LEGAL NOTICE
TOWN OF MANSFIELD
PUBLIC HEARING July 11, 2011
"An Ordinance to Prevent Neighborhood Nuisances"

The Mansfield Town Council will hold a public hearing at 7:30 PM at their regular meeting on July 11, 2011 to solicit public comments regarding a proposed ordinance titled "An Ordinance to Prevent Neighborhood Nuisances."

At this hearing persons may address the Town Council and written communications may be received. Copies of said proposals are on file and available at the Town Clerk's office: 4 South Eagleville Road, Mansfield, Connecticut. The proposed ordinance is also available on the Town's website (mansfieldct.org)

Dated at Mansfield Connecticut this 28th day of June, 2011

Christine Hawthorne, Assistant Town Clerk

Town of Mansfield
Code of Ordinances

"An Ordinance to Prevent Neighborhood Nuisances"

June 27, 2011 Draft

Section 1. Title.

This Article shall be known and may be cited as the "Ordinance to Prevent Neighborhood Nuisances."

Section 2. Legislative Authority.

This ordinance is enacted pursuant to the provisions of C.G.S. § 7-148, et seq., as amended.

Section 3. Findings and Purposes.

It is found by the Town Council of the Town of Mansfield that a significant number of persons in the town occasionally engage in behavior which constitutes a nuisance. Nuisance behavior includes, but is not limited to, disturbances of the peace, disorderly conduct, underage drinking, obstruction of public streets by crowds or vehicles, crimes against property and excessive noise, separately or sometimes in combination.

Nuisance conduct has a negative effect upon residents and occupants of adjacent homes and structures, impacts the quality of life of neighborhoods, and tends to depress the value of nearby property. This problem is in part due to local circumstances present in few if any other towns statewide. To the extent that tenants are involved in such nuisance behavior, landlords can help to remedy the problem because they control tenant selection, and may determine whether to dispossess a tenant.

The Town of Mansfield has engaged in a sustained concerted effort to address these and similar issues. The Town Council expects that by discouraging nuisance activity and encouraging local landlords to prevent nuisance behavior by their tenants, this Article will combine with other recently enacted ordinances to promote neighborhood peace and compatibility, and protect the general health, safety and welfare of the people of Mansfield.

Section 4. Definitions.

For the purposes of this Article, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Landlord: means the owner, lessor or sublessor of a dwelling unit, the building of which it is a part, or the premises.

Nuisance: Any behavior which substantially interferes with the comfort or safety of other residents or occupants of the same or nearby buildings or structures. Conduct of a person or persons on any premises in a manner which is a violation of law, or which creates a disturbance of the quiet enjoyment of private or public property may constitute a nuisance. Such behavior includes disorderly, indecent, tumultuous or riotous conduct. Unlawful conduct includes, but is not limited to, individually or in combination with other misbehavior, excessive pedestrian and vehicular traffic, obstruction of public streets by crowds or vehicles, illegal parking, the service of alcohol to underage persons, underage drinking, fights, creating a public disturbance, breach of the peace, trespassing, disorderly conduct, littering, simple assault, threatening, harassment, illegal burning or use of fireworks, urinating or defecating in public, lewdness, criminal mischief, crimes against property, or excessive noise.

Premises: means a tract of land including buildings thereon, appurtenances, grounds, and any public right of way immediately adjacent to any such tract of land.

Adjacent Premises: Premises contiguous to premises on which there is activity that is a nuisance per this Article, to which said activity has moved or spread.

Tenant: means the lessee, sub lessee or person entitled under a rental agreement, written or not, to occupy a dwelling unit or premises to the exclusion of others or as is otherwise defined by law.

Section 5. Applicability.

This ordinance shall apply to any premises situated within the Town of Mansfield.

Section 6. Enforcement; Violations, Citations and Fines.

A. In addition to the police, the Town Manager shall designate in writing one or more Town officials empowered to take enforcement or other action authorized by this ordinance.

B.1. Each commission of a nuisance activity as defined herein on any premises or adjacent premises shall be a violation of this ordinance, thereby authorizing any designated Town official or police officer to issue a written warning to an offender or to assess a fine of $250 per violation. In their exercise of discretion under this section any such official or police officer shall be guided by the stated purposes of this Article, among other things.

2. Written notice of any such violation shall be hand delivered or sent via certified mail to the offender. Any fine shall be payable within thirty calendar days of the date of issuance of the notice. If any such offense was committed on the residential rental premises of a landlord by their tenant or by the guest of any such tenant of the landlord, a copy of such notice of violation and a warning of the provisions of Section 6C of this Ordinance shall be hand delivered or sent by certified mail to the landlord of any offending tenant or their guest.

C. If any police officer or other duly authorized Town official issues any notice of violation of this ordinance by and pertaining to any tenant or any of their guests to any landlord of the same residential rental premises on more than two occasions in any six month period, or more than three times within nine months, or more than four times within one year, as measured from the date of the first instance of nuisance, the Town Manager or his designee per subsection A of this section, in their discretion guided by the stated purposes of this Article and the law of this State and Town of Mansfield, may hold the landlord of any tenant(s) or guest(s) who perpetrated such additional acts of nuisance legally responsible for a fine of $250 for each such additional instance of nuisance committed by any tenant of the landlord or guest of such tenant. Prompt notice of any such violation by a landlord shall be hand delivered or sent via certified mail to the landlord. The fine shall be payable within thirty days of the date of issuance of said notice.

D. In addition to any other remedy authorized by this ordinance, if any such fine issued pursuant to this ordinance is unpaid beyond the due date, the Town may initiate proceedings under the authority of Connecticut General Statutes section 7-152c and Chapter 129 of the General Code of the Town of Mansfield, Hearing Procedure, to collect the fine.

E. Nothing in this ordinance shall limit the ability of the authorities to initiate and prosecute any criminal offense or provisions of any other applicable Town ordinance arising from the same circumstances resulting in the application of this ordinance. The police in their discretion, guided by the stated purposes of this Article and the law enforcement provisions and purposes of the law of the State of Connecticut and the Town of Mansfield, may disperse any participants in any activity constituting a nuisance per this Article.

Section 7. Appeals Procedure.
Any person fined pursuant to this chapter is entitled to a hearing procedure and judicial review, if necessary, pursuant to the provisions of the Town of Mansfield Hearing Procedure for Citations set forth in Chapter 129 of the General Code of the Town of Mansfield as required by C.G.S. section 7-152c.

Section 8. Word Usage.
Whenever used, the singular number shall include the plural, the plural the singular and the use of either gender shall include both genders.