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**TOWN OF CROMWELL  
LEGAL NOTICE**

  
TOWN CLERK

**PLEASE TAKE NOTICE** that the Town Council of the Town of Cromwell passed the following ordinances at their meeting that was held on February 8, 2017, amending the Code of the Town of Cromwell:

Chapter 99 Building Construction  
Chapter 151-46 Outdoor Wood-Burning Furnaces

The Ordinances will become effective April 15, 2017.

Copies of the ordinances in their entirety are available in the Town Clerk's Office and online at [www.cromwellct.com](http://www.cromwellct.com).

## **Chapter 99. Building Construction**

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

### **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.

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.

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: \$50.00 per dwelling.

b) Plan review for all construction other than residential construction: \$200.00.

2) Resubmitted Plans and/or Construction Documents: \$50.00 per Residential dwelling, \$200.00 for all other construction. 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.

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.

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

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. The Building Official shall determine whether the following certificate fees are applicable.

- 1) Certificate of Approval: \$20.00
- 2) Certificate of Occupancy: \$20.00

E. Related Fees: The payment of the 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 related to all permits and reinspections, shall be paid prior to the issuance of any Certificate of Approval or Certificate of Occupancy. The Building Official shall determine whether any related fee is applicable.

- 1) Additional permits – per section 99-2(C).
- 2) Reinspection fee: \$30.00 per inspection.

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<sup>[1]</sup>]

[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.

#### **§ 99-4. Refunds of fees.**

- A. Application for a refund of any fee paid hereunder shall be made, in writing, to the office of the Building Official, specifying the reason for the refund. After review of such application, the office of the Building Official shall make a recommendation, in writing, to the Town Manager for action thereon.
- B. Refunds will be considered on an individual basis by the Town Manager with respect to permits if the application for refund is made within six months of the date of original issuance. No refund application shall be considered after six months from the original permit issuance date.
- C. Fees for those final certificates as set forth in § 99-2D hereof shall not be refundable.
- D. In the case of a revocation of a permit or abandonment or discontinuance of a building project, the value of the work actually completed shall be computed by the office of the Building Official, and any excess fee shall be returned to the permit holder, subject to the following conditions:
  - (1) The maximum refund shall be 70% of the fee paid.
  - (2) All penalties imposed against the permit holder under the Building Code shall first be deducted from any approved refund.
- E. The Town Manager shall approve, modify or deny the refund request.

#### **§ 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.
- 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.
- 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. Refer to The Connecticut State Building Code "Means of Appeal".  
[Added BOS 4-9-1997]

## 151-46 OUTDOOR WOOD-BURNING FURNACES

- A. Definition. For purposes of this section, in accord with CT.G.S.22a-174K, an "outdoor wood-burning furnace" is defined as an accessory structure or appliance designed to be located outside living space ordinarily 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, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water. "Outdoor wood-burning furnace" does not include a fire pit, wood-fired barbecue or chiminea.
- B. Outdoor wood-burning furnaces as defined in CT.G.S.22a-174K are permitted in all zones by a zoning permit providing the proposed unit complies with all the requirements of CT.G.S.22a-174K and is located a minimum of 200 feet from the nearest residence or commercial area and the chimney does not exceed the maximum height of structures permitted in the zone. Only outdoor wood-burning furnaces which have been certified under the voluntary partnership agreement with E.P.A., are acceptable.
- C. Limitations for installation and construction. No person shall, from the effective date of this section, construct, install, establish, modify, operate or use an outdoor wood-burning furnace, unless:
  - 1. The outdoor wood-burning furnace was constructed, installed, established, modified, operated or in use prior to the effective date of this section; and
  - 2. The outdoor wood-burning furnace complies with the provisions of CT.G.S.22a-174K.
- D. Operational limitations. All installed and constructed outdoor wood-burning furnaces, as established under Subsection B are subject to regulation for proper use and operation, and improper operation will be determined by, but not limited to, the following factors:
  - 1. Generation of heavy, thick, blinding, environmentally polluting, hazardous or public health compromising smoke or furnace discharge; or
  - 2. Generation of toxic, environmentally polluting, hazardous or public health compromising odors; or
  - 3. Failure to operate the unit in accord with the manufacturer's recommendations.
  - 4. The furnace shall be operative only during the months of November thru April.
- E. Enforcement Officer: means the person designated by the Town Manager, including the Director of Health, the Town's Zoning Enforcement Officer, the Chief of Police and/or the Town Manager's designee(s).