

Chapter 260

DRIVEWAY CONSTRUCTION

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[HISTORY: Adopted by the Town Council of the Town of Monroe 12-4-2008 (Ch. 49 of the 1976 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 232.

Highway modification — See Ch. 308.

§ 260-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESS — The travelway for vehicles between the edge of the road and the property line, commonly referred to as the "apron."

AGENT — The Director of Public Works or individual, partnership or corporation duly appointed by the Town to undertake the duties and exercise the authority herein conferred upon the Director.

DRIVEWAY — The travelway for vehicles between the access and the garage and/or off-street parking area.

FIRST SELECTMAN — The chief executive officer of the Town vested with the powers as listed in the Town Charter.

PERSON — Includes any person, firm, corporation, association or partnership.

RIGHT-OF-WAY — Limit of the public-owned and/or -maintained land, including the paved travelway, shoulder area and other areas dedicated and utilized for public access and utility locations/service.

ROAD — Public vehicular and pedestrian travelways (limits of maintained pavement), referred to as "roads," "streets" or "highways." Said roads include all public through traffic and nonoutlet travelways.

STREET LINE — Common property boundary line between the Town roadway right-of-way (ROW) and a private property line (typically the front yard property line of a private parcel).

TOWN — The Town of Monroe.

§ 260-2. Conformance.

No person shall construct or cause to be constructed or locate or relocate or repave any driveway or access as defined in this chapter except in accordance with the provisions of this chapter and the provisions of Chapter 308, Highway Modification, §§ 308-1 through 308-13, of this Code.

§ 260-3. Permit required.¹

No person shall construct or cause to be constructed, locate or relocate an access or a driveway in the Town without a highway modification permit as detailed in Chapter 308, Highway Modification, §§ 308-1 through 308-13, of this Code.

§ 260-4. Driveway turnarounds for new house construction.

An adequate paved or graded area for backing from a residential garage and/or parking space shall be provided in order to preclude backing into a public street. Said turnaround area shall be large enough to allow for a moving passenger vehicle to turn a full 180° while performing only one backing movement. The configuration of the turnaround shall be shown on a certified site plan submitted with the required application for a building permit. The property owner is responsible for providing, maintaining and replacing said turnaround area. Driveway turnarounds should also be provided for existing driveways, whenever possible, but are not a specific requirement of this chapter.

§ 260-5. Excavation and deposition of fill.

Where an access or a driveway requires filling, cutting or regrading in or near wetlands, watercourses or floodplains, a permit to remove/deposit fill may be required by the Planning and Zoning Commission, the Inland Wetlands Commission, the Floodplain Administrator and/or any other applicable federal, state or local agencies, boards or commissions prior to the issuance of a driveway access permit.

§ 260-6. Design standards.

A. Location and layout.

- (1) No access shall be located within 50 feet of the intersection of the street lines of two or more roads, unless it is unavoidable in developing an approved building lot that is in existence at the time of the adoption of this chapter. No more than one driveway shall be constructed on the same premises unless the distance between access aprons is 50 feet or more for driveways within residential properties and 100 feet or more for all nonresidential properties.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) A parking space, at least 10 feet in width and 20 feet in length, with adequate configuration for vehicular access to the same, must be constructed adjacent to the street ROW and access (apron) in cases where the driveway exceeds 100 feet in length and/or the grade of the driveway exceeds 5% beyond the street line.
 - (3) Provisions in this Subsection A shall not apply to driveways with access onto a permanent nonoutlet turnaround or cul-de-sac, unless the Town Engineer determines that the location of said driveway access in relationship to the overall length of the nonaccess road warrants that this Subsection A should apply.
- B. Angle. A driveway access shall enter a road at right angles when possible and in no case shall the angle be less than 60°. This shall apply for a distance of 40 feet from the center line of the road.
- C. Width. All residential driveway access shall be no less than 10 feet wide at the property line or at any point along the driveway and no greater than 20 feet wide at the roadway edge, unless a variation of this requirement is requested in writing and approved by the Town Engineer. All other driveway widths shall be as required by the planning and zoning regulations/application process.
- D. Grade.
- (1) The grade of the driveway access shall not exceed 3% within a distance of 20 feet from the edge of the paved roadway. The remaining portion of the driveway from the Town road/ROW to the internal lot garage and/or parking area(s) shall comply with the following:
 - (a) Residential properties. Paved driveways shall not exceed 10% and unpaved driveways shall not exceed 8% in profile slope.
 - (b) Commercial properties. Paved driveways shall not exceed 8% and unpaved driveways shall not exceed 6% in profile slope.
 - (2) In all cases, said driveway shall include a paved access (apron) with, in the case of a driveway located down gradient of the paved roadway, a high point located at the street line or other appropriate location as accepted by the Town Engineer. A minimum of two-percent pitch shall be utilized in establishing said high point.
- E. Design and construction. The design and construction of the access shall conform to Chapter 308, Highway Modification, of this Code, established Rules and Regulations for Highway Modification and all other applicable federal, state and local codes, ordinances, standards, regulations, notices, resolutions and/or requirements and practices.²
- F. Paved lip. A paved one-inch minimum lip with rounded edges shall be provided at the edge of the driveway access (apron) located along the roadway gutter and said paved lip shall be maintained by the owner of the premises.
- G. Interference with culverts and drainage. The driveway or access shall be so designed as not to interfere with the function of existing culverts or drainage.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- H. Water. Water from a driveway or access must be diverted or intercepted before reaching the roadway travel path, unless conditions are accepted by the Town Engineer as being of minimal impact to the roadway system.
- I. Sight line. The area along the edge of the road being entered shall be unobstructed for a distance of 50 feet in each direction from a point 10 feet back from the edge of the existing or proposed travelway. Adequate sight line distance shall also be provided in accordance with best management practices and the Connecticut Department of Transportation Highway Design Manual methods and criteria, in addition to the current American Association of State Highway and Transportation Officials standards. Said sight line distance shall be reviewed and accepted by the Town Engineer and shall in no case be less than 250 feet in either direction.

§ 260-7. Access on state highways.

- A. Access on state highways shall not require permits, provided that the proposed work complies with all requirements of the State Highway Department of the State of Connecticut and required permits are obtained from the State Highway Department of the State of Connecticut, and provided further that a copy of such permit is furnished to the Town Engineer and filed in the Building Department, along with the application for a building or zoning permit, prior to the commencement of any work.
- B. Persons receiving state permits, as provided above, shall file an informational form or copy of the state permit with the Director of Public Works, Town Engineer and/or the Town Planner if requested as part of a Town permit or Commission approval process.

§ 260-8. Penalties for offenses; enforcement.

- A. Violations of this chapter shall bear a penalty of \$25 for each offense.
- B. Each day a driveway or access exists in violation of this chapter (which is more than seven days following notice by the Town to the owner of the property on which said driveway or access is located, or to the person in charge of or occupying said property) shall be considered a separate offense under this chapter.
- C. In addition to any other penalties as there may be, access to or egress from any driveway constructed, located or relocated in violation of this chapter may be prohibited at the discretion of the Town. No regular access to or egress from a property by vehicle shall be provided except by an approved driveway and access.

§ 260-9. Exceptions.

- A. The provisions of this chapter shall not apply to the maintenance and repair of a driveway or access in existence or for which a permit has been issued at the time of or prior to the adoption of this chapter.
- B. The driveway grade requirements pertaining to the portion of the driveway located fully within the parcel, as detailed in this chapter, and sight line requirements, as also detailed

in this chapter, shall not be required for properties existing at the time of the adoption of this chapter if site conditions preclude the provision of the same as demonstrated on a furnished certified site drawing (by appropriate professional engineer and/or land surveyor) and accepted by the Town Engineer.

§ 260-10. Indemnification.

Nothing in this chapter shall require the Town to repair or improve any driveway or access or shall render the Town liable to a property owner for failure to make said repair or improvement except where such repair or improvement is made necessary as a result of the widening, repair, maintaining or relocation of a Town road.

Chapter 270

EMINENT DOMAIN

§ 270-1. Criteria for property to be taken.

[HISTORY: Adopted by the Town Council of the Town of Monroe 2-27-2006. Amendments noted where applicable.]

§ 270-1. Criteria for property to be taken.

Neither the Town of Monroe nor any agency of the Town of Monroe shall use the power of eminent domain to take private property unless the property to be taken meets one of the following criteria:

- A. The property is to be owned by the Town of Monroe or an agency of the Town of Monroe and is to be used or set aside for one or more public facilities, such as, but not limited to, streets, bridges, parkways, sidewalks, rights-of-way or other public ways, parks, playgrounds, schools, or public sewer, water or waste disposal or transfer facilities;
- B. The property is to be owned by the Town of Monroe and set aside for permanent open space or drainage or erosion control facilities; or
- C. The property poses a danger to public health or safety as a result of physical deterioration, pollution or contamination and is to be taken by the Town of Monroe for the purpose of remediating such conditions or minimizing danger to the public.

Chapter 284

FIRE ZONES

§ 284-1. Definitions.

§ 284-4. Removal of vehicles.

§ 284-2. Establishment of zones.

§ 284-5. Notice of established zones.

§ 284-3. Penalties for offenses.

[HISTORY: Adopted by the Town Council of the Town of Monroe 2-27-1989 (Ch. 56 of the 1976 Code). Amendments noted where applicable.]

§ 284-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PARKING — The standing of a vehicle, whether occupied or not, upon a highway within public or private parking areas or otherwise than temporarily for the purpose of and while actually loading or unloading merchandise or in obedience to traffic regulations or traffic signs and signals.

§ 284-2. Establishment of zones. [Amended 10-22-2007]

The Board of Police Commissioners is hereby authorized and empowered, as the safety of the public may require, to establish fire zones along any public or private street, highway, passageway or parking lot, in which parking is prohibited, to advise the general public of said zones by means of signs reading "No Parking — Fire Zone — Tow-Away Zone" or "Fire Lane — No Parking — Tow-Away Zone" and to fix penalties not to exceed those designated in § 284-3A.

§ 284-3. Penalties for offenses.

- A. The members of the Police Department are hereby authorized to affix to each vehicle parked in violation of this chapter a ticket directing the owner to report to the Police Department. Each such owner shall, within 14 days of the time when such notice was attached to such vehicle, pay or cause to be paid to the Police Department, as a penalty for and in full satisfaction of such violation, the sum of \$85.¹
- B. In the event that such owner fails to make such payment as aforesaid within 14 days, the penalty due shall be doubled, and such owner shall be liable for the so-doubled penalty.

§ 284-4. Removal of vehicles.

The Chief of Police is hereby authorized to direct the removal from any fire zone of the Town any vehicle parked in violation of this chapter. Upon such removal, the owner of such vehicle

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

shall, in addition to any fines or penalties imposed, be required to pay the cost of removal and storage of such vehicle. Such cost shall be determined by reference to state regulations pertaining thereto.

§ 284-5. Notice of established zones.

Upon establishing any fire zone within the Town, the Board of Police Commissioners shall file notice thereof with the Town Clerk.

Chapter 291

FOOD-HANDLING ESTABLISHMENTS

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| § 291-1. Restaurant license. | § 291-5. License application, expiration and display. |
| § 291-2. Frozen dessert license. | § 291-6. License fees. |
| § 291-3. Temporary vendor's license. | § 291-7. Revocation of license. |
| § 291-4. Inspections. | § 291-8. Penalties for offenses. |

[HISTORY: Adopted by the Town Council of the Town of Monroe 6-15-1959 (Ch. 59 of the 1976 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Health and sanitation — See Ch. 305.

Peddlers and transient sellers — See Ch. 397.

§ 291-1. Restaurant license.

No person shall engage in the operation of any restaurant in the Town of Monroe or shall make and sell sandwiches, whether for consumption on or off the premises, without a restaurant license issued by the Director of Health.

§ 291-2. Frozen dessert license.

No person, other than the holder of a restaurant license, shall engage in the retail sale of frozen desserts in any store or other permanent place of business or from any vehicle, container or stand without a frozen dessert license issued by the Director of Health. "Frozen dessert," as used in this chapter, shall mean and include ice cream, frozen custard, ice milk, ice sherbet or any like ice or frozen milk product.

§ 291-3. Temporary vendor's license.

No person shall engage in the sale of any food or food products from any vehicle, container or stand or from house to house without a temporary vendor's license issued by the Director of Health. This section shall not be construed so as to include any such sale from a store or other permanent place of business but shall specifically exclude such sales.

§ 291-4. Inspections.

No such licenses as referred to in the above sections shall be issued until the Director of Health or his duly authorized representative shall have inspected the premises and other facilities of the proposed licensee and shall have determined that the premises, stock, personnel and equipment of said proposed licensee accord with proper standards of sanitation and conform to state and Town laws, ordinances and regulations.

§ 291-5. License application, expiration and display.

Application for licenses herein provided shall be made to the Director of Health on such forms as he may prescribe. Each of said licenses shall expire on the 30th day of June in each year. Licenses must be displayed by each licensee in a prominent place.

§ 291-6. License fees. [Amended 6-4-1975; 1-11-1988¹]

The annual fee for all such licenses shall be established by the Board of Health; provided, however, that bona fide civic, charitable and religious organizations seeking any such licenses shall be exempt from the payment of any fee for said licenses.

§ 291-7. Revocation of license.

The Director of Health or his duly authorized representative shall make periodic inspections to ensure the continued maintenance of proper standards of sanitation. If at any time said Director of Health determines that the establishment no longer conforms to said standards, he may order the license revoked and the establishment closed until compliance is had with said standards.

§ 291-8. Penalties for offenses. [Amended 10-14-1976]

Any person violating any provision of this chapter shall be punished as provided in Chapter 1, General Provisions, Article I.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Chapter 305

HEALTH AND SANITATION

**§ 305-1. State Public Health Code
adopted.**

[HISTORY: Adopted by the Town Council of the Town of Monroe 8-12-1996 (§ 2-1 of the 1976 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Health District — See Ch. 71.

Water Pollution Control Authority — See Ch. 178.

Food-handling establishments — See Ch. 291.

Littering — See Ch. 349.

Property maintenance — See Ch. 405.

Sewage disposal — See Ch. 440.

Solid waste — See Ch. 452.

§ 305-1. State Public Health Code adopted.

The Town of Monroe hereby adopts the Public Health Code of the State of Connecticut established pursuant to § 19a-36 of the Connecticut General Statutes, as the same may be amended from time to time, as the Health Code of the Town of Monroe.