



**TOWN OF MANSFIELD
COMMUNITY QUALITY OF LIFE COMMITTEE**

Thursday, November 4, 2010

7:30 p.m.

**Mansfield Town Hall
Council Chambers**

AGENDA

1. Call to Order/Roll Call
2. Appointment of Recording Secretary
3. Approval of October 7, 2010 Minutes
4. Opportunity for Public to Address the Committee
5. Chairperson's Report
6. Communications
7. Items of Business
 - a) Discuss Draft Options Nuisance House Ordinance
 - b) Staff Update "Large Assembly" Ordinance
 - c) Housing Code – Definition of Owner
 - d) Action Status
8. Adjournment

COMMITTEE ON COMMUNITY QUALITY OF LIFE
Thursday, October 7, 2010
Audrey Beck Municipal Building
Council Chambers
7:30 pm

Draft Minutes

Present: J. Fried, D. Keane, A. Moran, J. Riesen, J. Saddlemire
Staff: M. Hart, J. Hintz, G. Padick, M. Nintean

1) Call to Order/Roll Call.

The Chair called the meeting to order at 7:32 PM.

2) Appointment of Recording Secretary

D. Keane agreed to serve as secretary, with assistance from M. Hart.

3) Approval of September 2, 2010 Meeting Minutes

J. Riesen moved and J. Saddlemire seconded to approve the minutes of the September 2,, 2010 meeting. The motion passed unanimously.

4) Opportunity for Public to Address the Committee

None

5) Chairperson's Report

Chair A. Moran reported on the following items:

- The Town is conducting a police services study and the consulting team would like to meet with the members of the committee as well as representatives from the Mansfield Community Campus Partnership (MCCP). The October 28th date is problematic for certain committee members – M. Hart will look to see if the session can be moved to November 4th. If not, those who cannot attend will be invited to participate in the focus groups that the consultants will convene.
- The police at SCSU are now fining underage drinking on campus (under state law or campus policy?). The Chair asked that this topic be listed as a future agenda item.
- Now that the committee has completed its work on a few initiatives and the membership has changed somewhat, the Chair would like the committee to develop objectives and a sense of direction for the remainder of the academic year and leading into the fall 2011 semester. This item will be listed as a business item for the November meeting.

6) Communications

None

7) Items of Business

- a) *Discuss draft options nuisance house ordinance* – The committee reviewed the draft versions of the ordinance and expressed support for the version that would not necessitate a tenant eviction. J. Hintz and J. Saddlemire agreed to obtain data concerning parking on campus, such as the number of student permits that are issued, and the percentage of the study body that maintains a car on campus. Town staff was asked to research and complete the following assignments:
 - i) Add a provision to cite landlords for multiple violations that occur on the landlords property within a specified period of time
 - ii) Look at the viability of extending the applicability of the ordinance to owner-occupied properties
 - iii) Review the revised draft with the Town Attorney and the CT State Police (CSP) to ensure the legality of the proposed revision and that the CSP has the capability to enforce the ordinance.

- b) *Model Lease Discussion* – J. Hintz reviewed the model lease provisions with the committee; the revised draft was well-received. This information will be available at the Office of Off-Campus Services website - <http://www.offcampus.uconn.edu/>. M. Hart would also like to post a link to this information via the Town's website.

- c) *Staff Update Large Assembly Ordinance* – M. Nintean reported that he is working on a draft large assembly ordinance; the Town Attorney needs to review the draft prior to submission to the committee. The draft ordinance will be a future business item.

- d) *Student Legal Services* – J. Saddlemire reported that the Board of Trustees Student Life Committee has written the Attorney General's Office seeking an amendment to state statute to allow the University to locate a student legal services office on-campus.

- e) *Communication re Responsible Off-campus Behavior/Positive Community-Campus Relations* - J. Saddlemire agreed to prepare a draft communication piece regarding the University's efforts to promote responsible off-campus behavior and its desire to improve and maintain positive relations between the student body and the community at-large.

8) Adjournment

The Chair adjourned the meeting at 9:00 PM.

Respectfully submitted,

Matt Hart, Town Manager

**Town of Mansfield
Code of Ordinances**

“An Ordinance to Prevent Nuisances in Rental Housing”

October 18, 2010 Draft

Section 1. Title.

This Article shall be known and may be cited as the "Ordinance Regarding Nuisance Houses.”

Section 2. Legislative Authority.

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

Section 3. Findings and Purpose.

The Town Council of the Town of Mansfield finds that a significant number of persons frequently engage in conduct which constitutes a nuisance. Such conduct has a negative effect upon occupants of nearby structures, impacts the quality of life of the neighborhoods and tends to depress the value of surrounding property. This condition is in major part due to the presence of numerous younger university students living independently in the community, a condition present in relatively few communities. The requirements set forth in this ordinance will promote neighborhood peace and compatibility, and 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 the dwelling unit, the building of which it is a part or the premises.

Nuisance: Any conduct which interferes substantially with the comfort or safety of other occupants of the same or ~~adjacent~~ nearby buildings or structures including but not limited to, all of the following circumstances:

A gathering of person(s) on any premises in a manner which constitutes a violation of law or creates a disturbance of the quiet enjoyment of private or public property, disorderly,

indecent, tumultuous or riotous behavior. Unlawful conduct includes, but is not limited to, 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, disturbances of the peace, litter, simple assault, terroristic threats, harassment, urinating or defecating in public, lewdness, criminal mischief, crimes against property, or excessive noise. A violation shall be deemed to have occurred in the vicinity of a covered property if such violation occurred in the adjacent public right of way in front of the covered property or on any property adjacent to the covered property.

Premises: means a tract of land including buildings thereon, appurtenances and grounds.

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.

Residential Rental Property: Shall include all dwelling and housing units that are residential and rental structures, the terms "dwelling unit(s)" and "housing unit(s)" shall be considered synonymous for purposes of this ordinance.

Section 5. Applicability.

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

Section 6. Enforcement; Violations, Citations and Fines.

A. The Town Manager shall designate in writing one or more Town officials empowered to take enforcement or other action authorized by this Article.

B. Each commission of a nuisance activity as defined herein shall be a violation of this Ordinance, thereby authorizing such designated Town official or police officer to issue a written warning or assess a fine of \$250 per violation. Written notice of such violation shall be hand delivered or sent via certified mail to the offender and landlord if applicable.

C. If any authorized official responds to an event at a residential rental property constituting a nuisance by a tenant or tenant's guest on any such premises more than twice in any one year period as measured from the date of the first-response, the landlord shall be liable for fines as set forth herein.

D. In addition to any other remedy authorized by this chapter, if any such fine issued pursuant to the provisions of this chapter 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 any such 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 necessitating the application of this ordinance.

Section 7. Appeals Procedure.

Any person fined pursuant to this chapter may appeal such fine 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.

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.



TOWN OF MANSFIELD
DEPARTMENT OF BUILDING AND HOUSING INSPECTION

Michael E. Ninteau, CBO MCP, Director

October 12, 2010

To: Dennis O'Brien, Town Attorney

CC: Matt Hart, Town Manager

RE: Owner definition in Housing code

Hi Dennis:

Per our meeting on October 8, 2010 I have amended the language in section 901.1 (5) of the Housing code to match the language in the parking ordinance. I also agree that the language in the Landlord Registration ordinance should be left as is.

901.1 Scope.

5. Housing units in any building consisting of no more than four units, one of which is the owner's primary place of residence in which he or she remains for more than half of the calendar year and is the record owner of a minimum 50% fee simple interest in said residential rental property in his or her personal individual capacity only.

[Amended 3-26-2007, effective 4-20-2007]

I believe this change will accomplish 3 main goals:

- This will help diminish the ability to add a child to the deed circumventing the intent of the Housing code by avoiding inspection and as a result the safety of the unrelated and often non-family occupants.
- Aid in the administration of both the parking and housing regulations by having identical criteria of what constitutes an owner allowing exemption.
- Add to the revenue collected to help offset the cost of the Housing program by requiring certificates of all properties that meet the original intent of the code.

If you could review the proposed change and comment it would be appreciated. I have spoken to Matt and we agreed to bring this proposal forward at the same time as the proposed "Nuisance" ordinance as it is a very simple matter and should be easily worked out simultaneously.

Thanks

Mike

Mike E. Ninteau

From: Mike E. Ninteau
Sent: Tuesday, October 12, 2010 3:42 PM
To: 'Dennis O'Brien'
Cc: Matthew W. Hart; Mike E. Ninteau
Subject: HC Owner Language Change 10-2010.doc
Attachments: HC Owner Language Change 10-2010.doc

Priority	Action	Status	Date
1	Rental Parking Area Designation	Council Vote	5/17/2010
2	Definition of Family / # of Unrelated	PZC Public Hearing	6/7/2010
3	Model Lease Provisions	Jim to Draft	6/3/2010
4	Animal House Ordinance	Staff to Draft	6/3/2010
5	Assembly Permits	Staff to Draft	6/3/2010
6	Close Loopholes	Staff Submit to Council	7/1/2010
7	Neighborhood Dialogue	Pending	7/1/2010
8	Near Campus High Density Housing	Greg to Update	6/3/2010
9	Police Response Time	Police Study	TBD
10	Community Patrols	Police Study	TBD
11	Noise Enforcement	Police Study	TBD
12	Neighborhood Watch Groups	Police Study	TBD
13	Model security Plan	Tabled	
14	Student Rental Zoning	Tabled	
15	Tenant Registry	Tabled	