

GENERAL ORDINANCES OF
THE SACHEM'S HEAD ASSOCIATION INC.
2019

A. GENERAL ORDINANCES

1. No person shall commit any nuisance within the Association district.
2. No person shall use any street or public place within the Association district for dressing or undressing or use any vehicle thereon for bath house purposes.
3. Animals:
 - a. All dogs or other applicable animals are subject to State and Municipal leash laws and must be on a leash when on any street or within the Association district (except on the owner's property).
 - b. Dogs are not allowed on the Association portion of Bloody Cove Beach.
 - c. No person shall harbor or keep within the Association district any dog or other animal that acts in a threatening manner or attacks any person or trespasses offensively on the property of any member.
 - d. Violations of this ordinance will be referred to the Animal Control Officer for the Town of Guilford.
4. Garbage:
 - a. No person shall deposit any waste material on any street or public place within the Association district or on the seashore, tidal wetlands or in the sea waters, and all garbage shall be kept in fly-tight sturdy containers of ample size, which shall be kept closed at all times between filling and emptying.
 - b. No garbage shall be removed commercially from the owner's remises excepting by a collector authorized by the Association.
 - c. The Association will provide for twice-weekly pickup.
 - d. For the violation of this ordinance, owners and lessees shall be deemed equally responsible.
 - e. No garbage shall be brought into the Association specifically for disposal.
 - f. Unless the Association member's property includes a residence, the authorized collector's services cannot be used without additional charges.

5. Sewage:
 - a. Owners and lessees of any building within the Association district shall not permit any solid or raw sewage to be discharged therefrom onto the seashores, tidal wetlands or into the sea waters.
 - b. All sewage and sewage disposal must adhere to applicable State and Municipal regulations.
6. Aircraft: No person, firm or corporation, either public or private, and excluding an emergency, shall land, takeoff or tie up any airplane, helicopter, balloon or other aerodynamic device from or to any facility, residence etc. within the Association. (See also Zoning Regulations Section 6.17)
7. Noise Control: The Noise Ordinances of the Town of Guilford pertain to properties in the Association and are enforced by the Guilford Police Department.
8. Safety:
 - a. For safety reasons no shrubbery, fence, pillar or other obstruction shall be placed in a position where it interferes the sight lines of drivers of motor vehicles or cyclists.
 - b. At street corners and adjacent to driveways shrubbery, fences, pillars or other obstructions shall be less than three feet in height.

B. TRAFFIC AND PARKING CONTROL

1. No person shall operate any vehicle recklessly within the Association district or in a manner annoying or offensive to the public.
2. Owners and operators of all vehicles within the Association district must obey the regulations that appear on all Association signs relating to stopping, parking and speeding, and no vehicle shall be parked so as to encroach on any sidewalk or so as to obstruct the free and safe entry into and/or exit from any driveway.
3. For town roads the Association recommends speed limits, parking restrictions and traffic control measures to the Town of Guilford Board of Police Commissioners for approval.
4. Speed Limits: Unless otherwise noted, the speed limit within the Association boundaries is 15 MPH.
5. Parking/No Parking:
 - a. No Parking areas are generally delineated by yellow lines (zones) throughout the area. Tow Zone Areas and No Overnight Parking Areas are indicated by signage.
 - b. Only SHA members and guests as herein defined may park within the parklands or in Association parking lots, where permitted. No motorized vehicles shall be

parked within the parklands or in Association parking other than that of an inhabitant residing within the territorial limits.

- c. Members registered vehicles may not remain on property owned by the Association overnight unless prior written authority is first obtained from the Executive Board.
 - d. No vehicles shall be parked so as to encroach on any sidewalk or so as to obstruct the free and safe entry into and/or exit from any driveway. There shall be no overnight parking of unregistered vehicles on the roads within the Association or on Association property.
 - e. Association parking facilities at the Tennis Courts, Landing, and Uncas Point may be used for special occasions by SHA or SHYC members (ie: large parties, weddings etc.), but permission must be obtained from the Executive Board in advance. Written request should be submitted at least 60 days in advance of the date of the event.
 - f. Stickers: All Association members must display the appropriate SHA sticker on their vehicles in order to verify membership for parking, beach and parkland usage purposes.
6. Traffic control, speed limit, parking, directional and SHA facility signs must be approved by the Executive Board and may not be placed by individuals on their property without Executive Board approval.
7. Bicycles and mopeds must use the roadways, and not drive on sidewalks. Riders must comply with applicable state helmet laws. Parents are responsible for overseeing their children's riding habits and etiquette.

C. ORDINANCES FOR ASSOCIATION PROPERTIES

1. The parklands of the Association (the Uncas Point property and docks, the Landing and docks, the Tennis and Paddle Courts, and the designated share of the Beach at Bloody Cove, any other SHA owned property) are owned by the Association and are for the exclusive use of the inhabitants residing within the territorial limits of the Association and it shall be unlawful for others to use them, unless by permission of the Executive Board of the Sachem's Head Association or as otherwise detailed below.
2. It shall be unlawful for anyone to landscape, plant or remove plantings, encroach upon or otherwise alter SHA owned properties without written permission of the Executive Board. Public Works Committee responsibilities and "Clean Up Day" activities under the guidance of the Executive Board and/or Public Works Committee are excepted from this ordinance.

3. Guest Use: Guests of residents may also use these facilities. Longer-term, out of town overnight guests do not require resident accompaniment. Guests must register with the staff attendant on duty whenever using the beach, tennis courts or the beach parking area. While no specific limits have been placed on the use of Association facilities by non-overnight guests, it is expected that such guests will not abuse this privilege. No others may use these facilities without first obtaining permission of the Executive Board.
4. Special Use Permission: Individual non-resident members may be granted permission by the Executive Board to use the above facilities.
5. Fires: It shall be unlawful to light, kindle or use any fire in any of said parklands unless by the permission of the Executive Board.
6. Fireworks: It shall be unlawful to discharge or set off, within any of said parklands, any fireworks, rockets, cannons or other fireworks or to carry firearms or to discharge them except in such places and in such times as may be designated by the Executive Board.
7. Rubbish: It shall be unlawful to discard or leave bottles, broken glass, ashes, wastepaper, cans, or other such rubbish in any of said parklands except in trash containers if available.
8. The Beach at Bloody Cove:
 - a. No Lifeguards: The beach is not guarded. Staff Attendants responsibilities include monitoring usage and parking but do not include lifeguarding. All swimmers do so at their own risk.
 - b. Closing: It shall be unlawful to bathe at said beach at such times as the Executive Board, by written notice on the Association Bulletin Board, may close said beach for swimming.
 - c. Animal Prohibition: It shall be unlawful to permit domestic animals to enter upon or go upon the beach.
 - d. It shall be unlawful to use a motorized boat within 50 feet of the beach except in an emergency.
9. Tennis and Paddle Tennis Courts at Bloody Cove:
 - a. The tennis courts are subject to a lease between the Association and the Sachem's Head Yacht Club.
 - b. The paddle courts are lighted but are open only until 10:00 PM.
 - c. Sign-up sheets for tennis and paddle courts determine priority of play subject to authorized events.

- d. All SHYC members and guests must register with the Staff Attendants when using the tennis courts or parking area.

10. The Landing on Colonial Rd.

- a. The dock at the Landing is for loading and unloading and only non-motorized dinghies may be tied up at the dock.
- b. Boats, equipment and trailers are not to be left overnight, nor should they be parked overnight on Colonial Rd.
- c. Special dinghy stickers are required. No other boats are to be left tied up or unattended. Dinghies are not allowed to be stored on the dock and should not be tied to the western edge (outboard) of the dock unless required by space constraints.
- d. Members authorized and stickered kayaks are to be stored in the racks provided-currently at the Landing.
- e. Sachem's Head Yacht Club members may seasonally launch and haul trailered boats at the Landing. Ongoing or repeated use of the Landing is not permitted.

11. Uncas Point Parkland:

- a. Per DEP Permit, the dock at Uncas Point is for loading and unloading, and only non- motorized dinghies numbering four or less may be tied up at the dock.
- b. Boats and equipment are not to be left overnight on the property or Uncas Point Road.
- c. Special dinghy stickers are required. No other boats are to be left tied up or unattended. Dinghies are not allowed to be stored on the dock.
- d. This facility can be made available for member family-related functions. Permission must be obtained from the Executive Board in advance. Written request should be submitted at least 60 days in advance of the date of the event.
- e. Dinghies are prohibited on the Uncas Point dock except in designated areas.

12. Hours: To minimize vandalism and disturbances, parklands are usually open at 8:00AM and closed at the earlier of dusk or 8:00PM, but special arrangements may be made through the Public Service chair. The Executive Committee may establish other opening hours as appropriate for specific sites.

13. SHYC members may not use any other Association facility except as specifically designated in these ordinances or in lease agreements.

D. ADMINISTRATIVE

1. Any member may request a waiver of any applicable regulation in these ordinances by written request to the President for Executive Board approval.
2. The Secretary of the Association shall, upon receipt of a written complaint signed by the complainant and charging the breach of an ordinance, refer the same to the Executive Board for investigation and if the Executive Board shall be satisfied that the charge is well founded, appropriate action shall be ordered, pursuant to the provisions of the Charter of the Association.
3. No person shall knowingly obstruct, resist or abuse any Police Officer or Inspector or Staff Attendant of the Association while engaged in the performance of his official duty.
4. Any person who violates any ordinance of the Association may be fined not more than five hundred dollars (\$500.00) as determined by the Executive Board and shall be liable for towing and legal fees and other incurred Association expenses. If the violation continues for thirty days after notice of violation, or after any appeal may have been rejected, an additional fine of one thousand dollars (\$1000.00) may be levied for each thirty-day period of continued violation.
5. No provision of this code or Ordinance of the Sachem's Head Association shall be construed to render the Association liable to any person for any breach of said provision, or for any injury to person or property any further than such liability is expressly provided in such code or Ordinance, or in the statutes of the State.
6. If any phrase, clause, sentence or paragraph or section of this code shall be declared unconstitutional, invalid or unenforceable by the judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining provisions of the code.
7. Police of the Town of Guilford, special constables and Staff Attendants of the Sachem's Head Association are authorized to warn, issue tickets or arrest for any violation of these Ordinances.
8. Adopted by the Sachem's Head Executive Board on September 26, 2019.

E. ZONING-RELATED ORDINANCES

1. Zoning Fees:

- a. The fee for a Certificate of Zoning Compliance shall be \$100.
- b. Authority to collect payment for direct costs: In addition to the fixed fee set forth in section 1.a. above, the Zoning Commission may collect payment for direct costs of services performed by other than Zoning Commission or Sachem's Head Association agents or employees, including but not limited to, any expert or professional consultants who assist in reviewing an application, or persons providing legal, stenographic or transcription services associated with the processing of an application.
- c. Estimate of expense: deposit; refunds: The expense of any additional services shall be estimated by the Zoning Commission, based on a preliminary estimate prepared by a qualified party or expert, and the estimated cost of reviewing the application times 110% shall be paid by the applicant and deposited with the Zoning Commission or its designated agent. Such deposit shall be made prior to review of the application and/or its submission. If the Zoning Commission does not determine that such services are required until after its initial review of the application, the deposit shall be submitted within ten (10) days of the Commission's determination.

On completion of the furnishing of review services and final action by the Zoning Commission on the application, the Commission shall determine the cost incurred for the review and refund any excess monies to the applicant. If the cost exceeds the deposit, the applicant shall, upon demand of the Commission and/or its designated agent, immediately remit the balance to the Zoning Commission.

2. Fines and Citation Procedure for Zoning Violations

Pursuant to the authority of Connecticut General Statutes § 8-12a and, notwithstanding any provisions to the contrary within the "Sachem's Head Association Zoning Ordinance" (hereinafter referred to as the "Zoning Regulations"), the Sachem's Head Association (the "SHA") hereby establishes fines for violation of its Zoning Regulations and further authorizes its Zoning Enforcement Officer ("ZEO") to issue citations therefor to the extent and in the manner provided by this ordinance.

a. Fines

Any violation of the Zoning Regulations may be punished, in the discretion of the ZEO, by a fine of One Hundred Fifty and 00/100 Dollars (\$150.00) for each and every day such violation exists and/or continues after the issuance of a citation as hereinafter set forth and such fine shall be payable to the "Sachem's Head Association."

b. Citations

Citations may be issued imposing the fines set forth above pursuant to the time frames and conditions as follows:

1. For violations or circumstances which, in the judgment of the ZEO, place the health, safety and welfare of the community into imminent jeopardy, citations may be issued immediately after the issuance of a cease and desist order.
2. For circumstances of "repeated non-compliance," a citation may be issued immediately after the issuance of a cease and desist order. "Repeated non-compliance" shall mean that an Order has been issued within the past twelve (12) months for the same type of violation on the same property.
3. For all other violations, citations may be issued thirty (30) days after the issuance of a cease and desist order.
4. Citations shall not be issued if the property is subject to a pending application that would rectify the zoning violation.
5. The ZEO shall have the authority to delay the issuance of a citation in cases where, in his/her opinion, the violator is making a good faith effort to bring the property into compliance.
6. The issuance of a citation shall not prevent the SHA from simultaneously taking any and all other available actions to enforce its Zoning Regulations.

c. Service of Citation

Any citation may be served either by hand delivery or by certified mail, return receipt requested to the owner of the property being cited and/or to the party conducting the activity that is in violation of the Zoning Regulations. Should a citation served via certified mail be refused, it may be re-sent by regular United States first class mail. The ZEO shall file and retain an original or certified copy of the citation and any such refused or returned. Any such citation shall be issued on a pre-printed standard form which shall notify the recipient of any and all rights such recipient shall have to a hearing to contest the citation and which shall notify the recipient of his/her/its obligation to inform the ZEO of his/her/its having brought the violation into compliance with the Zoning Regulations.

d. Uncontested Payment Period

Uncontested payment to the SHA of the fines specified in the citation shall be allowed for a period of ten (10) calendar days from receipt of the citation. If the citation was

sent by regular mail as set forth in paragraph c above, the day of receipt of the citation shall be deemed to be four (4) days after the date of its mailing.

e. Notice of Hearing

If uncontested payment of the fine specified in the citation is not made to the SHA within the ten (10) day period set forth above, the ZEO shall send a notice to the person cited, informing such person:

1. Of the allegations against him or her and the amount of the fines;
2. That he/she may contest his/her liability before a citation hearing officer by delivering, in person or by mail, within ten (10) days of the date of the notice, a written demand for a hearing;
3. That filing a request for a hearing shall cause the daily accrual of fines to cease from the date such filing is received by the ZEO until the date the hearing officer renders a decision unless, during such period, the violation of or non-conformance to the zoning ordinance is expanded or increased;
4. That if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her; and
5. That such judgment may issue without further notice.

f. Admission of Liability and Payment of Fines

If the person who is sent notice pursuant to paragraph e. hereof wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fines admitted to, either in person or by mail, to the SHA. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within (10) days of the date of the notice described in paragraph e. hereof shall be deemed to have admitted liability, and the ZEO shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess fines provided for by this ordinance and shall follow the procedures set forth in paragraph i. hereof.

g. Hearing

Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice, provided the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the citation

shall be filed and retained by the ZEO and shall be deemed to be a business record within the scope of Connecticut General Statutes, § 52-180 and evidence of the facts contained therein. The presence of the ZEO shall be required at the hearing if requested by the person who was issued the citation. A person wishing to contest his/her liability shall appear at the hearing and may present evidence in his/her behalf. A designated SHA official, other than the hearing officer, may present evidence on behalf of the SHA. If the person who received the citation fails to appear, the hearing officer may enter an assessment by default against him or her upon a finding of proper notice and liability under the applicable provision(s) of the Zoning Regulations. The hearing officer may accept written information by mail from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof, as he/she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.

h. Decision

The hearing officer shall announce the decision at the end of the hearing. If the hearing officer determines that the person who received the citation is not liable, the hearing officer shall dismiss the matter and enter that determination in writing accordingly. If the hearing officer determines that the person who received the citation is liable for the violation, the hearing officer shall forthwith enter and assess the fines against such person as provided by this ordinance. Upon a finding by the hearing officer that a violation has occurred, any fines accrued to the date of filing a request for a hearing or, if the hearing officer finds that the violation was expanded or increased, any fines accrued to the date of the hearing officer's decision, shall be immediately due and payable and the amount thereof shall be stated by the hearing officer in his/her decision.

i. Pursuit of Assessment and Judgment

If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with an entry fee of eight dollars (\$8.00). The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve (12) month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of eight dollars, against such person in favor of the municipality. Notwithstanding any provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

j. Appeal of Assessment

A person against whom an assessment has been entered pursuant to this ordinance is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to Connecticut General Statutes, § 52-259, at a superior court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

k. Superior Court to Enforce Assessments and Judgments

The Superior Court shall be authorized to enforce the assessments and judgments provided for under this ordinance.

l. Appointment and Term of Hearing Officers

The SHA shall appoint one or more SHA members as citation hearing officers to conduct the hearings provided by this Ordinance. Hearing Officers shall serve for a term of two (2) years, unless removed for cause. Neither the ZEO nor any employee of the SHA exercising zoning authority nor any other employee, police officer, person who issues citations, or any elected or appointed official of the SHA may be appointed to be a hearing officer pursuant to this Ordinance.