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LEGAL NOTICE
TOWN OF CROMWELL

Jean Ahlquist
TOWN CLERK

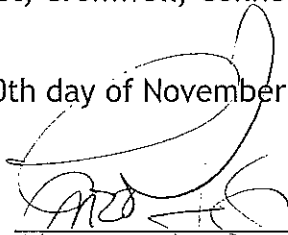
The Town Council of the Town of Cromwell, Connecticut will hold a Public Hearing on Wednesday December 14, 2016 at 6:30 p.m. in the Cromwell Town Hall, Room 224/5, located at 41 West Street, Cromwell, CT regarding amending or adding the following:

- a. Chapter 146-14, Septic System Maintenance
- b. Chapter 151-46, Outdoor Wood-burning furnaces
- c. Chapter 150-6, Landlord Registration
- d. Chapter 99 Building Construction

Citizens may attend and offer comments on the proposed amendments.

Copies of the amendments, in their entirety, are available for public inspection at the office of the Town Clerk, 41 West Street, Cromwell, Connecticut and will be posted on-line at www.cromwellct.com.

Dated at Cromwell, Connecticut this 30th day of November, 2016



Enzo Faienza, Mayor
For the Town Council

146-14 Septic System Maintenance.

- A. All on-site sewage disposal systems located within the town shall be pumped-out and a septic tank inspection performed by a licensed septic cleaner or septic system installer not less than once in every three (3) - year period and at the time of the sale of or transfer of the property.
- B. All pump-outs and inspections required hereunder shall be conducted by a person or company licensed to do such work and shall be reported to the Director of Health on an approved form within thirty (30) days thereof. It shall be the owner of the property's responsibility to ensure that the form is returned to the Health Department promptly and to pay any required fees.
- C. If it is determined at any time that a septic tank requires the addition of risers or the repair of the baffles, these repairs shall be completed within ninety (90) days from the date of written notice from the Town.
- D. The Director of Health in the exercise of his/her discretion may require more frequent pump-outs for those on-site sewage disposal systems which he/she believes warrant more frequent maintenance. Properties which may require more frequent maintenance include, but are not limited to, food service establishments, marinas, institutional establishments, day care facilities and multi-family dwellings. More frequent pumping also may be required if the septic tank or cesspool is undersized for the use.
- E. The Director of Health, in the exercise of discretion, may waive the required pump-out frequency if he/she determines that a pump-out is not necessary every three (3) years. The director of health shall have the right to oversee said pump-out and conduct or observe any inspection.
- F. For each report submitted as required hereunder, a \$50.00 fee will be assessed for maintaining and tracking the inspection information including dates of inspection and services provided.
- G. The failure to comply with this ordinance and pay all fees as required is finable in accordance with Chapter 1, Article I of the Town Code.

Outdoor wood-burning furnaces prohibited; definitions.

- A. Outdoor wood-burning furnaces are prohibited in the Town of Cromwell.
- B. As used in this chapter, the following terms shall have the meanings indicated:

OUTDOOR WOOD-BURNING FURNACE

1. An accessory structure or appliance designed to be located outside of a structure used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance is located, or any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water
2. "Outdoor wood-burning furnace" does not include a fire pit, wood-fired barbecue or chiminea.
3. Outdoor wood-burning furnaces installed prior to the date of this code are excepted.

CHAPTER 150. LANDLORD REGISTRATION

150-6. Require registration.

E. A \$50.00 fee for each rental property shall be assessed annually for the costs of maintaining and updating current landlord contact information.



TOWN OF CROMWELL
BUILDING DEPARTMENT
Nathaniel White Building
41 West Street, Cromwell, CT 06416

DECEMBER 14, 2016 TOWN COUNCIL MEETING

TO: Anthony J. Salvatore, Town Manager and Town Council Members
FROM: David Jolley, Building Official *DJ*
DATE: December 5, 2016
RE: **Changes to "Chapter 99 Building Construction"**

At the June 2016 Council Meeting, I requested changes to Chapter 99 of the Town Code. My request was approved with minor modifications and was further directed to ask for Kari's review.

Please review the following edits that were made by the Council, Kari and I. A major change to 99-4 Refunds of Fees is being recommended by me to say "No More Refunding of All Fees". Refer to my explanation for more information.

As noted before, deleted words are ~~struck out~~ and new words are underlined.

F:Daves letters and memos/memo 12-05-16

PROPOSED

Chapter 99. Building Construction

[HISTORY: Adopted by the Board of Selectmen of the Town of Cromwell 8-3-1976.
Amendments noted where applicable.]

CHARTER REVISION

Effective with the general election held in November 2013, the Town changed to a Town Council/Town Manager form of government. According to Charter §11.04, any references in Town ordinances to the "First Selectman" or to the "Board of Selectmen" shall now be deemed to refer to the "Town Manager" or the "Town Council," as appropriate.

GENERAL REFERENCES

Housing standards – See Ch. 151

Sewers – See Ch. 193.

Streets and sidewalks - See Ch. 204.

§99-1. Adoption of standards by reference.

The Town of Cromwell hereby adopts as its Building Code the Connecticut State Building Code as it now exists and as it may hereafter be amended by the State Building Inspector and The Codes and Standards Committee.

§99-2. Fees.

A. Building Permits Valuations: The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued. If in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates that meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

Delete "B. Plan Review: in its entirety and replace with the following:

B. Plan Review: The Building Official shall determine whether a plan review fee is required and the appropriate fee according to the following schedule. All required plan review fees shall be paid to the Town of Cromwell prior to the acceptance of a permit application and/or construction documents. The Building Official shall determine if any project should be sent to an outside agency for plan review and such agency shall be approved by the Building Official. All costs for outside review shall be paid by the applicant. (Kari)

1) Schedule of fees for plan review:

- a) Residential Construction: Detached one- and two-family dwelling and multiple single-family dwellings (townhouses) not more than three stories above grade plane with a separate means of egress and their accessory structures, including all mechanicals, additions, alterations, ~~renovations~~ (Kari): ~~minimum~~ (Council) \$50.00 per dwelling.

b) Plan review for all construction other than residential construction (Kari): ~~minimum~~ (Council) \$200.00.

2) Resubmitted Plans and/or Construction Documents: ~~minimum~~ (Council) ~~\$100.00~~ \$50.00 per Residential dwelling, \$200.00 for all other construction. (Dave) ~~It shall be the duty of the Building Official to deem whether resubmitted plans may be subject to the minimum fee.~~ The Building Official shall determine whether resubmitted plans and or construction documents are subject to this fee or fraction thereof. The fee is to be paid prior to the resubmission. (Kari)

C. Permit Fees: A permit shall not be valid until the following fees have been paid.

1) Standard fee for all permits: \$20.00 for the first thousand in estimated construction costs or fraction thereof. (Kari)

2) Standard fee for all permits after the first thousand in estimated construction costs is \$15.00 per thousand or fraction thereof. (Kari)

D. Final Certificates: The following certificates shall not be issued until all fees as set forth herein have been paid to the Town of Cromwell. ~~It shall be the duty of the Building Official to deem whether the following certificate fees are applicable.~~ The Building Official shall determine whether the following certificate fees are applicable. (Kari)

1) Certificate of Approval: \$20.00

2) Certificate of Occupancy: \$20.00

E. Related Fees: The payment of the fee fees set forth herein for the construction, alteration, removal or demolition work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law. Fees, including but not limited to those ~~for additional permits~~ related to all permits and reinspections, investigations shall be paid prior to the issuance of any Certificate of Approval or Certificate of Occupancy. ~~It shall be the duty of the Building Official to determine whether any related fee is applicable and the corresponding dollar amount associated with it.~~ The Building Official shall determine whether any related fee is applicable. (Kari)

1) Additional permits – per section 99-2(C). (Kari)

2) Reinspection fee: \$30.00 per inspection. (Kari)

F. Waiver of fees for municipal projects.

[Added TC 6-16-2014]

1) The Chief Building Official or his designee shall waive any of the building permit fees set forth in §99-2B, C, D and E for any permits issued to the Town of Cromwell or the Cromwell Board of Education.

2) The State of Connecticut education fee cannot be waived and must be paid by the municipality or the Cromwell Board of Education.

3) The waiver of fees does not apply to the Cromwell Fire District or to the Mattabassett Regional Sewer District.

§99-3. Building permit application procedure.

- A. Application to the office of the Building Official for the permits set forth in §99-3 hereof, shall be on a form prescribed by the office of the Building Official and in accordance with procedures established by that office.
- B. All permits issued are subject to any conditions imposed in the application and may be subject to revocation for violations thereof.
- C. Premises on which taxes are delinquent. No application for a Building Permit or a Certificate of Occupancy shall be approved for premises on which taxes are delinquent except in accordance with Chapter 213 of the Cromwell Town Code. For purposes of this section, delinquent taxes are defined in Chapter 213, § 213-2 [Added BOS 1-10-1996; amended BOS 1-10-2012^[1]]
[1] Editor's Note: This ordinance, which provided an effective date of 12-10-1996, also repealed former Subsection D, Denial of permit, added BOS 1-10-1996, which immediately followed.

Delete A, B, C, D, E of 99-4 and replace with the following:

§99-4. No Refunds of fees.

- A. All fees paid pursuant to this Chapter are non-refundable regardless of whether a permit is ultimately granted. (Kari)

[Explanation: The Connecticut State Building Code authorizes the Building Official to establish a Refund Policy. The Code Language is as follows: **Refunds** 109.6(IBC), 108.5(IRC). The Building Official is authorized to establish a Refund Policy. My recommendation for a policy is "No Refunds". If one wants to appeal, they would follow the Appeals Process as set forth in The Connecticut State Building Code "Means of Appeal".] (Dave's Recommendation)

Delete A, B, and C of 99-5 and replace with the following:

§99-5. Violations and penalties; appeals.

- A. All violations of the provisions of this ordinance and/or the Connecticut State Building Code as incorporated herein, shall be punishable by a fine of not more than \$500 for each offense. Each day that a violation continues shall be deemed a separate offense. (Kari)
- B. Any person who shall continue any work in or about a building or structure after having been served by the Building Official's office with a stop order, except such work as he is directed to perform by the Building Official's office to remove a violation or unsafe condition, shall be subject to an additional fine of not less than \$25 nor more than \$500 for each offense. Every day that a violation continues shall be deemed a separate offense. (Kari)
- C. The appeal provisions of Chapter 1, Article I of the Town Code shall not apply to violations of this Chapter or the State Building Code incorporated herein. (Kari) Refer to The Connecticut State Building Code "Means of Appeal". (Dave)
[Added BOS 4-9-1997]