

## PART II

### CODE OF ORDINANCES

#### Chapter 1

#### GENERAL PROVISIONS

**Editor's note**—Throughout this Code, technical substantive changes are indicated by editor's notes immediately following revised sections or preceding revised articles or divisions. In addition, the user of this volume should note that the following non-substantive changes have been made in the ordinances codified herein: (1) Generally, any provisions in other ordinances covered by a provision of this chapter have been deleted in favor of the provision of this chapter; (2) Effective date and enacting clause provisions have been omitted; the user of this volume should refer to the council minutes for such provisions if they are needed; (3) Misspelled words, grammar and diction errors have been corrected; (4) Lead-in material (for section 6-4(b), for example) has been supplied in some cases; (5) Internal references in sections to other paragraphs of the same section or to other sections of the Town's ordinances have been updated to refer to the chapter, article, division, section or paragraph of this Code in which such section has been placed in the process of codification.

#### **Sec. 1-1. How Code designated and cited.**

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances of the Town of East Haven, Connecticut," and may be so cited.

#### **Sec. 1-2. Catchlines of sections.**

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

#### **Sec. 1-3. Rules of construction and definitions.**

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless they are inconsistent with the manifest intent of the town council or the context clearly indicates otherwise:

*Generally.* The provisions of this Code shall be liberally construed to effect the purposes expressed therein or implied from the expression thereof. In case of doubt or ambiguity in the meaning of such provisions, the general shall yield to the particular. Reference for interpretation and construction shall tend to further the accomplishment of the elimination of the particular mischiefs for which the provisions were enacted. Words shall be construed in their common and usual significance unless the contrary is clearly indicated.

*Bond.* When a bond is required, an undertaking in writing shall be sufficient.

*Computation of time.* Whenever a notice is required to be given or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be excluded in computing the time, but the day on which such proceeding is to be had shall be counted, except that if the last day is Sunday or a legal holiday, such day shall be excluded.

*Corporate limits, corporation limits.* Whenever the words "corporate limits," "corporation limits" or "town limits" are used, they shall mean the legal boundary of the Town of East Haven.

*County.* The words "the county" or "this county" shall mean the County of New Haven, in the State of Connecticut.

*Gender.* Words importing the masculine gender include the feminine and neuter.

*General Statutes.* The words "General Statutes" shall mean the revision of 1958 of the General Statutes of the State of Connecticut and all amendments thereto.

*Interpretation.* In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than other more general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

*Joint authority.* All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers, unless otherwise specifically provided.

*Month.* The word "month" shall mean a calendar month.

*Name of officer.* Whenever the name of an officer is given, it shall be construed as though the words "of the Town of East Haven," were added.

*Nontechnical and technical words.* Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

*Number.* A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

*Oath.* The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

*Or, and.* "Or" may be read "and," and "and" may be read "or" if the sense requires it.

## GENERAL PROVISIONS

§ 1-3

*Owner.* The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership or joint tenant of the whole or of a part of such building or land.

*Person.* The word "person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

*Personal property.* The term "personal property" includes every species of property except real property, as herein described.

*Preceding, following.* The words "preceding" and "following" shall mean next before and next after, respectively.

*Premises.* Whenever the word "premises" is used, it shall mean place or places.

*Property.* The word "property" shall include real and personal property.

*Real property.* The term "real property" shall include lands, tenements and hereditaments.

*Seal.* Whenever the word "seal" is used, it shall mean the city or corporate seal.

*Shall, may.* "Shall" is mandatory; "may" is permissive.

*Sidewalk.* The word "sidewalk" shall mean any portion of the street, usually lying on either side thereof, between the curb and the adjacent property line, intended for the use of pedestrians.

*Signature or subscription.* The word "signature" or "subscription" of a person shall include a mark when the person cannot write.

*State.* The words "the state" shall be construed to mean the State of Connecticut.

*Street.* The word "street" shall include but shall not be limited to streets, avenues, boulevards, bridges and the approaches thereto, roads, alleys, lanes, viaducts and all other public thoroughfares in the city. Such term includes all that part of any such public thoroughfare from property line to property line of the premises abutting thereon.

*Tenant, occupant.* The word "tenant" or "occupant," applied to a building or land, shall mean any person who occupies the whole or a part of such building or land, whether alone or with others.

*Tense.* Words used in the past or present tense include the future as well as the past and present.

*Town.* The term "town" or "the town" shall mean the Town of East Haven, Connecticut.

*Week.* The word "week" shall be construed to mean seven (7) days.

*Written, in writing.* The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

*Year.* The word "year" shall mean a calendar year.

*State law reference*—Rules of construction of terms used in the General Statutes, G.S. § 1-1.

**Sec. 1-4. Certain ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (1) Any ordinance promising or guaranteeing the payment of money for the town, or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness;
- (2) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;
- (3) Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget;
- (4) Any ordinance annexing territory to the town or excluding territory as a part of the town;
- (5) Any ordinance granting any franchise, permit or other right;
- (6) Any ordinance regulating or restricting traffic or parking on particular locations in the town;
- (7) Any ordinance approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument;
- (8) Any zoning or subdivision regulations of the town;
- (9) The housing ordinance of the town, adopted May 3, 1977;
- (10) The sanitary sewer system construction, extension, maintenance and operation regulations ordinance of the town, adopted August 1, 1978;
- (11) Any temporary or special ordinance;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

**Sec. 1-5. Section and chapter numbers.**

In each section number of this Code of Ordinances the figure before the dash refers to the chapter number and the figure after the dash refers to the provisions of the section within the chapter. No officer or employee of the town shall issue any book or pamphlet containing any section of this Code numbered otherwise than it is numbered herein.

**Sec. 1-6. Supplementation of Code.**

(a) By contract or by town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the town council. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the town council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings, and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings, and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections \_\_\_\_\_ to \_\_\_\_\_" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections or the alphabetical arrangement of new chapters inserted into the Code; but, in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

**Sec. 1-7. Official copies of Code.**

(a) Two (2) copies of this Code of Ordinances shall be preserved by the town clerk in a book or binder in looseleaf form, or in such other form as he may consider most expedient so that all amendments and additions may be inserted in their appropriate

places and all sections repealed from time to time may be extracted therefrom, for the purpose of maintaining such copies in such condition that they will show at any time the status of all general ordinances passed up to that time.

(b) The copies of this Code of Ordinances provided for in subsection (a) of this section shall remain in the custody of the town clerk at all times but shall be available at his office for all persons desiring to examine the same.

(c) If any doubt arises in determining whether or not any ordinance which has been passed, or part thereof, shall be inserted in such copies, or determining the form, chapter or section in which it shall be inserted, or in determining what material shall be deleted, the town clerk shall be guided by the advice of the corporation counsel.

#### **Sec. 1-8. Distribution of copies of Code.**

All printed copies of this Code of Ordinances shall be deposited with the town clerk, who shall deliver one copy thereof to the head of each department of the town and to such other persons as the town council may designate.

#### **Sec. 1-9. Effect of repeal of ordinances.**

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinances 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 or cause of action arising under the ordinance repealed.

#### **Sec. 1-10. Altering Code.**

It shall be unlawful for any person in the town to change or amend, by additions or deletions, any part or portion of this Code of Ordinances, or to insert or delete pages, or portions thereof, to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of East Haven to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in section 1-11 hereof.

#### **Sec. 1-11. General penalty; continuing violations.**

Wherever in this Code of Ordinances, or in any ordinance, rule or regulation promulgated by an officer or agency of the town under authority vested in him or it by law or ordinance, any act is prohibited or is declared to be unlawful, or the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance, rule or regulation shall be punished by a fine of not more than one hundred dollars (\$100.00). Except as otherwise provided, each day any violation of this