

INTRODUCTION

State law changes in Connecticut impact many provisions in the ordinance codes of Connecticut cities and towns. This pamphlet is intended to assist city and town attorneys in the identification of provisions in ordinance codes that may require revision in light of state law. The information in this pamphlet is based upon the experience of the legal staff of Municipal Code Corporation in working with the ordinance codes of Connecticut cities and towns.

This pamphlet is current through the 2019 January Regular Session and the 2019 July Special Session.

Not all provisions of this pamphlet will apply to your Code, nor does this pamphlet purport to include all state laws that may somehow affect the language of your Code.

The provisions of this pamphlet are intended to assist city and town attorneys and are not intended to be a substitute for the advice of counsel.

It is not the intent of Municipal Code Corporation in publishing this pamphlet to provide legal advice. An attorney admitted to practice in Connecticut must be consulted as to the applicability of a given statute or case to a particular situation.

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GENERAL PROVISIONS

1. *Penalty for ordinance violations.* Under G.S. § 7-148(c)(10)(A), the maximum penalty for ordinance violations is a fine of \$250.00. Such statute also authorizes enforcement by citation. Other statutes, however, authorize greater and lesser penalties for violation of specific types of ordinances.

ADMINISTRATION

1. *Service charge imposed for checks returned for insufficient funds.* G.S. § 52-565a restricts the service charge for bad checks.

2. *Number of justices of peace.* G.S. § 9-183a contains detailed exceptions to a town's power to fix the number of justices of the peace.

BUILDING AND BUILDING REGULATIONS

1. *Residential building permits.* Building permits for one- and two-family homes and associated structures expire nine years after issuance, absent issuance of a certificate of occupancy. See G.S. § 29-265.
2. *Penalty for failure to file name of nonresident landlord.* Allowable civil penalties for violation of G.S. § 47a-6a have been raised. See G.S. § 47a-6b.

BUSINESSES

1. *Closing out sales.* Ordinances regulating closing out sales are obsolete in light of G.S. ch. 407A (G.S. § 21-35a et seq.), enacted in 1976. Under the statute, a municipal license must be paid. See G.S. § 21-35d.
2. *Peddlers.* G.S. § 21-37 restricts town regulation of peddlers and hawkers.
3. *Bingo and charitable gaming.* Municipalities have been granted substantial regulatory authority over bingo and charitable gaming. See G.S. § 7-169 et seq.
4. *Itinerant vendors.* G.S. § 21-27 et seq. has been repealed, thus eliminating specific authority to license itinerant vendors.

EMERGENCY MANAGEMENT AND EMERGENCY SERVICES

1. *Local organizations for civil defense.* Local organizations for civil defense are now known as local organizations for civil preparedness. See G.S. § 28-7.

HEALTH

1. *Electronic smoking.* Local regulation of the use of an electronic nicotine delivery system or vapor product is preempted. See G.S. § 19a-342a.
2. *Smoking.* Ordinances regulating smoking are preempted. See G.S. § 19a-342.

OFFENSES AND MISCELLANEOUS PROVISIONS

1. *Age for consumption of alcohol.* The drinking age is 21 years. See G.S. §§ 30-1 and 30-86 et seq.
2. *Hunting.* Local regulation of hunting is preempted by G.S. § 26-67c. See *Kaluszka v. Town of East Hartford*, 46 Conn. Supp. 588, 760 A.2d 1282, *affm'd* 24 Conn. L. Rptr. 405, 60 Conn. App. 749, 760 A.2d 1269 (2000). See also *State v. Brennan*, 3 Conn. Cir. Ct. 413, 415, 216 A.2d 294, 295 (1965).
3. *Commercial unmanned aircraft.* Subject to limited exceptions, municipal regulation of commercial unmanned aircraft is prohibited. See G.S. § 7-149b.

TAXATION

1. *Solar energy exemptions.* Review of solar energy tax exemptions is indicated in light of G.S. § 12-81(56), (57), (62) and (63).
2. *Residential property tax credit for certain donations.* Municipalities may provide a residential property tax credit for certain donations to a charitable nonprofit organized exclusively to support municipal services. See G.S. § 12-129v.

TRAFFIC

1. *Local regulations.* Local motor vehicle ordinances are restricted. See G.S. §§ 7-148(c)(7)(B) and 14-162.
2. *Electric bicycles or electric foot scooters on sidewalks.* Cities and towns may prohibit the operation of electric bicycles or electric foot scooters on sidewalks. See G.S. § 14-286.

UTILITIES

1. *Water service liens.* Liens for unpaid water service continue for no more than two years without a certificate of continuation. See G.S. § 7-239.

ZONING

1. *Zoning fees.* Fees for the processing of applications by a municipal zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands commission may be established by ordinance. Such schedule shall supersede any specific fees set forth in the General Statutes, or any special act, or established by a planning commission. See G.S. § 8-1c.

2. *Crematories.* Location of crematories is restricted. See G.S. § 8-2n.

3. *Community residences for persons with intellectual disability, child care residential facilities, community residences for persons receiving mental health or addiction services and hospice facilities.* Zoning of community residences for persons with intellectual disability, child care residential facilities, community residences for persons receiving mental health or addiction services and hospice facilities is restricted. See G.S. § 8-3e.

4. *Nonconforming uses, buildings and structures.* Municipal zoning regulations cannot terminate nonconforming uses, buildings and structures or deem same abandoned except in cases of voluntary discontinuance with intent not to reestablish. Demolition or deconstruction is not conclusive evidence of intent to abandon. See G.S. § 8-2.

5. *Temporary health care structures on residential property.* Zoning of temporary health care structures on residential property for mentally or physically impaired persons is restricted. See G.S. § 8-2.

6. *Signs.* The provisions of G.S. § 8-2 have been amended to allow regulation of the brightness and illumination of advertising signs and billboards.

7. *Continuance of pre-existing nonconforming use, building, or structure.* Municipal zoning authorities may not require a special permit or special exception for the continuance of a pre-existing nonconforming use, building, or structure. See G.S. § 8-2.