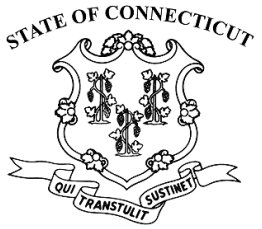

Senate Bill No. 230

Public Act No. 16-89

AN ACT CONCERNING THE SITING OF CERTAIN DOCKS AND STRUCTURES, THE USE OF NOISE-MAKING DEVICES FOR AGRICULTURAL PURPOSES AND MAKING TECHNICAL AND CONFORMING REVISIONS TO ENVIRONMENT-RELATED STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (a) of section 22-6k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each authorized farmers' market shall maintain records of operation which shall be provided to the department and which shall include posted hours and days and shall be signed by a duly authorized representative of the farmers' market. Farmers' market assurances shall be submitted in a manner outlined by the department and shall provide evidence of:

(1) Whether a farmers' market possesses the capability to serve the additional demands brought about by distribution of vouchers in the area without causing undue harm to the existing farmers' market consumer base; and

(2) A willingness by persons associated with the farmers' market to

meet all CFM/WIC requirements. Information submitted by a farmers' market shall include, but not be limited to:

(A) The number of Connecticut-grown fresh produce vendor participants; **[**,**]**

(B) Hours of operation to be maintained per week; **[**,**]**

(C) Season of operation; **[**,**]** and

(D) Accessibility and consistency of farmers' market location.

Sec. 2. Subsection (b) of section 51-164n of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 as specified in subsection (e) of said section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-

250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97, subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, 20-341*l*, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159, subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, as amended by this act, 22-29, 22-34, 22-35, 22-36, 22-38, as amended by this act, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49 **[**,**]** or 22-54, subsection (d) of section 22-84, section 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-16, 26-18, 26-19, 26-21, 26-31, 26-31c, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64,

subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (2) of subsection (j) of section 26-142a, subdivision (1) of subsection (b) of section 26-157b, subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of section 53-344b, or section 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Sec. 3. Subsection (c) of section 22-38 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) In addition to the provisions of subsection (b) of this section, any person who sells any farm product as "Connecticut-Grown" at a farmers' market in this state shall offer such product for sale in the immediate proximity of a sign that is: (1) Readily visible to consumers, (2) not less than three inches by five inches in size, and (3) in a form that is substantially as follows:

THIS FARM PRODUCT IS CONNECTICUT-GROWN. THIS FARM PRODUCT WAS GROWN OR PRODUCED BY THE FOLLOWING PERSON OR BUSINESS: (INSERT NAME AND ADDRESS OF PERSON OR BUSINESS).

The lettering on any such sign shall be of **[**such**]** a size, font or print that is clearly and easily legible. Such a sign shall accompany each type of farm product that any such person sells as "Connecticut-Grown". Any person who violates the provisions of this subsection shall receive a warning for the first violation and for any subsequent violation shall be fined one hundred dollars for each violation.

Sec. 4. Subsection (g) of section 22a-462a of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) (1) On or before August 15, 2016, the Commissioner of Energy and Environmental Protection shall accept an application on behalf of a manufacturer of a personal care product for the performance of a study, at the request of said commissioner, by the Connecticut Academy of Science and Engineering to determine if a biodegradable microbead is available for use in such personal care product that does not adversely impact the environment or publicly-owned treatment works in this state. Any such application shall require the manufacturer of such biodegradable microbead to disclose the chemical constituents or composition of such microbead. Upon receipt of any such application, in a format as prescribed by the commissioner,

the commissioner shall request the Connecticut Academy of Science and Engineering to perform such study. Said academy may establish a fee for the performance of such study and such fee shall be remitted by the applicant to the Department of Energy and Environmental Protection. Upon receipt of such request and such fee from the commissioner, said academy shall commence such study. Such study shall, at a minimum, consist of: (A) A study committee appointed by said academy to oversee such study, (B) the use of an academy-selected research team with expertise in matters relating to biodegradable microbeads to conduct relevant research for such study, including, but not limited to, the fate and transport of microbeads, and author a study report, and (C) study committee meetings that afford the opportunity for such applicant, department and interested persons to obtain information concerning the study's process. The academy shall complete any such study and issue a final study report for such study to the commissioner not later than December 15, 2017. Upon receipt of such final study report, the commissioner shall review such final study report and, not later than February 1, 2018, forward such final study report and any recommendations of said academy for legislation concerning the use of biodegradable microbeads in personal care products to the joint standing committee of the General Assembly having cognizance of matters relating to the environment.

(2) Any information or materials submitted by an applicant to the Department of Energy and Environmental Protection or the Connecticut Academy of Science and Engineering in connection with the performance of the study described in subdivision (1) of this subsection shall not be subject to disclosure pursuant to chapter 14 provided such applicant indicates to the department or academy, at the time of submission, information or materials that such applicant deems a trade secret or privileged in any manner.

(3) In the event that the study described in subdivision (1) of this

subsection is not completed on or before December 15, 2017, the manufacturing, selling, importing or offering for sale of any personal care product that contains an intentionally added biodegradable microbead shall be prohibited on and after July 1, 2018.

Sec. 5. Subsection (a) of section 22-332 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Chief Animal Control Officer, any animal control officer or any municipal animal control officer shall be responsible for the enforcement of this chapter and shall make diligent search and inquiry for any violation of any of its provisions. Any such officer may take into custody (1) any dog found roaming in violation of the provisions of section 22-364, (2) any dog not having a tag or plate on a collar about its neck or on a harness on its body as provided by law or which is not confined or controlled in accordance with the provisions of any order or regulation relating to rabies issued by the commissioner in accordance with the provisions of this chapter, or (3) any dog or other domestic animal found injured on any highway, neglected, abandoned or cruelly treated. The officer shall impound such dog or other domestic animal at the pound serving the town where the dog or other domestic animal is taken unless, in the opinion of a licensed veterinarian, the dog or other domestic animal is so injured or diseased that it should be destroyed immediately, in which case the municipal animal control officer of such town may cause the dog or other domestic animal to be mercifully killed by a licensed veterinarian or disposed of as the State Veterinarian may direct. The municipal animal control officer shall immediately notify the owner or keeper of any dog or other domestic animal so taken, if known, of its impoundment. Such officer shall immediately notify the owner or keeper of any other domestic animal which is taken into custody, if such owner or keeper is known. If the owner or keeper of any such dog or other domestic

animal is unknown, the officer shall immediately tag or employ such other suitable means of identification of the dog or other domestic animal as may be approved by the Chief Animal Control Officer and shall promptly cause (A) a description of such dog or other domestic animal to be published once in the lost and found column of a newspaper having a circulation in such town or that has a state-wide circulation, and (B) a photograph or description of such dog or other domestic animal and the date on which such dog or other domestic animal is no longer legally required to be impounded to be posted on a national pet adoption Internet web site or an Internet web site that is maintained or accessed by the animal control officer and that is accessible to the public through an Internet search, except such posting shall not be required if: (i) The dog or other domestic animal is held pending the resolution of civil or criminal litigation involving such dog or other domestic animal, (ii) the officer has a good faith belief that the dog or other domestic animal would be adopted by or transferred to a public or private nonprofit rescue organization for the purpose of placing such dog or other domestic animal in an adoptive home even in the absence of such posting, (iii) the dog or other domestic animal's safety will be placed at risk, or (iv) such animal control officer determines that such dog or other domestic animal is feral and not adoptable. If any animal control officer does not have the technological resources to post such information on an Internet web site as required by subparagraph (B) of this subdivision, such officer may contact a public or private animal rescue organization and request that such organization post such information, at such organization's expense, on an Internet web site that is accessible to the public through an Internet search. To the extent practicable, any such posting by an animal control officer or a public or private animal rescue organization shall remain posted for the duration of such **[**dog**]** dog's or other domestic animal's impoundment in the municipal or regional dog pound.

Sec. 6. Subsection (a) of section 10a-150e of the 2016 supplement to

the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For purposes of this section, "animal adoption or animal rescue organization" means any collaboration of individuals or any nonprofit organization that is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, that has, as part of such collaboration's or organization's purposes, the sale or placement of animals that were removed from animal shelters, municipal dog pounds or an individual's home.

Sec. 7. Subsection (c) of section 22a-381e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) No person shall plant running bamboo or allow running bamboo to be planted on his or her property at a location that is forty feet or less from any abutting property or public right-of-way. Any person who violates the provisions of this subsection shall be fined one hundred dollars. In the case of a continuing violation, each day of continuance shall be deemed a separate and distinct offense until such time as such bamboo is removed. **[**or contained by a properly installed and constructed barrier system.**]**

Sec. 8. Section 22a-6g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person who submits an application to the Commissioner of Energy and Environmental Protection for any permit or other license pursuant to section 22a-32, 22a-39, 22a-174, 22a-208a, 22a-342, 22a-361, as amended by this act, 22a-368, 22a-403 or 22a-430, subsection (b) or (c) of section 22a-449, section 22a-454 or Section 401 of the federal

Water Pollution Control Act (33 USC 466 et seq.), except an application for authorization under a general permit shall: (1) Publish notice of such application in a newspaper of general circulation in the affected area; (2) notify the chief elected official of the municipality in which the regulated activity is proposed; and (3) include with such application a copy of such notice as it appeared in the newspaper and a signed statement certifying that the applicant notified the chief elected official of the municipality in which such regulated activity is proposed. Such notices shall include: (A) The name and mailing address of the applicant and the address of the location at which the proposed activity will take place; (B) the application number, if available; (C) the type of permit sought, including a reference to the applicable statute or regulation; (D) a description of the activity for which a permit is sought; (E) a description of the location of the proposed activity and any natural resources affected thereby; (F) the name, address and telephone number of any agent of the applicant from whom interested persons may obtain copies of the application; and (G) a statement that the application is available for inspection at the office of the Department of Energy and Environmental Protection. The commissioner shall not process an application until the applicant has submitted to the commissioner a copy of the notice and the signed statement required by this section. Any person who submits an application pursuant to section 22a-32 or 22a-361, as amended by this act, shall additionally mail such notice to any land owner of record for any property that is located five hundred feet or less from the property line of the property on which such proposed activity will occur. The provisions of this section shall not apply to discharges exempted from the notice requirement by the commissioner pursuant to subsection (b) of section 22a-430, to hazardous waste transporter permits issued pursuant to section 22a-454 or to special waste authorizations issued pursuant to section 22a-209 and regulations adopted thereunder.

(b) Notwithstanding any other provision of this title or any

regulation adopted pursuant to this title, the following applications are exempt from the provisions of subsection (a) of this section: (1) An application for authorization under a general permit; (2) an application for a minor permit modification for sources permitted under Title V of the federal Clean Air Act Amendments of 1990 in accordance with 40 CFR 70.7; and (3) an application for a minor permit modification or revision if the Commissioner of Energy and Environmental Protection has adopted regulations, in accordance with the provisions of chapter 54, establishing criteria to delineate applications for minor permit modifications or revisions from those applications subject to the requirements of subsection (a) of this section.

Sec. 9. Section 22a-361 of the 2016 supplement to the general statutes is amended by adding subsection (h) as follows (*Effective from passage*):

(NEW) (h) Notwithstanding any other provision of this section, the commissioner shall not issue a certificate or permit to authorize any dock or other structure in an area that was designated as inappropriate or unsuitable for such dock or other structure in a harbor management plan approved and adopted pursuant to section 22a-113m.

Sec. 10. Subsection (g) of section 22-26g of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) (1) If the legislative body of any municipality adopts a resolution that states that there is undue hardship on nearby residents as a result of the use of any device permitted under this section, and that requests that the commissioner deny or cancel the right to use such device, or, in the alternative, institute a best practical use procedure described in subdivision (2) of this subsection, the commissioner, in accordance with the provisions of chapter 54, may deny or cancel a permit to use such device, or, in the alternative, institute a best practical use procedure in accordance with subdivision (2) of this subsection, if the

commissioner determines that its use creates, or will create, an undue hardship on nearby residents. In making any such decision, the commissioner may consult with experts in wildlife damage to crops and any county or state-wide advisory group the commissioner deems appropriate. For the purposes of this subsection, "undue hardship" means causing significant injury to the health and comfort of a person, as a result of the use of the permitted device while such person is on his or her own real property and within the curtilage of his or her home.

(2) The commissioner may require the implementation of a best practical use procedure by a permittee in response to a resolution adopted pursuant to subdivision (1) of this subsection if the commissioner determines that such a best practical use procedure is feasible to limit the excessive use of such permitted device. Any such best practical use procedure shall limit the use of the permitted device to an extent that provides for the least detrimental level of use of such permitted device while enabling such device to be effective. In developing any such best practical use procedure, the commissioner shall assess the permitted device, the accepted trade practices associated with the effective use of such device, the technical feasibility of implementation and use of a best practical use procedure, the nature of the area in which the permitted device is used, the crop that is intended to be protected through use of such device and the wildlife that is intended to be scared or repelled by use of the permitted device. The provisions of this subsection shall not be construed to authorize any cause of action.

Approved June 1, 2016