

Chapter 192

STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Town of Brookfield as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Planning and Zoning Commissions — See Ch. 51.

Sewers — See Ch. 184.

Building construction — See Ch. 96.

Subdivision of land — See Ch. 234.

Driveways — See Ch. 119.

ARTICLE I

Construction**[Adopted by Town Meeting 5-30-1973]****§ 192-1. Submission to Planning Commission required.**

Any person, firm or corporation desiring to lay out and construct any proposed new street, highway or public way in the Town of Brookfield shall first submit a plan of the proposed facility to the Planning Commission for its approval as prescribed by Chapter 126 of the General Statutes of the State of Connecticut. This plan shall conform to the standards set forth in the Subdivision Regulations¹ of the Town of Brookfield as to form and content.

§ 192-2. Submission of road plans to Town Engineer or Board of Selectmen.

- A. After submission of the subdivision layout to the Planning Commission, the developer shall submit to the Town Engineer or Board of Selectmen a detailed plan showing the proposed road profiles and the layout of any proposed utilities, including storm drainage, water lines, sanitary sewers and any other underground utilities.
- B. Road plans shall be prepared by a professional engineer licensed to practice in the State of Connecticut. Each sheet of said plan shall bear his seal and title box.
- C. Road plans shall be drawn on plan-profile sheets, the size of which shall not exceed 24 inches in width and 36 inches in length.
- D. The road plans and/or profile shall include the following data:
 - (1) The scale. Generally the vertical scale should be one inch equals four feet and the horizontal scale should be one inch equals 40 feet.
 - (2) The existing center-line profile based upon actual field measurements taken at intervals no greater than every 50 feet along the proposed roadway.
 - (3) The center-line profile of the proposed roadway, showing gradients and vertical curve data.
 - (4) The plan portion of the road plan submission shall show the proposed road layout as submitted to the Planning Commission with lot lines as they intersect the street lines, as well as lot numbers.
 - (5) The road plan shall also show roadway stationing as it relates to the accompanying profile with each proposed road starting at zero plus zero, 10 plus zero, 20 plus zero, etc.
 - (6) The plan shall show in detail the location and size of all drainage lines, including existing pipes which drain onto or off of the proposed land to be serviced by the roadway. The plan shall also indicate location of all proposed catch basins, manholes, headwalls and streams or open ditches which relate to the proposed construction. The plan shall show invert elevations at inlet points, catch basins, manholes and discharge points. Proposed storm drainage shall be shown on the profile with stations and offsets to the proposed center line of the roadway.
 - (7) Proposed underground utilities other than storm drains shall be shown in the same general detail, including location, size, etc.

1. Editor's Note: See Ch. 234, Subdivision of Land.

- (8) Each proposed roadway shall be shown on a separate sheet.
- (9) Where streams discharge onto the parcel to be subdivided, the petitioner shall submit maps and calculations of area of watershed and estimated flow information. This data shall be prepared by a licensed professional engineer and shall be used in the design of all conduits which relate to the watercourse in question. Design criteria shall be as follows:
 - (a) Major culverts: 50 years.
 - (b) Smaller culverts: 25 years.
 - (c) Enclosed systems: 10 years.

§ 192-3. Design criteria.

Roads shall meet the following design criteria:

A. Classification:

- (1) Arterial.
- (2) Industrial.
- (3) Collector.
- (4) Residential.

B. Right-of-way. The minimum width of the right-of-way shall be as follows:

- (1) Arterial: 60 feet.
- (2) Industrial: 60 feet.
- (3) Collector: 50 feet.
- (4) Residential: 50 feet.

C. Pavement width. The minimum width of the paved surface as measured from face of curb to face of curb shall be as follows:

- (1) Arterial: 40 feet.
- (2) Industrial: 36 feet.
- (3) Collector: 30 feet.
- (4) Residential: 26 feet.

D. Curve radius.

- (1) The minimum radius of all horizontal curves at the center line shall be as follows:
 - (a) Arterial: 750 feet.
 - (b) Industrial: 250 feet.
 - (c) Collector: 250 feet.

- (d) Residential: 250 feet.
 - (2) Curve radii shall be based on design speeds as set forth by the State of Connecticut Geometric Design Standards.
- E. Gradient. The minimum gradient of all streets shall be 0.5%. The maximum gradient shall be as follows:
 - (1) Arterial: 6%.
 - (2) Industrial: 6%.
 - (3) Collector: 8%.
 - (4) Residential: 10%.
- F. Cul-de-sac.
 - (1) Where culs-de-sac are permitted, the following minimum radius for right-of-way shall be used:
 - (a) Arterial: not permitted.
 - (b) Industrial: 60 feet.
 - (c) Collector: not permitted.
 - (d) Residential: 50 feet.
 - (2) Dead-end streets with culs-de-sac shall not exceed 1,500 feet in length unless an alternate means of access for emergency vehicles is provided which is acceptable to the Planning Commission. The Planning Commission may waive the requirement for an alternate means of access for emergency vehicles if the Commission finds that such alternate means of access is not required for public safety. **[Amended 12-19-1977]**
 - (3) Where an alternate means of access for emergency vehicles is required, the Planning Commission shall determine the standards of construction and impose such conditions as it finds necessary to insure adequate and proper maintenance of said emergency accessway. The Planning Commission may require that the applicant post a permanent maintenance bond in an amount satisfactory to said Commission to insure adequate and proper maintenance of said accessway. **[Added 12-19-1977]**
 - (4) The diameter for the paved portion of the cul-de-sac shall be as follows:
 - (a) Arterial: not permitted.
 - (b) Industrial: 100 feet.
 - (c) Collector: not permitted.
 - (d) Residential: 80 feet.
- G. Curbs. Bituminous concrete curbing shall be installed on all roads where finished center-line grades exceed 5% and are required by the Board of Selectmen or Town Engineer.
- H. Vertical curves. Every change in grade shall be effected with a vertical curve of sufficient length to ensure adequate stopping sight distance and to provide for smooth transition. Using the basic formula

of L equals KA where A equals the algebraic sum of grades, the following K factor shall be used:

- (1) Arterial: K equals 55.
 - (2) Industrial: K equals 40.
 - (3) Collector: K equals 40.
 - (4) Residential: K equals 25.
- I. Cross slope of pavement. The transverse slope of all paved sections shall be at the minimum rate of 3/8 inch per foot as shown on the standard detail.
- J. Driveway entrances. Where driveways have been constructed prior to the petition for acceptance, said driveways shall conform to the standard detail as to configuration. Driveway entrances shall be paved with bituminous concrete into the right-of-way line. In all cases the gutter line of the roadway shall be maintained in a true line and grade.
- K. Street signs. Street signs shall be required at all intersections. To ensure uniformity the developer shall pay to the municipality a sum to be determined by the Board of Selectmen per required sign and his responsibility under this provision shall end upon payment of this sum.
- L. Mailboxes. When homes within a subdivision are occupied prior to acceptance of the street, it shall be the responsibility of the developer to erect mailboxes where said street intersects the nearest public highway. The mailboxes shall be erected as directed by the Postmaster, and they shall be maintained in good order until the street is accepted as a public highway. The developer shall remove same when postal service is supplied to the individual home.

§ 192-4. Construction specifications.

A. Subgrade.

- (1) The subgrade shall be prepared in an approved manner by excavating or filling, as required. Filling shall be done in layers not to exceed eight inches in depth, using suitable material; each layer shall be consolidated by rolling before the next layer is placed. Stones in earth fill shall be well distributed, and no stone over four inches in diameter shall be left within 12 inches of the finished subgrade.
- (2) Wherever soft clay, spongy or other types of unsuitable soil which will not compact under rolling are encountered, such soil shall be removed and replaced with gravel or other material, approved by the Board of Selectmen or Town Engineer, which shall be compacted as specified above.
- (3) Wherever soil is of such nature that it retains an excessive amount of moisture, or where conditions do not afford ready natural drainage, subdrains and underdrains shall be provided, in accordance with the requirements of the Board of Selectmen or Town Engineer.
- (4) Preparation of the subgrade shall be performed upon completion of required excavation, filling and the installation of utilities. Where roadways are in cut, they shall be brought to subgrade elevation for a width of at least two feet wider than the finished pavement width, i.e., one foot on either side.
- (5) Where roadways are in embankment, the fill shall extend to subgrade level, and for a width not less than six feet outside the curblines, i.e., three feet on each side. The total subgrade area shall

then be thoroughly consolidated by repeated rollings, using a self-propelled roller weighing not less than 10 tons. Areas beyond the above-described lines shall be excavated or filled to the full width of the right-of-way in a method satisfactory to the Board of Selectmen or Town Engineer.

- (6) Rough tolerance. Rough subgrade shall be formed and compacted in accordance with Board of Selectmen or Town Engineer approved drawings, and work shall be performed within tolerance of two inches of indicated levels.
- B. Surface drainage. A complete system of surface drainage, to the satisfaction of the Board of Selectmen or Town Engineer, including catch basins and manholes, shall be installed, prior to the final construction of the subgrade. Catch basins and manholes shall comply with requirements of the standard detail. All pipe shall comply with the Highway Specifications of the State of Connecticut.
- C. Gravel course.
- (1) Upon the prepared subgrade, finished parallel to and 15 inches below the surface of the finished grade of the street, shall be spread a layer of the approved run-of-bank gravel to a depth which, when thoroughly compacted, shall be 10 inches. The largest stone size permitted in this course is four inches. This course shall be rolled with a ten-ton roller until thoroughly compacted.
 - (2) Inequalities in the surface shall be corrected and rolling continued as may be necessary for a satisfactory result and to the satisfaction of the Board of Selectmen or Town Engineer.
- D. Pavement.
- (1) Upon the prepared gravel course as herein described (10 inches in thickness), a two-inch layer of screened gravel shall be placed so as to effect a fine grade. This gravel shall be carefully spread by means of a motorized grader and shall be wetted and thoroughly rolled with a ten-ton roller. When completed, the surface shall be smooth and true to line and grade parallel to the finished surface.
 - (2) The final wearing surface shall consist of bituminous concrete placed in two courses. The compacted thickness of each course shall be 1 1/2 inches. Material for this course shall conform to the requirements of Article M.04.01, Class 1 of the Standard Specifications for Roads, Bridges, and Incidental Construction of the Connecticut State Highway Department, Form 810, 1969 Revision. This article is entitled "Bituminous Concrete Mixture." The method of placing shall conform to all the requirements of Article 4.02.03 of the above-described Standard Specifications.
- E. Inspection. Before commencing any of the herein described roadway items, it shall be the responsibility of the builder to notify the Board of Selectmen or Town Engineer at least 48 hours in advance of his intent to proceed. No construction shall take place without the specific authorization, after inspection, of the Board of Selectmen or Town Engineer.
- F. Scheduling of roadway construction. In all cases the gravel course shall weather at least one full winter (November 1 through March 31) in place. The second of the two wearing surfaces shall be placed only at the discretion of the Board of Selectmen or Town Engineer and only after all patches and repairs have been made to the first course as directed. In general, this final surface shall not be installed until a substantial number of homes have been constructed in the subdivision. In no case shall bituminous concrete be placed after November 1 unless specific written approval is granted by the Board of Selectmen or Town Engineer.

§ 192-5. Storm drainage design criteria.

Storm drainage shall be provided and designed in accordance with the following standards:

- A. Pipe. Sufficient pipe shall be installed within the subdivision to carry existing watercourses and to drain the proposed roads and/or easements which may reasonably be expected to be constructed at some future date on adjoining property which normally drains across the area of the proposed subdivision or which, in the opinion of the Board of Selectmen or Town Engineer, would be the most practical course for such drainage. Cross-lot drainage shall be piped to at least 30 feet behind proposed buildings and/or leaching systems. If in his judgment there will be no substantial danger from soil erosion or danger to the public health and safety, the Board of Selectmen or Town Engineer may permit the discharge of rivers and large streams in their natural courses and may permit the discharge of stormwater and established watercourses in open ditches across proposed lots of one acre or larger. All pipe shall be of such diameter, not less than 15 inches, as will, in the judgment of the Board of Selectmen or Town Engineer, be sufficient to properly carry stormwater expected to enter the pipe from the proposed subdivision and from other properties when developed which normally drain across the area of the proposed subdivision. The minimum slope for fifteen-inch pipe shall be 0.75%. The intent of this subsection is that pipes shall be installed the full length in all proposed roads to permit the connection of house storm drains and cellar drains where required by ground conditions.
- B. Manholes. Manholes shall be provided at each change in direction or grade of the pipe and shall not be spaced more than 300 feet apart. Manholes shall be constructed as shown on the standard detail. Only precast concrete units or solid concrete blocks shall be used.
- C. Catch basins.
 - (1) Catch basins shall be provided in order that surface water will not travel without interception more than as shown in the following schedule of grades and distances:
 - (a) Fifty-hundredths percent to 1.00%: 250 linear feet.
 - (b) One and zero hundredths percent to 5.00%: 300 linear feet.
 - (c) Five and zero hundredths percent to 10.00%: 250 linear feet.
 - (2) Each basin shall be connected to a manhole or adjacent catch basin where no manhole exists. Construction shall conform to the standard detail. Only precast concrete units or solid concrete blocks shall be used.
- D. Underdrains.
 - (1) In all roadway areas where a high water table is found to exist, either before commencing or during actual construction of the roadways, the developer shall be required to install underdrains as directed by the Board of Selectmen or Town Engineer or his duly authorized agent, to protect the stability of the roadway.
 - (2) If required, perforated concrete or metal pipe shall be used, backfilled with washed gravel or crushed rock 1/2 inch nominal size to a depth of at least 12 inches over the top of the pipe. The remainder of the trench shall be backfilled with bankrun gravel as approved by the Board of Selectmen or Town Engineer.
 - (3) Sufficient pitch shall be provided to allow this underground water to run freely to a point of

discharge. The size and type of conduit shall be as directed by the Engineer.

- E. Discharge. The discharge of all stormwater shall be into suitable drainage structures or watercourses. Where the discharge shall be onto private property within or adjoining the proposed subdivision, property easements and discharge rights for the Board of Selectmen or Town Engineer shall be secured by the applicant before approval of the final map and acceptance of the drainage plan is requested by the developer.

§ 192-6. Storm drainage construction specifications.

The storm drainage system shall be constructed in accordance with the following standards and procedures:

- A. Pipe. All pipe used shall be of reinforced concrete meeting State Highway Department specifications. In some instances the Engineer may recommend use of corrugated metal pipe where he feels such pipe will provide a more satisfactory drainage system.
- B. Joints. The joints of all pipe shall be shoved tight. Pipe laid in sandy, silty or other soil where, in the judgment of the Engineer, there is the possibility of silting shall have joints thoroughly sealed with 1:3 portland cement mortar or other approved method.
- C. Catch basins and manholes. Catch basins and manholes shall be constructed in accordance with the approved plans. Manholes shall be constructed of solid concrete radial manhole blocks eight inches thick or of precast concrete units. Catch basins shall be constructed of eight-inch solid concrete blocks or precast concrete units.
- D. Headwall, culverts and bridges. Headwalls, culverts and bridges shall be constructed where required, in accordance with good engineering practice and as specified by the Engineer.
- E. Open ditches. Open ditches may be permitted at the discretion of the Engineer. The size of the waterway shall be of sufficient size to convey all water expected to be discharged and shall be suitably stabilized against erosion. The side banks shall be moderately sloped, not less than three horizontal to one vertical and then seeded or otherwise stabilized paved bottom sections and rip-rap slopes shall be provided when directed by the Engineer to prevent scour and erosion.

§ 192-7. Guard railings.

When, in the opinion of the Engineer, a guard railing is necessary to protect the traveling public, the subdivider shall install same as directed. The guard railing shall consist of the two-cable variety and shall conform to the applicable State Highway Department specification.

§ 192-8. Utilities.

Prior to the placement of the base course, all utilities are to be installed together with service extensions to each lot within the property line. The intent of this section is to provide all required underground services to each lot prior to the placement of base course and finished pavement.

§ 192-9. Submission of as-built drawings.

- A. Prior to consideration for acceptance as a public highway, the developer shall submit as-built drawings, at a scale of one inch equals 40 feet horizontal, one inch equals four feet vertical. Such drawings shall be on plan-profile sheets and shall not exceed 36 inches by 24 inches in size. Drawings shall be prepared by a person registered as a professional engineer in the State of Connecticut and

shall show the following detail:

- (1) Concrete monuments delineating the right-of-way.
 - (2) Edge of paved surfaces as they relate to right-of-way.
 - (3) A center-line profile of the paved surface.
 - (4) The location and size of all sanitary and storm sewer conduits and structures, including invert elevation of same.
 - (5) Bearings and distances on all right-of-way boundaries tied into the monuments described above.
 - (6) Drainage easements as shown on the approved subdivision plan.
- B. The original of this plan shall be delivered to the Board of Selectmen or Town Engineer, and said plan shall be reviewed as to conformance with these standards before submission to the legislative body for approval.

§ 192-10. Street acceptance procedure.

- A. All petitions for the acceptance of new streets as public highways shall be presented to the Board of Selectmen during the month of May. During the month of June, final inspection shall be made, and a written report shall be delivered to the petitioner setting forth any repairs which will be necessary to bring the roadway up to standard.
- B. All repairs and/or modifications shall be effected by the developer prior to September 15, at which time a final determination shall be made as to the adequacy of the construction. If the Board of Selectmen or Town Engineer determines that the construction meets the standards as set forth herein, and provided that all other statutes and requirements are met, the petition shall be presented to the legislative body for action.

§ 192-11. Naming of streets. [Added 6-26-1975]

The Board of Selectmen shall approve the names of new streets and have the authority to change the name of any street where confusion exists in similar sounding names or street-numbering sequences. For the purpose of this section, streets shall be defined to include any road, highway, avenue, lane or right-of-way providing access to more than one structure and/or living unit.

ARTICLE II

Excavations**[Adopted by the Board of Selectmen 8-6-1979]****§ 192-12. Permit required; exceptions.**

No person other than the Director of the Department of Public Works, Town employees or agents under his supervision shall dig up or remove any turf, dirt or stone from, nor make any excavation or opening in or upon, any portion of any street, highway, park, sidewalk, crosswalk, public place or right-of-way, except after the acquisition of a permit and subject to the provisions of this section.

§ 192-13. Permit application and issuance procedure.

In all cases where the work of making any such excavation, opening, removal, change or repair shall be performed by any person other than the Director of the Department of Public Works, Town employees or agents as aforesaid, the person desiring such excavation or change shall make application to the Director for issuance of a permit, and said Director is hereby authorized to issue such a permit; provided, however, he shall have first obtained from such person the location of the intended excavation or opening, the size thereof, the purpose therefor and the person, firm or corporation doing the actual excavation work and the name of the person, firm or corporation for whom the work is being done, together with a signed acknowledgment by the applicant to save the Town free and harmless from any injury or claim arising out of the work to be done, and further that he has knowledge of the existence of this article and intends to comply fully with its provisions as well as all other ordinances and laws relating to the work to be done.

§ 192-14. Permit fee; bond required.

The fee for such permit shall be \$10 payable to the Town of Brookfield. The Director of the Department of Public Works may require from the applicant a bond with suitable surety in an amount of at least double the cost as estimated by him of making such excavation or opening, which bond shall be conditioned on the performance of said work in a workmanlike manner and on the restoration by the applicant of said street, highway, sidewalk, crosswalk, public place or right-of-way as nearly as can be to its former condition, and further conditioned that, in the event any part of said work shall not be done in workmanlike manner or the excavated area shall not be restored within a reasonable time to the same conditions as it was in prior to the making of such excavation or opening, the Director of the Department of Public Works shall, at the expense of the applicant, be authorized to complete said work and to collect the cost of said work out of said bond given as aforesaid or out of any cash deposit given in lieu thereof.

§ 192-15. Notification of Police Department.

All persons, after obtaining the permit from the Director of the Department of Public Works to make an excavation or opening in the streets, highways or public areas of the Town for any purpose, and before beginning work for said openings or excavations, shall forward a copy of the issued permit to the Chief of the Police Department, together with a time schedule and location of the work to be done, and upon completion of such work, the Chief shall again be notified.

§ 192-16. Lights, barricades and detour signs.

- A. Whenever any excavation shall be made in any of the streets or sidewalks of the Town, the person in charge thereof shall cause large, well-lighted lanterns or battery-operated amber flashing warning lights attached to a barricade to be kept burning around the same during the night, placed in such a

manner that a reasonable person would take notice of such warning device and be prevented from entering such excavation.

- B. Whenever road construction, repair or excavation causes vehicular traffic to be detoured from that road, the person in charge thereof shall cause to be placed large signs and arrows indicating such detour and direction for vehicular traffic to follow. Such barricades shall be erected in a manner that will completely block vehicular traffic from such construction, repair or excavation, except that the person in charge may allow a single lane to be opened for the entrance and exit of construction equipment or other vehicles allowed to pass. Such barricades shall be equipped with lighting devices as previously defined in this section. Signs shall be placed at least 150 feet before such detour, warning of same.

§ 192-17. Traffic control. [Amended 11-4-2002]

Whenever the normal flow of vehicular traffic is interrupted by construction, excavation or repair of any nature upon rights-of-way of the Town of Brookfield, the Chief of Police may order the person responsible for such work to secure police traffic control to insure the safe and orderly flow of the traffic and the prompt enforcement of traffic laws. The cost of such police supervision shall be assumed by the person conducting such construction, excavation or repair. In exercising his decision of whether or not to require police personnel for such activities, the Chief of Police shall take into account the width and condition of the proposed road site and surrounding roads, the posted speed limit, the time of day during which activities will occur in relationship to peak volume of traffic, the normal volume of traffic expected upon said road during said hours, the line of sight, known traffic patterns including excessive speeds or accidents known for the site or the vicinity, the scope and length of time of the proposed construction, excavation or repair activity, and such other factors as may impact safety at the site as may be appropriate. The Chief of Police or, in his absence, the next in command, shall render his decision on whether or not police supervision is required within 72 hours (excluding any portion of a day the Town Hall is closed for weekend or holidays) of any written application for a decision on such issue. Absent the rendering of a decision within such time frame, it shall be assumed that the Chief of Police or his next in command has determined that police supervision is not necessary for the site. Any decision of the Chief of Police or his next in command under this section may be appealed to the Police Commission by any party aggrieved thereby by filing a written objection within five days of such decision with the Police Commission in care of the Brookfield Town Clerk. The Police Commission shall hear such appeal in an open forum and render a decision thereon within 60 days of filing any appeal. Upon the failure of the Police Commission to render a decision within 60 days, any appeal by an applicant shall be deemed to be sustained. Anyone receiving an adverse decision from the Police Commission may pursue such other appeals or legal remedies to the Superior Court as may exist under the law.

§ 192-18. Emergency conditions.

In the event of any emergency in which a sewer, main, conduit or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer, main, conduit or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such facility shall apply for a permit not later than the end of the next succeeding day during which the office of the Director of Public Works is open for business and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder.

§ 192-19. Provisions not applicable to overhead services.

This article shall not be construed to apply to the installation or replacement by a public utility of overhead services, provided that the limit of the work area does not disturb nor damage the paved or surfaced streets or public rights-of-way. Notwithstanding this exemption, no person or firm so engaged shall park his or its equipment or vehicles in such a manner as to impede traffic, create any hazardous conditions nor otherwise violate any provisions of the Connecticut General Statutes.

§ 192-20. Word usage.

- A. For the purposes of this article, night shall be construed to run from 1/2 hour before sunset to 1/2 hour after sunrise.
- B. For the purpose of this article, the term person shall mean and include the singular and plural and shall mean and include any firm, partnership, corporation or associations.

§ 192-21. Violations and penalties.

Any person who violates any provision of this article shall be fined not more than \$100 for each offense. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

ARTICLE III
Road Acceptance Standards
[Adopted by the Board of Selectmen 7-5-1988]

§ 192-22. Purpose.

The purpose of this article is to provide a method for acceptance as Town roads of certain existing roads.

§ 192-23. Criteria for eligibility for acceptance.

To be eligible for consideration for acceptance as a Town road, any existing road must satisfy all of the following requirements:

- A. Said road must have been in existence and in use as a public road continuously for a period of time commencing not later than May 30, 1973, and continuing without interruption from said date to the present.
- B. Said road must provide a means of access to at least five existing homes.
- C. Said road must be paved to a minimum width of 20 feet for its entire length.
- D. If said road is a dead end, it must have a paved cul-de-sac at the dead end of sufficient size to permit a full-sized Town Highway Department truck with plow attached to reverse direction without backing up.
- E. The right-of-way for said road must be a minimum of 30 feet in width for the entire length of the road.
- F. Road drainage must be provided which is found to be adequate by the Board of Selectmen upon the recommendation of the Director of Public Works.
- G. Said road must be in such condition that no work other than normal maintenance and repairs is required.

§ 192-24. Procedure for acceptance.

- A. A petition signed by not less than 75% of the owners of the existing homes abutting said road and also signed by the owner of the road right-of-way must be filed with the Board of Selectmen. Said petition must be accompanied by a Class A-2 survey prepared by a surveyor licensed by the State of Connecticut. Said survey must be on a scale of one inch equals 40 feet and must show the location of the road right-of-way and the paved portion thereof, all drainage structures and required drainage easements and the names of the owners of the road right-of-way and all adjacent property owners. Said survey shall also show all proposed repairs and modifications to the road and the drainage structures. Said petition must also be accompanied by a fully executed warranty deed conveying title of the roadway to the Town, a certificate of title from a Connecticut attorney disclosing no encumbrances and all necessary drainage easements. All of said documents shall be in a form acceptable to the Town Attorney and shall be held in escrow by him until final action on the petition by the Board of Selectmen. If the road is accepted as a Town road, the documents shall be recorded with the Town Clerk. If the road is not accepted, the documents shall be returned to the petitioners.
- B. The Board of Selectmen shall refer the petition to the Planning Commission for the report required by the provisions of Section 8-24 of the Connecticut General Statutes and shall also refer the petition

to the Director of Public Works for investigation and a report concerning the physical condition of the road, the adequacy of the existing drainage system and any repairs or modifications which are required or advisable.

- C. If, after receipt of the reports of the Planning Commission and Director of Public Works, the Board of Selectmen determine that repairs or modifications are required to the existing drainage system and/or road, then the Board shall table further action on the petition until said repairs or modifications are completed. If said repairs or modifications are not completed in a satisfactory manner within one year from the date that the petition was tabled, then the Board of Selectmen shall deny the petition.
- D. After the Board of Selectmen have been notified by the petitioners that all required repairs and modifications have been completed, the Board shall refer the petition to the Planning Commission and to the Director of Public Works for a supplemental report concerning the adequacy of said repairs and modifications.
- E. After all required repairs and modifications have been completed and after all required reports have been received from the Planning Commission and the Director of Public Works, the Board of Selectmen shall hold a public hearing to hear testimony from the public concerning the advisability of accepting the road as a Town road.
- F. After the public hearing has been held, the Board of Selectmen shall take final action on the petition. The Board of Selectmen may accept the road as a Town road, refuse to accept the road as a Town road or schedule a Special Town Meeting for the purpose of accepting or refusing to accept the road as a Town road.

§ 192-25. Final action by Board of Selectmen.

The Board of Selectmen shall not accept any road as a Town road under the provisions of this article unless the Board affirmatively finds, based on the evidence presented to it, that all of the following requirements have been met:

- A. The road has been in existence and continually in use by the public from May 30, 1973, or earlier to the present.
- B. The road provides the sole means of access to at least five existing homes.
- C. The road right-of-way is a minimum of 30 feet in width for its entire length, and the road is paved to a minimum of 20 feet in width for its entire length.
- D. The road drainage is adequate and does not require any modification or repair.
- E. If the road is a dead-end road, that the requirements of § 192-23D of this article have been satisfied.
- F. The road is in safe condition for travel by the public.
- G. The Planning Commission has recommended that the road be accepted as a Town road.
- H. Acceptance of the road as a Town road is in the best interest of the Town and its residents and in the best interest of the public safety and convenience.
- I. The road does not require any repairs or modifications.

§ 192-26. Acceptance of Special Town Meeting.

No road shall be accepted as a Town road by a Special Town Meeting, pursuant to the provisions of this article, unless the Board of Selectmen have found that all of the requirements contained in § 192-25 hereof have been satisfied except the requirement set forth in § 192-25G.

ARTICLE IV

Snow and Ice Removal and Maintenance
[Adopted by the Board of Selectmen 5-2-2016²]**§ 192-27. Definitions.**

The following words shall, unless the context requires otherwise, be construed and understood as follows:

SIDEWALK — Any portion of the street, usually lying on either side thereof, between the curb and the adjacent property line, intended for the use and passage of pedestrians.

STREET — Includes avenues, highways, roads, alleys, lanes, bridges and the approaches thereto, and all other public thoroughfares in the Town, and shall also mean all that part thereof from property line to property line of the premises abutting thereon.

§ 192-28. Removal of snow by abutting owners.

Any snow or sleet upon any sidewalk in the Town, or any ice upon such sidewalks, shall be cleared or caused to be cleared by the owner of the land, building or premises adjoining or fronting upon such sidewalk or connected therewith.

§ 192-29. Time limit for removal of snow and ice.

The clearance of snow, sleet or ice, as provided for in § 192-28, shall be completed within 24 hours following the cessation of the fall of snow, sleet or rain.

§ 192-30. Unremovable portion to be made safe.

If snow, sleet or ice cannot be wholly cleared, as provided in § 192-28, the owner shall clear so much thereof as is reasonably possible and provide a passageway for the safe passage of pedestrians, and sprinkle sufficient sand, salt or other proper substance in such quantity over the passageway and keep the same in a safe condition for public travel at all times.

§ 192-31. Clearing of sidewalks by Town; collection of costs.

- A. In addition to any other penalty provided by law, if any owner or occupant fails to comply with the provisions of §§ 192-28, 192-29 and 192-30, the Public Works Department and its employees may clear snow and ice from such sidewalks. The expense of such clearing shall be a lien upon the premises adjoining and abutting on such sidewalks, and the Board of Selectmen may cause a certificate of lien therefor to be recorded in the Town Clerk's office.
- B. The expenses of clearing snow and ice by the Public Works Department as provided in Subsection A of this section and the cost of the lien therefor may be entered in the next succeeding rate bill for taxes against the owner of the premises with the tax assessed upon such premises, and if the expense and the cost of the lien is paid with such taxes, the lien shall be released; and if not so paid, the lien may be foreclosed in the manner hereinbefore provided.

§ 192-32. Penalty for failure to clear sidewalks.

Any person who violates or refuses or neglects to comply with the provisions of §§ 192-28 through 192-30

2. Editor's Note: This ordinance also superseded former Art. IV, Snow and Ice Removal, adopted 2-4-2008 by the Board of Selectmen.

shall be issued a citation by the Brookfield Police Department and fined \$100 for each violation, and each day of failure to comply with such provisions shall constitute a separate offense.

§ 192-33. Maintenance of sidewalks by abutting owners required.

Any person owning or occupying any lands in the Town abutting or fronting a sidewalk shall keep such sidewalk, at all times, in safe condition and repair for the use of the public and free from obstruction and defects.

§ 192-34. Repair of sidewalks by Town; collection of costs.

- A. If any sidewalk obstruction or defect exists, the Board of Selectmen shall notify the owner, agent or occupant of the abutting premises to remove such obstruction or defect and, if the same is not corrected within 30 days after such notice, the Town may perform the same.
- B. The expense of such removal or correction by the Town shall be a lien upon such abutting property in favor of the Town, which may be continued if a certificate of lien is filed with the Town Clerk, and the same may be collected by the Town by any proper form of legal or equitable action, including foreclosure, in the same manner as for the collection of real estate taxes.

§ 192-35. Removal of snow, ice and other materials from private property.

- A. This section shall be construed to include, but is not limited to, any private owner or lawful possessor of property who demands, orders, directs, instructs, requests or allows any agent(s), employees(s), or independent contractor(s) to remove snow, ice, or debris from private property in such a manner that they are found to have violated Subsection B of this section.
- B. No person shall, by any manner or method, place or cause to be placed any snow, ice, or debris from any privately owned property onto or into any street, road, public way or sidewalk of the Town. [Formerly § 192-27.]

§ 192-36. Penalties for offenses.

Any person who violates this article or refuses to or neglects to comply with the same shall be issued a citation by the Brookfield Police Department and fined the sum of \$100 for each offense. In case of a continuing violation, each day's continuance thereof shall be deemed a separate offense. [Formerly § 192-28.]

§ 192-37. Liability for snow and ice on public sidewalks.

- A. Pursuant to the provisions of § 7-163a of the Connecticut General Statutes, notwithstanding the provision of § 13a-149 or any other general statute or special act, the Town of Brookfield shall not be liable for any personal injury or property damage caused by the presence of ice or snow on a public sidewalk unless the Town of Brookfield is the owner of and exercises control over land abutting such sidewalk, provided the Town shall be liable for its affirmative acts with respect to such sidewalks.
- B. The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice and snow on such sidewalk abutting his property as the municipality had prior to the effective date of this article and shall be liable for any personal injury or property damage where a breach of said duty is the proximate cause of said injury.
- C. No action to recover damages for personal injury or property damage caused by the presence of ice

and snow on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two years from the date when the injury or damage is first sustained.

ARTICLE V

**Assessment of Benefits for Sidewalk Improvements
[Adopted by the Board of Selectmen 5-2-2016]****§ 192-38. Assessments authorized.**

At any time after the Town of Brookfield, by Town Meeting, zoning authority approval, or by the Board of Selectmen, resolves to or approves the layout or construction of sidewalks, curbs, other improvements and associated amenities (hereinafter "improvements") in the Town Center District as shown on the Town of Brookfield Zoning Map, the Board of Selectmen may levy benefit assessments upon the lands and buildings in the municipality which, in its judgment, are especially benefited by the improvements, and upon the owners of such land and buildings, according to such resolution as the Board of Selectmen may adopt, subject to any right of appeal allowed by law and subject to any exemptions mandated by law.

§ 192-39. Determination of cost of improvements.

The Board of Selectmen shall ascertain the cost of the improvements and, in ascertaining the cost, shall take into account all costs of construction, including, but not limited to, the cost of construction, land acquisition, cost connected with financing the project, all engineering and legal expenses related to the project and any other costs or expenses needed to complete the improvements.

§ 192-40. Criteria for determination of assessment.

Upon determining the amount to be collected pursuant to the assessment, which amount may be a fraction of, but shall not exceed 50% of, the cost of the improvements as determined in § 192-39, the Board of Selectmen shall assess the benefits upon the properties the Board of Selectmen determines are benefited by the improvements in proportion to the square footage/area of the improvements fronting or bounding the properties to be assessed. The Board of Selectmen may make reasonable allowances whenever, for any reason, the particular situation of any property requires an allowance (e.g., a corner lot).

§ 192-41. Use of Tax Assessor maps for measurements.

For the purposes of any measurements required under these ordinances, the maps of the Tax Assessor of the Town of Brookfield shall be deemed applicable and accurate unless shown to be otherwise by a Class A-2 survey certified by a registered Connecticut land surveyor.

§ 192-42. Authority of Board of Selectmen to provide for installment payments.

The Board of Selectmen may, by resolution, provide for an installment method of payment of any assessment levied hereunder, including the number and duration of payments and the interest rate to be charged. The interest rate shall not exceed the rate of interest the municipality is obligated to pay to finance the project or the prime rate of interest plus 1% if the project is not financed.

§ 192-43. Benefit assessment enactment procedure.

- A. The Board of Selectmen shall fix in the Assessment of Benefits Resolution the due date of assessments made and the manner in which the assessment shall be paid, whether in full or by installment, pursuant to § 192-42.
- B. No assessment shall be made until after a public hearing has been held before the Board of Selectmen at which the owners of all property to be assessed shall have had an opportunity to be heard

concerning the proposed assessment. Notice of the time, place and purpose of such hearing shall be published at least seven days before the date thereof in a newspaper having a general circulation in the Town, and a notice signed by the Town Clerk shall be mailed to each owner of record of any property to be assessed at such owner's address as shown in the latest completed Grand List. A copy of the proposed Assessment of Benefits Resolution shall be on file in the office of the Town Clerk and available for inspection by the public at least seven days prior to the date of the public hearing.

- C. When the Board of Selectmen has finally determined the amount of the assessment to be levied, the final resolution shall state the street address of the properties to be assessed, the names and addresses of the affected property owners, and the specific assessment amount assessed against each individual property. The final resolution of the Board of Selectmen shall be filed in the offices of the Tax Assessor, Tax Collector and the Town Clerk, and the Town Clerk shall cause the resolution to be published in a newspaper having a general circulation in the Town within 14 days after it is filed with the Town Clerk.

§ 192-44. Delinquent assessments.

- A. Any assessment of benefits or any installment thereof not paid within 30 days after the due date shall be delinquent and shall be subject to interest from such due date at the set interest rate. Such interest and costs shall be collectible as part of such assessment.
- B. Any unpaid assessment and any interest due thereon shall constitute a lien upon the real estate against which the assessment was levied from the date of such assessment payment due date. Each such lien may be continued, recorded and released in the manner provided by the General Statutes for continuing, recording and releasing real estate tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as for real estate tax liens. The Tax Collector of the municipality shall collect such assessments, interest and costs in accordance with all provisions of the General Statutes for the collection of real estate taxes, and the Town may recover any such assessment, interest and costs in a civil action against any person liable therefor or by foreclosure in accordance with the General Statutes pertaining to the foreclosure of real estate tax liens.