this act. Provision is made for early retirement at age fifty-five (55) with ten (10) or more years of service or deferred retirement at age seventy (70) with ten (10) or more years service, subject to Board approval.

## SECTION 7. RETIREMENT FOR DISABILITY.

Any member of the retirement system shall be eligible for retirement and for a retirement pension who has completed ten (10) years of continuous service if he becomes permanently and totally disabled from engaging in any gainful employment in the service of the Town.

If such disability is shown to the satisfaction of the retirement board to have arisen out of and in the course of his employment, as defined by the workmen's compensation act, he shall be eligible for retirement irrespective of the duration of his employment. Such retirement pension shall continue during the period of such disability. In order to obtain retirement pension under this section a member shall apply in writing for such pension within six (6) months after incurring the disability, and the allowance shall be made retroactive to the date at which the pay of the disabled employee ceased.

## SECTION 8. CONTINUITY OF SERVICE.

Continuous service, for the purposes of this act, shall mean uninterrupted employment; but absence from employment for any reason, followed by reinstatement within one (1) year thereafter, shall not be considered as breaking the continuity of the service. In computing years of service to determine eligibility for retirement, no year shall be included in

which the employee has not been in actual service for at least 1170 hours.

#### SECTION 9. SUSPENSION OF RETIREMENT PENSION

If a member shall be retired under this act, he may not thereafter accept employment of any kind with the Town of Prospect without the approval of the retirement board. This section shall not apply to member retiring for disability.

#### SECTION 10. OPTIONAL FORM OF RETIREMENT PENSION.

There shall be optional forms of retirement pensions available at the employee's option in accordance with the plan purchased by the Town of Prospect. A member shall file written notice of his election of this option with the board before he becomes eligible for retirement.

#### SECTION 11. DEATH

If it shall be shown to the satisfaction of the retirement board that a member sustained bodily injuries effected directly and independent of all other causes through external, violent and accidental means, while engaged in essential duties pertaining to his employment by the Town of Prospect, and that such injuries, independently and exclusively of all other causes, caused the death of such member, the designated beneficiary of such member shall be entitled to the employee's entire retirement account including principal and interest.

#### SECTION 12. EXEMPTIONS

The right of any person to a pension or to the return of contributions, any benefit or right accrued or accruing to any person under the provisions of this act and the cash and securities held hereunder shall be exempt from levy and sale, garnishment, attachment or any other process, and shall be nonassignable.

*Approved*  
*Ronald J. Quinn*

Ord. #40 -05-09-80 A

AMENDMENT TO ORDINANCE NO. 34-03-19-74

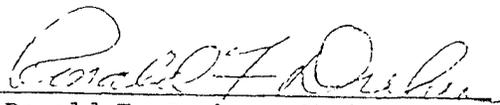
It is hereby resolved that the Town of Prospect amend Section 3 of the Town of Prospect Ordinance No. 34-03-19-74, "THE ESTABLISHMENT OF PROSPECT WETLANDS COMMISSION TO REGULATE INLAND WETLAND AND WATER COURSE AREAS" so as to read as follows:

Section 3. The Commission shall consist of seven (7) members, who shall be electors of the Town of Prospect and who shall be appointed by the Town Council.

The Commission shall be composed of one (1) representative from the Conservation Commission, one (1) representative from the Planning and Zoning Commission, and five (5) additional representatives who shall be selected from the electorate at large of the Town of Prospect.

The initial membership of the Commission shall serve as follows: Two (2) members for terms ending March 1, 1975, two (2) members for terms ending March 1, 1976, and three (3) members for terms ending March 1, 1977. Upon expiration of said terms, subsequent members shall be appointed for three (3) year terms. The Town Council shall fill all vacancies on the Commission and may remove any member for cause. All members shall serve their terms of office until their successors are appointed, and have qualified.

Commission members shall serve without compensation except for reimbursement of expenses incurred in the performance of their duties.

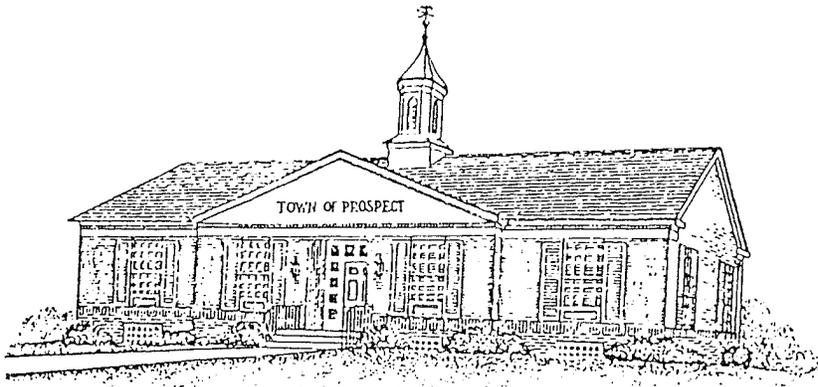


Ronald F. Dreher, Chairman  
Town Council of Prospect

Approved: May 9, 1980

Received for record May 14, 1980 at 1:05P.M.

Recorded by Patricia Vaillancourt Minick, Town Clerk



TOWN COUNCIL - PROSPECT, CONNECTICUT 06712

ORDINANCE # 41-01-19-82  
AMMENDMENT TO #38-09-06-77

Town of Prospect

BE IT ORDAINED by the Town Council of Prospect that the Town of Prospect hereby authorizes the property tax exemption for Solar Energy heating or cooling systems set forth in Section 12-81 (56) Active (57) Solar Energy Generating (62) Passive or Hybrid (63) Cogenerating. Said ordinance to be numbered #41-01-19-82.

*Ronald F. Dreher*  
Ronald F. Dreher, Chairman  
Town Council of Prospect

Approved: January 19, 1982

Received for record January 22, 1982 at 12:46 p.m. by Patricia M. Vaillancourt  
Town Clerk

Effective: February 14, 1982

*Patricia M. Vaillancourt*

LEGAL NOTICE

TOWN OF PROSPECT  
ORDINANCE #42-07-05-83  
The Town of Prospect, by its  
duly elected Town Council, pursu-  
ant to Connecticut General Stat-  
utes, Section 8-36a to 37a inclu-  
sive, hereby withdraws from The  
Central Naugatuck Valley Regional  
Planning Agency.  
This Ordinance revokes Ordinance  
12-08-27-59 passed August 27,  
1959 by the Town of Prospect  
initiating membership to said Re-  
gional Planning Agency.  
Approved: July 5, 1983  
Effective: July 29, 1983  
Dated at Prospect this 7th day  
of July 1983.  
PATRICIA M. VAILLANCOURT  
Town Clerk  
R-7/8/83

TOWN OF PROSPECT

ORDINANCE # 42-07-05-83

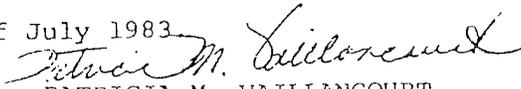
The Town of Prospect, by its duly elected Town Council, pursuant to Connecticut General Statutes, Sections 8-36a to 37a inclusive, hereby withdraws from The Central Naugatuck Valley Regional Planning Agency.

This Ordinance revokes Ordinance 12-08-27-59 passed August 27, 1959 by the Town of Prospect initiating membership to said Regional Planning Agency.

Approved: July 5, 1983

Effective: July 29, 1983

Dated at Prospect this 7th day of July 1983

  
PATRICIA M. VAILLANCOURT

TOWN CLERK

TOWN COUNCIL - TOWN OF PROSPECT, CONNECTICUT 06712-1699  
36 CENTER STREET (203) 758-4461

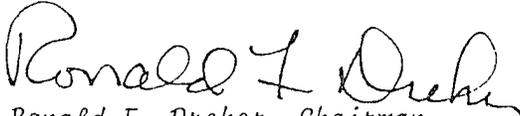
AN ORDINANCE PROHIBITING THE USE OF THE PROSPECT LANDFILL BY NON-RESIDENTS

#43-07-09-84

BE IT ORDAINED by the Town Council of Prospect that no refuse shall be deposited at the Town Landfill except refuse generated within the Town of Prospect. No persons shall deposit any refuse at the Town Landfill unless such person is a resident of the Town of Prospect or possesses a permit to use the Landfill.

No motor vehicle shall enter the Landfill to deliver refuse unless such vehicle bears a Town of Prospect resident sticker attached to its windshield or the operator of such vehicle possesses a Landfill permit. One permit per family shall be issued and shall bear the registration number of the vehicle for which it was issued. Any person violating this ordinance shall be subject to a fine of \$25.00 for a first offense and a fine of \$50.00 for a second offense occurring within one year of the first offense.

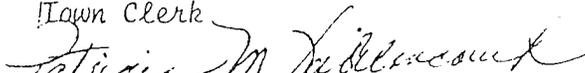
Dated at Prospect, Connecticut this 9th day of July 1984.

  
Ronald F. Dreher, Chairman  
Prospect Town Council

Approved: July 9, 1984  
Effective: August 12, 1984.

Received for record at Prospect, Connecticut this 11th day of July 1984.

Patricia M. Vaillancourt  
Town Clerk



BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPECT:

Section 1.

It shall be unlawful for any person over 16 years of age, who is not exempt under Sections 7 and 8, to solicit orders for sale of any goods, services, wares or other merchandise, including magazines and other printed matter, from door to door or on any street, or highway within the Town of Prospect, without first registering with the Office of Mayor of the Town of Prospect and having his credentials stamped as provided in Sections 2 and 3 hereof. Registration shall not constitute a permit to enter privately policed areas.

Section 2.

An applicant and other solicitors for permission to solicit orders hereunder shall complete an application provided by such Office of Mayor, which application shall contain the following information:

- (a) Name, home address and local address, date of birth of the applicant;
- (b) Photograph of the applicant taken within sixty (60) days;
- (c) Name and address of the person, firm or corporation for whom or through whom orders are to be solicited or cleared;
- (d) Nature of the goods, wares or merchandise for which orders are to be solicited;

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- (e) Names and addresses of two property owners or residents of the Town willing to serve as references or other evidence of the applicant's good character and business responsibility;
  - (f) The towns or locations where the applicant has conducted door-to-door solicitations prior to coming to the Town;
  - (g) A statement as to whether the applicant or any solicitors has been convicted of any crime or misdemeanor, and if so, what;
  - (h) A statement as to the period during which the applicant or any solicitors intends to solicit orders, not to exceed 30 days.

The applicant, or any solicitors, at the time of executing such application, shall also submit identification satisfactory to the Office of Mayor which shall contain a specimen of the applicant's signature. The application will be held by the Office of Mayor for a five (5) day waiting period for check prior to approval. Such check shall include consideration of the truth of statements in the application and prior claims of fraud, misrepresentation, other unlawful conduct or intimidating tactics.

### Section 3.

Upon compliance by the applicant with the provisions of Section 2 hereof and the payment of a license fee of \$5.00 for residents, \$200.00 for non-residents and no charge for veterans showing their DD214 in advance by the licensee to the Office of Mayor of the Town of Prospect, said

Office of Mayor shall thereupon deny the application or grant the application and stamp the credentials of the applicant, which credentials shall set forth the name and address of the applicant and of his employer, if any, the nature of the goods, wares or merchandise for which orders are to be solicited and the period during which the applicant may solicit orders, which shall not exceed 30 days, provided however, that the Office of Mayor shall not be required to grant such application of any person who shall have been convicted of any crime or misdemeanor involving moral turpitude or of any violation of this ordinance.

Section 4.

Stamped credentials shall be non-transferable and shall entitle the holder thereof, for the period indicated therein, unless revoked, to solicit orders within the Town of Prospect for the purchase of the goods, wares or merchandise specified in his application, provided that the holder shall have his stamped credentials in his possession at all times while soliciting orders and shall exhibit the same at any time upon request by any Police Officer of the Town of Prospect or any purchaser or prospective purchaser.

Section 5.

Any person soliciting within the Town of Prospect, whether or not required to register under the provisions of this ordinance, shall conform to the following regulations:

- (a) The solicitor shall conduct himself at all times in an orderly and lawful manner;
- (b) The solicitor shall leave the premises upon request by the prospective purchaser;
- (c) The solicitor shall immediately identify himself and the product;
- (d) The solicitor shall give a written receipt for all orders taken within the Town of Prospect, which receipt shall be signed by the solicitor and shall set forth a brief description of the goods, wares or merchandise ordered, the total purchase price thereof and the amount of the down payment received by the solicitor from the purchaser.

Section 6.

Any person violating any of the provisions of this ordinance or making any false statements or misrepresentations of fact for the purpose of obtaining permission to solicit orders shall, upon conviction thereof and in addition to other penalties provided by law, be subject to a fine not to exceed fifty dollars (\$50.00) or imprisonment not to exceed ten (10) days or both, each solicitation or sale being deemed a separate offense, and pending trial therefore the Office of Mayor shall suspend such permission to solicit.

Upon any registered person being convicted of any crime or misdemeanor under this ordinance or involving moral turpitude, the stamped credentials of such person shall be delivered to the Office of Mayor and his stamp hereon shall be cancelled and such person shall not thereafter solicit

orders in the Town of Prospect. The Mayor may withdraw said permission to solicit for just cause and the fee is not refundable.

Section 7.

Permission granted under this article may be summarily suspended for a period of seventy-two (72) hours, excluding Sundays and holidays, upon receipt by the Mayor of information as to prior conduct, which if known at the time of the application would have been grounds for its denial under the standards set forth in Sections 2 and 3, or on a sworn complaint by any citizen that the solicitor has failed to comply with the conditions of this ordinance, or has engaged in claimed fraudulent practices, misrepresentations, trespass, breach of the peace, or other unlawful practices, or intimidating conduct, in connection with making solicitations. Under such suspension, the applicant shall be so notified, and his stamped credentials shall be delivered to the Office of the Mayor and, at the same time, the applicant shall be given a date for a hearing by the town council as provided in Section 8, not later than thirty (30) days from the time of notice of said suspension. If the town council fails to provide a hearing within said thirty (30) days, the permission shall be reinstated for its original term.

Section 8.

Upon any denial or suspension of permission, the town council, within thirty (30) days of such denial or suspension, shall hold a hearing in connection therewith, and notice of said hearing shall be given to the applicant. At said hearing, the town council shall determine

whether the permission should continue to be denied or should issue, or whether the suspended license should be reinstated, or permanently revoked.

Section 9.

This ordinance shall not apply to salesmen selling goods to retail or wholesale stores for resale or to wholesalers selling and delivering their wares and goods to the merchants of the Town of Prospect, or to goods, merchandise or food stuffs sold and delivered by the merchants of the Town of Prospect, or to vendors or newspapers or periodicals, or to the sale of goods by students of the schools of the Town of Prospect, providing said sales have been approved by the Board of Education, nor shall this ordinance apply to anyone conducting a regular place of business within the Town of Prospect for one year.

Section 10.

This ordinance shall not apply to those persons exempted by the Statutes of the State of Connecticut; and further, the provisions of this ordinance shall not apply to civic, service, church or fraternal groups regularly organized and/or functioning in the Town of Prospect. However, such groups shall register, without fee, for any activity which comes within the scope of this ordinance. Such group shall have been in existence in Prospect for a period of at least twelve (12) months prior to application for such permit.

Section 11.

No person as defined hereinbefore in this ordinance shall solicit orders of purchase for future delivery of any goods, wares or merchandise, including magazines and other printed matter, from door to door, or on any street or highway within the Town of Prospect, before 11:00 AM or after sunset, or on Sundays or holidays.

Section 12.

This new revised ordinance will take effect on April 29, 1985 and replace previous ordinances. This ordinance supercedes the August 27, 1959 passage and revision of September 14, 1971. The official numbers that are to be deleted are 13-08-27-59 and 30-09-14-71.

Ronald F. Dreher  
Prospect Town Council, Chairman

Approved: April 2, 1985

Effective Date: April 29, 1985

Recorded: April 3, 1985 by Patricia M. Vaillancourt, Town Clerk.



LEGAL NOTICE

TOWN OF PROSPECT

Ordinance # 45-10-15-85

**AN ORDINANCE CONCERNING THE ESTABLISHMENT  
OF THE GREATER WATERBURY TRANSIT DISTRICT**

WHEREAS, the Town of Prospect wishes to maintain and improve the demand responsive public transportation serving disabled persons in this Community, and

WHEREAS, it has been determined that such public transportation need can best be met through cooperation of neighboring municipalities, and

WHEREAS, Chapter 103a of the Connecticut General Statutes provides for the establishment of transit districts whereby municipalities may join together to meet public transportation needs,

NOW THEREFORE, BE IT RESOLVED, that the Prospect Town Council does hereby approve the establishment and formation of a transit district in the Greater Waterbury Area of the State of Connecticut and the participation of the Town of Prospect in the affairs of said district, all in accordance with the provisions of Chapter 103a of the Connecticut General Statutes, as amended.

BE IT FURTHER RESOLVED, that this resolution shall become effective on October 31, 1985 upon passage of similar resolutions by other towns in the Greater Waterbury Area.

Prospect Town Council  
Ronald F. Dreher, Chairman

Approved: October 15, 1985

Effective: October 31, 1985

Received for record October 17, 1985 by Patricia M. Vaillancourt, Town Clerk.



LANDFILL ORDINANCE

Section 1

a. Purpose. In order to promote, protect and preserve the health, safety and general welfare of the people of Prospect, it is hereby declared to be in the public interest that the accumulation, preparation, storage, collection, transportation and disposal of solid waste be handled in such a manner as to prohibit the harboring and breeding of rodents and insects, and so as to prevent the spread of disease, and so as to reduce the hazards of fire and the prevention of unsightliness resulting in the reduction of the quality of life. It shall be the responsibility of the owner or owner's agent of any residential, commercial, industrial, agricultural or other property generating solid waste to provide for the handling of the solid waste generated on that premises in such a manner as to be in the public interest.

b. Terms and conditions. The use of each town waste disposal area shall be at the owner's or agent's risk and upon the following terms and conditions:

1. In consideration of the grants and privileges to use the waste area, the owner or his agent shall, as a condition precedent, release the town from any right of action, claim or demand which may otherwise accrue to him by reason of the loss of any of his property while in, upon or about the

premises at the town waste disposal area and further agrees for such consideration to indemnify the town and save it harmless from all claims, demands, actions, costs and charges to which the town may be subject or which it may have to pay by reason of injury to any person or loss of life or property suffered or sustained by any said owner or agent while in, upon or about the premises of the town waste disposal area.

2. When the owner is another subdivision of the state, the use of town facilities shall be on the basis of a contract with such other subdivision which shall be approved by the director of public works, the mayor and the council.

## Section 2

Definitions: For the purposes of this chapter, the following terms shall have the meanings herein ascribed to them:

- a. Bulky wastes: Large refuse items such as appliances, furniture, auto parts, stumps, etc.
- b. Construction and demolition wastes: The remains of the construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures.
- c. Garbage: Wastes from the preparation, cooking and serving of food.
- d. Industrial refuse: Solid waste materials from processing plants and manufacturing enterprises.

e. Market refuse: Waste resulting from the handling, storing and selling of food.

f. Miscellaneous wastes: Abandoned vehicles, agricultural and animal wastes, and dead animals.

g. Refuse: That portion of the waste stream that is in the solid state.

h. Rubbish: The combustible and noncombustible solid waste materials (excluding garbage) from households, stores, offices and institutions.

i. Sewage treatment residues: Course screenings, grit and dewatered or air-dried sludge from the sewage treatment plant.

j. Solid waste: The useless, unwanted or discarded materials resulting from society's normal activities. Solid waste is a general term that includes solid, liquid and gaseous wastes.

k. Special wastes: Hazardous wastes by reason of their pathological, explosive, radioactive, caustic or toxic nature.

l. Street refuse: Material picked up from the streets and sidewalks, litter from public receptacles and dirt from catch basins.

### Section 3

Administrative responsibility: The town shall establish and maintain a system for the acceptable disposal of

solid waste, except hazardous and certain bulky and miscellaneous wastes, generated within the town boundaries as hereinbefore defined. The town shall also establish a schedule of fees to be paid by users of the disposal area.

The public works director shall have general charge and supervision over the administration and enforcement of this chapter. He may delegate the responsibility for the efficient operation of the waste disposal facility to the assistant director of public works.

The ownership of all solid waste deposited on the disposal site shall be vested in the town and such material is hereby declared to be public property. No person shall go upon the town disposal site for the purpose of depositing materials thereon nor shall any person deposit materials on the town disposal site except in accordance with the provisions of this chapter.

No person shall salvage, collect or remove any solid waste from the disposal site without the written approval of the director of public works.

No person or corporation shall bring into the town any solid waste generated and/or accumulated outside of the town and deposit the same upon the town disposal facilities or any other place within the town, except where in those cases there exists a contract between the town and another subdivision of the state permitting the latter to use said facilities.

## Section 4

Preparation and storage of solid wastes: Before being placed for collection, all garbage shall be placed in a suitable watertight container which will prevent blowing litter, leakage and escaping odors, and will provide sanitary conditions suitable to the director of health. All reusable trash containers shall be maintained in a sanitary condition and in good repair and shall be thoroughly cleaned as needed.

Doors shall be removed from the hinges of all iceboxes, refrigerators, freezers, stoves or other major metal appliances with doors affixed, prior to being deposited at the landfill.

Tree clippings, hedge clippings and similar material resulting from the regular maintenance of residential yards shall be deposited in a separate designated area of the disposal site. Large amounts of brush resulting from clearing operations and commercial tree operations shall be chipped prior to disposal.

Special wastes and miscellaneous waste as defined in Section 2 shall not be deposited in the landfill. Acceptable disposal of such wastes is the responsibility of the producer and shall be governed by the provisions of public law 94-58, Subtitle C, Hazardous Waste Management. Any load comprised in part of special or miscellaneous wastes shall be treated as if made up entirely of said waste.

## Section 5

Responsibility of collectors: No person or corporation shall convey or transport refuse upon or along any public highway in the town unless such refuse is contained and/or covered or otherwise secured so as to prevent it from leaking, dripping, falling, blowing or scattering from the vehicle or container or equipment in which it is being conveyed or transported, provided, however, that the top cover of a vehicle engaged in the collection of refuse may be partially exposed while travelling between pickup stops and where the said stops are reasonably close to each other. When travelling between the collection route and the disposal area or between separate collection areas, all loads of refuse must be completely covered. All vehicles, containers and equipment used in the transport of any form of refuse shall be kept clean, and no person shall drain or allow to be drained the liquid from any vehicle in such a manner as to create an unsanitary condition. Persons transporting refuse on the public highways shall completely empty the refuse from their vehicles and/or containers at the disposal site in order to prevent the scattering of residue on the return trip. All collections shall be made as quietly as possible and no unnecessarily noisy trucks or equipment shall be used. All vehicles shall conform to all applicable safety regulations and be operated in conformance with the motor vehicle laws of the state.

To reduce the size of the load and to prevent loose materials from scattering onto public or private property, all trucks hauling refuse on a commercial basis and utilizing any town disposal area shall be equipped with a compactor within one year of the effective date of this ordinance. Those haulers involved in only rubbish as defined in Section 2 are excluded from a compactor requirement.

#### Section 6

Control of private collectors: It shall be unlawful for any person or corporation other than those that are licensed under this ordinance to engage in the business of collecting, removing, transporting or disposing of solid waste except:

a. Those private collectors specifically authorized by commercial permit at an annual fee of \$25.00.

b. Those commercial and industrial producers of solid waste specifically authorized by commercial permit to haul and dispose of their solid waste.

c. Those residential producers of solid waste who wish to retain the responsibility for handling their solid waste. For the purpose of this section the term residential producers shall mean the owners or occupants of single-family residences and landlords of multi-family residences of four (4) units or less.

d. Those charitable organizations which may collect and remove items for reuse from their own receptacles.

e. Applicants for commercial permits who are to pay a tonnage charge under Section 7 must post a surety bond or cash bond in the amount of One Thousand Dollars (\$1,000.00) or an amount equal to the estimated tonnage charges for four (4) months, whichever is less. Such deposit or security may be applied toward the payment of solid waste disposal bills whenever the same shall have become delinquent. This section will apply upon the installation of a scale.

f. Applicants for commercial permits must present evidence of motor vehicle coverage as otherwise required by state law.

#### Section 7

a. Residential permit: Any residential producer of solid waste as defined in Section 6c using the landfill for disposal of solid waste, except for automobile and truck tires, from his or her residence and transporting the same by private passenger vehicle shall not be charged any fees at present and must obtain resident's permit to be adhered to the vehicle that will be used to transport the solid waste.

b. Commercially licensed vehicles permit:

1. Commercially licensed vehicles must obtain an annual commercial permit from the director of public works.

2. Licensing for refuse haulers.

The annual fee from January 1 through December 31 shall be \$25.00. The owner will have to attest to the fact he is only dumping refuse generated by Prospect residents into the landfill. Failure to comply penalties will be as outlined in Section 8.

3. Commercially or combination licensed vehicles with a rated capacity of one thousand five hundred (1,500) pounds or less must obtain a commercial permit from the director of public works.

Owners of commercially or combination licensed vehicles that are used in the transport of solid waste from the owner's personal residence shall be considered residential producers and governed by the terms of subsection (a) above.

c. Term: The commercial permits shall expire on December 31st of each year. All owners of vehicles or trailers requiring commercial permits must obtain and affix to their vehicles new special permits prior to January 1st of each year, or they will not be permitted to dump at the town's waste disposal areas. Commercial permits renewed for the ensuing year shall be obtained from the office of the director of public works under the same procedure required for obtaining the initial special permit.

d. Automobile and truck tires: Any residential producer of solid waste and any commercial or combination licensed vehicles disposing of automobile and/or truck tires at the landfill shall pay a fee of seventy-five cents (\$.75) per

automobile tire and one dollar (\$1.00) per truck tire, payable only with tickets purchased from the office of the Mayor.

Residential producers who are sixty-five (65) years of age or older are exempt from the above fees.

e. The tonnage charges for commercial permittees shall be set by the Public Works Director who shall administer the billing of the tonnage charges. Any bill not paid when due shall bear interest at the rate of one and one-half per cent (1 1/2%) per annum. Commercial permittees who have not paid any bill when due shall be suspended from all disposal privileges.

#### Section 8

Violations and penalties: Any commercial permittee or his agent who has been cited by the director of public works as having violated any of the provisions of this chapter, except failure to pay billed charges in accordance with Section 7 for which there is a separate penalty, shall, after five (5) days notice in writing, postage prepaid, appear before the mayor for an administrative hearing and if it is determined that such person has violated any provision of the chapter, he shall then be subject to the imposition of penalties as herein more particularly set forth regardless of whether or not he so appears before the mayor:

a. First violation: Seven (7) days suspension of all the owner's permits for use of the town waste disposal area. In

addition, owners of vehicles engaged in the commercial collection and disposal of waste in the town shall, at least five (5) days prior to the effective date of said suspension, notify all of said owner's customers in writing that he has been suspended from use of the town waste disposal area, such owner shall provide an affidavit that such notice was given and a copy of the form of such notice. Additionally, owners of vehicles engaged in the commercial collection and disposal of waste in the town shall notify all of said owner's customers that his permits to use the town waste disposal areas have been revoked if collection service is to be discontinued.

b. Second violation: Three (3) months suspension of all of the owner's permits for use of the town waste disposal area. In addition, owners of vehicles engaged in the commercial collection and disposal of waste in town shall, at least five (5) days prior to the effective date of said suspension, notify all of said owner's customers in writing that he has been suspended from use of the town waste disposal area, such owner shall provide an affidavit that such notice was given and a copy of the form of such notice. Additionally, owners of vehicles engaged in the commercial collection and disposal of waste in the town shall notify all of said owner's customers that his permits to use the town waste disposal areas have been revoked if collection service is to be discontinued.

c. Third violation: One (1) year suspension of all the owner's permits for the use of the town's waste disposal area. In addition, owners of vehicles engaged in the commercial collection and disposal of waste in town shall, at least five (5) days prior to the effective date of said suspension, notify all of said owner's customers in writing that he has been suspended from use of the town waste disposal area, such owner shall provide an affidavit that such notice was given and a copy of the form of such notice. Additionally, owners of vehicles engaged in the commercial collection and disposal of waste in the town shall notify all of said owner's customers that his permits to use the town waste disposal areas have been revoked if collection service is to be discontinued.

In no event shall any transferee, lessee, successor or assign of any owner who has had his commercial permit or permits revoked under the terms of this section be entitled to be issued a commercial permit on said vehicles unless such transferee, lessee, successor or assign of any owner can show appropriate proof to the mayor that said former owner has no title or other legal beneficial interest in said vehicles.

In the event a residential permittee violates, or through his agent violates the provisions of this chapter there shall be imposed upon said owner a monetary penalty of ten dollars (\$10.00) for each violation, and additionally, his right to the use of the town's waste disposal areas shall be suspended until said monetary penalty is paid.

This ordinance shall become effective on January 20, 1986 and after publication.

*Ronald F. Dreher*

Prospect Town Council  
Ronald F. Dreher, Chairman

Approved: December 17, 1985

Effective: January 20, 1985

Received for record: December 26, 1985 by Patricia M. Vaillancourt, Town Clerk

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TOWN CLERK'S OFFICE  
RECEIVED FOR RECORD

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*Patricia M. Vaillancourt*  
TOWN CLERK