

PART III
CODE OF ORDINANCES

Chapter 1
GENERAL PROVISIONS



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, Town of Madison, Connecticut," and may be so cited.

Sec. 1-2. Definitions and rules of construction.

(a) In the construction of this Code and of all ordinances, the following rules shall be observed, unless the context clearly indicates otherwise:

Board, commission, department. Boards, commissions and departments are construed as if followed by "of the town" and include duly authorized representatives.

Business. The term "business" includes businesses, professions, trades and occupations, and every kind of calling.

Charter. Reference to "this Charter" or "the Charter" shall mean the Charter of the Town of Madison, Connecticut, as printed in Part I of this volume.

Code. Reference to "this Code" or "the Code" shall mean the Code of Ordinances, Town of Madison, Connecticut, as designated in section 1-1.

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

Engage in. The term "engage in" includes commence, engage in, carry on, conduct, maintain, manage and operate.

Gender. The use of any gender shall include the other gender.

Goods. The term "goods" includes wares or merchandise.

Joint authority. All words given in 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.

Keeper or proprietor. The words "keeper" or "proprietor" mean and include persons, firms, associations, corporations, clubs, copartnerships and joint ventures, whether acting by themselves or through a servant, agent or employee.

License fee. The term "license fee" includes any charge imposed for a license, whether the object is regulation or revenue, or both regulation and revenue; but when applied to any business, profession, occupation, trade or calling regulated by the state as a matter of statewide concern the object shall be revenue only.

Number. The use of the singular shall include the plural and the use of the plural shall include the singular.

Oath. The term "oath" includes an affirmation.

Office. The term "office" means the use of the title of any officer, employee or office of the town, unless otherwise specifically designated.

Officers, employees. The title of any officer or employee used in this Code shall be construed as if the words "of the town" followed it, and shall include his duly authorized representative.

Operate. The term "operate" includes carry on, keep, conduct, maintain or manage.

Owner. The term "owner," when applied to a building or land, includes any part owner, joint owner, or owner of a community or partnership interest, life tenant, tenant in common, or joint tenant, of the whole or a part of such building or land.

Person. The term "person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them, and includes all political subdivisions and governmental agencies (except the United States of America and the state), and every department of such political subdivisions, together with every officer and employee thereof while working in the course of his employment.

Personal property. The term "personal property" includes every species of property except real property as defined in this section.

Property. The term "property" includes real and personal property.

Public place. The term "public place" includes any and all streets, highways and boulevards, al-

leys or other publicly owned or controlled parks, squares, spaces, grounds and buildings.

Real property. The term "real property" includes lands, tenements and hereditaments.

Sale. The term "sale" includes any sale, exchange, barter or offer for sale.

Shall, may, must. "Shall" and "must" are mandatory; "may" is permissive.

Sidewalk. The word "sidewalk" means the paved portion of a street between the street right-of-way and the adjacent property line, intended for the use of pedestrians.

State. The words "the state" or "this state" mean the State of Connecticut.

State law, general law or General Statutes. The terms "state law," "general law" and "General Statutes" refer to the General Statutes of Connecticut, Revision of 1958, as amended.

Street. The term "street" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of public for purposes of vehicular or pedestrian travel, including, but not limited to, alleys, lanes, courts, greens, public squares and places, and sidewalks.

Tenant, occupant. The terms "tenant" and "occupant," applied to a building or land, include any person holding a written or oral lease of, or who occupies, the whole or a part of such building or land, either alone or with others.

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

Town. The term "town" shall mean the Town of Madison, Connecticut.

Vote, approval or consent. Except as otherwise provided in connection therewith, the phrase "vote, approval or consent" of the board of selectmen or other body means the affirmation vote of a majority of those members present at a meeting having a quorum in attendance. Whenever such phrase refers to the members of the board of selectmen or other body rather than the board or body as such, the vote required shall be

in relation to the total membership rather than to those present at the meeting.

Writing. The term "writing" includes any form or recorded message capable of comprehension by ordinary visual means.

(b) In the construction of this Code, except as otherwise provided in this Code, words and phrases shall be construed according to the General Statutes; technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law, shall be construed and understood accordingly.

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

Sec. 1-3. Effect of Code on prior actions and obligations.

Neither the adoption of this Code nor the repeal hereby of any ordinance of this town shall in any manner affect the prosecution for violation of ordinances, which violation was committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty at such effective date due and unpaid under such ordinance, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereof appertaining shall continue in full force and effect.

Sec. 1-4. Catchlines, history notes and references.

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

(b) The history notes appearing in parentheses after each section and the references and notes scattered throughout the Code are for the benefit

of the user of the Code and shall have no legal effect.

Sec. 1-5. Effect of repeal of ordinances.

(a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the ordinance repealed.

Sec. 1-6. Validity and severability.

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The board of selectmen hereby declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this Code or any part thereof should be declared invalid or unconstitutional, then the ordinance or ordinances which such Code or part thereof supersedes shall be in full force and effect.

Sec. 1-7. Altering Code.

It shall be unlawful for any person to change or amend by additions or deletions, any part of this Code of Ordinances or any ordinance of the town or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever with intent that any portion of this Code or other ordinance of the town shall be misrepresented or with intent to commit fraud thereby.

Sec. 1-8. Amendments to Code.

(a) All ordinances passed subsequent to this Code, which amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein or, in the case of repealed

chapters, sections and subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the Code by omission thereof from reprinted pages affected thereby, and the subsequent ordinances, as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are re-adopted as a new Code by the board of selectmen.

(b) Amendments to any of the provisions of this Code should be made by amending such provisions by specific reference to the section of the Code in substantially the following language: "That section _____ of the Code of Ordinances of the Town of Madison, Connecticut, is hereby amended to read as follows:" (Set out new provisions in full).

(c) If a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances of the Town of Madison, Connecticut, is hereby amended by adding a section (or article, chapter or other designation, as the case may be), to be numbered _____, which reads as follows:" (Set out new provisions in full).

(d) All sections, articles, chapters or other provisions of this Code desired to be repealed should be specifically repealed by section number, article number, chapter or other number, as the case may be.

Sec. 1-9. 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 board of selectmen. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the board of selectmen 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 so that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinances 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 the unified Code. For example the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such 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 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 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 in the Code.

(d) The town clerk shall cause copies of each and every such reprint to be distributed to each distributee and to every purchaser of the Code who has ordered and paid for maintenance service.

Sec. 1-10. 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 any evidence of the town's indebtedness;
- (2) Any appropriation ordinance providing for the levy of taxes or for any annual budget;
- (3) Any order annexing territory to the town or excluding territory as a part of the town;
- (4) Any ordinance granting any franchise, permit or other right;
- (5) Any zoning ordinance;
- (6) Any subdivision ordinance;
- (7) Any ordinance creating a special services district;
- (8) Any ordinance approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument;
- (9) Any ordinance adopting a preliminary or development plan;
- (10) Any temporary or special ordinance.

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

Sec. 1-11. General penalty.

(a) Whenever in this Code or any other ordinance of the town, or rule or regulation promulgated by any officer thereof under authority vested in him by law or ordinance, any act prohibited or is declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided, the violation of such ordinance, rule or regulation shall be punished by a fine not exceeding one hundred dollars (\$100.00). Each day any such violation shall continue shall constitute a separate offense.

(b) The imposition of any punishment under this Code shall not prevent the enforced abatement of any unlawful condition by the town.

(c) In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the town attorney may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense.

(d) Any condition caused or permitted to exist in violation of any of the provisions of this Code officially designated as such, and each day that such condition continues shall be regarded as a new and separate offense.

