

**TOWN OF MANSFIELD  
TOWN COUNCIL  
Ordinance Development and Review Subcommittee  
Friday, June 17, 2011  
Audrey P. Beck Municipal Building  
Conference Room B  
8:00 am**

DRAFT MINUTES

**Call to Order/Roll Call**

Mr. Kochenburger called the meeting to order at 8:05 AM.

Members present: P. Kochenburger, M. Lindsey, P. Shapiro  
Staff: M. Hart, M. Ninteau, D. O'Brien

**New Business**

1. An Ordinance to Prevent Neighborhood Nuisances

The committee members and staff reviewed the draft ordinance, with specific discussion concerning the following:

- Definition of a nuisance - The terms "trespassing," and "illegal burning or use of fireworks" were added to the definition of a nuisance. The term "terroristic threats" was changed to "threatening."
- Constitutionality of the proposed ordinance – Mr. O'Brien, Town Attorney, explained that he believes the ordinance is constitutional on its face.
- Amount of the citation – Mr. O'Brien explained that the \$250 fine is allowed by state statute.
- Landlord liability – Mr. O'Brien and Mr. Ninteau clarified the application of this provision to landlords.
- Application of ordinance to owner-occupied property - Mr. O'Brien and Mr. Ninteau explained that by design the ordinance applies to nuisance behavior occurring anywhere in town, including rental and owner-occupied properties.
- Findings and purpose – The term "incenting" was replaced with "encourage."
- Authority of Town Manager to designate enforcement officers – The Town Attorney explained that the Town Manager, pursuant to the Town Charter and the Code of Ordinances, has the authority to designate officers to enforce this ordinance.

By consensus, the members agreed to make the revisions noted above and to present the revised ordinance to the Town Council for the June 27, 2011 meeting, with the recommendation that the Council schedule a public hearing to solicit public comment regarding the proposed ordinance.

**Adjournment**

The members adjourned the meeting at 9:05 AM.

Respectfully submitted,

Matthew W. Hart  
Town Manager