

# City of Danbury



City Council

Public Hearing

October 25, 2012

7:00 P.M.



## **CITY OF DANBURY**

**155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810**

**JEAN A. NATALE**  
*Legislative Assistant*

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j.natale@ci.danbury.ct.us

### **MEETING NOTICE**

Who: City Council Members

When: **7:00 P.M. - Thursday, October 25, 2012**

Where: 3<sup>rd</sup> Floor Council Chambers, City Hall, 155 Deer Hill Avenue

Purpose: Public Hearing for the following:

1. Amendment to Code of Ordinances  
Section 6-1a- Withholding Approvals/Delinquency
2. Amendments to Code of Ordinances  
Section 21-44 - Water Meters
3. Prevention of Housing Blight, Code of Ordinance  
12-34 and Section 10-99 to 106
4. Downtown Incentive Package  
Code of Ordinance- Section 11-2,6-02, 11-7, 17-7
5. Entertainment License  
Code of Ordinance- Section 11-6 and 12-34

cc: Council Members  
Corporation Counsel  
Town Clerk  
Caucus Board  
Information Board

### **NOTICE**

Members of the Council will meet as a committee of the whole immediately following the above public hearings to take action on the same.

**Amendment to  
Code of Ordinances  
Sec. 6-1(a)  
Withholding  
Approvals/Delinquency**



**CITY OF DANBURY**  
**OFFICE OF THE CORPORATION COUNSEL**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810  
(203) 797-4518 (203) 796-8043 FAX

April 23, 2012

Hon. Mayor Mark D. Boughton  
Hon. Members of the City Council  
155 Deer Hill Avenue  
Danbury, CT 06810

Re: Amendment to Code of Ordinances Section 6-1(a)  
Withholding Approvals/Delinquency

Dear Mayor and Council Members:

Attached you will find a proposed amendment to the section of our Code of Ordinances that presently permits the withholding of "building applications" where someone is delinquent on a variety of payments to the City (i.e. taxes, utility).

As is consistent with State law allowing such withholdings, we seek to clarify the portion of this section that defines what may be withheld in the event of such delinquency. This will now include all building approvals from the initial building application through the issuance of a final certificate of occupancy. While we feel this has always been the intent of the section, it is best to clarify and set it forth in clear language.

The Building Department and the City Permit Center typically coordinate such approvals and would work together in implementing the change, consistent with present practices.

Please refer this item to committee and/or Public Hearing for further consideration.

Very truly yours,

A handwritten signature in black ink, appearing to be "L. Pinter".

Laszlo L. Pinter  
Deputy Corporation Counsel

Attachment

cc: Sean Hearty, Director of Permit Coordination/ZEO  
Leo Null, Building Official

**COPY SHOWING DELETIONS AND NEW LANGUAGE**

That Section 6-1 (a) of the Code of Ordinances of Danbury, Connecticut, is hereby amended to read as follows:

**Sec. 6-1.** - Withholding building APPROVALS WHERE APPLICANT IS ~~applications when taxes or public utility fees are delinquent~~ FOR THE PROPERTY FOR WHICH AN APPLICATION WAS MADE.

(a) *Approval withheld.* Pursuant to the provisions of section 7-148 of the Connecticut General Statutes, and except when otherwise provided in subsection (b) hereof, the building official of the City of Danbury shall withhold approval of building AND BUILDING-RELATED ~~applications~~ AND APPROVALS when taxes or water or sewer rates, charges or assessments imposed by the City of Danbury are delinquent for the property for which an application was made.

b) *Exceptions.* Notwithstanding the provisions of subsection (a) hereof, the building official may:

(1) Issue a demolition permit;

(2) Issue a permit to perform repairs to an existing structure which is unsafe within the meaning of the State Building Code if the building official determines that such repairs should be performed immediately to protect the safety of the public or of the occupants of the structure;  
or

(3) Issue a permit to perform work to restore a structure damaged by fire, provided that the building official obtains evidence satisfactory to the City of Danbury that the city will receive the proceeds of a fire insurance policy in an amount sufficient to cover any such delinquency.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.



# ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT  
CITY COUNCIL

\_\_\_\_\_ A.D. 2012

**Be it ordained by the City Council of the City of Danbury:**

That Section 6-1 (a) of the Code of Ordinances of Danbury, Connecticut, is hereby amended to read as follows:

Sec. 6-1. - Withholding building approvals where Applicant is delinquent for the property for which an application was made.

(a) *Approval withheld.* Pursuant to the provisions of section 7-148 of the Connecticut General Statutes, and except when otherwise provided in subsection (b) hereof, the building official of the City of Danbury shall withhold approval of building and building-related applications and approvals when taxes or water or sewer rates, charges or assessments imposed by the City of Danbury are delinquent for the property for which an application was made.

(b) *Exceptions.* Notwithstanding the provisions of subsection (a) hereof, the building official may:

- (1) Issue a demolition permit;
- (2) Issue a permit to perform repairs to an existing structure which is unsafe within the meaning of the State Building Code if the building official determines that such repairs should be performed immediately to protect the safety of the public or of the occupants of the structure; or
- (3) Issue a permit to perform work to restore a structure damaged by fire, provided that the building official obtains evidence satisfactory to the City of Danbury that the city will receive the proceeds of a fire insurance policy in an amount sufficient to cover any such delinquency.

**Amendment to  
Code of Ordinances  
Sec. 21-44  
Water Meters**



**CITY OF DANBURY**  
**DEPARTMENT OF PUBLIC UTILITIES**  
155 DEER HILL AVENUE  
DANBURY, CT 06810

(203) 797-4637  
FAX: (203) 796-1590

January 30, 2012

Honorable Mark D. Boughton, Mayor  
Honorable Members of the City Council  
155 Deer Hill Avenue  
Danbury, CT 06810

Re: Amendments to Code of Ordinances Section 21-44

Dear Mayor and Members of the Council:

Code of Ordinances Section 21-44, provides for ownership, installation, repair, and testing of water meters that are used for billing customers for water and sewer use. Our Department proposes that certain amendments be made to the existing ordinance which will result in the City eventually owning all of its water meters so that accurate meter operation and readings can be assured. This is extremely important because for a water utility, the water meter is the sole source of revenue. Accurate meter operation is essential to insure maximum revenues. For large volumes of water, even small errors in measurement can add up to significant financial losses.

Currently the City Of Danbury owns 95% of the water meters used by the Public Utilities Department to bill customers for water and sewer usage. The remaining 5% of the water meters are larger meters measuring large volumes of water, thus in order to maximize revenue it behooves the City to own and maintain these larger meters as well.

In addition to maximizing revenue:

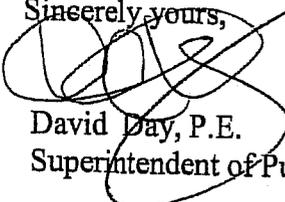
A] Water is a precious resource, thus regulatory agencies put a high priority on insuring unaccounted for water is kept to a minimum. The key to this is accurate metering of water consumption.

B] Accurate water consumption information is also critical to future planning for facilities to insure an adequate quantity of quality water is provided to meet the needs of the City Of Danbury.

Therefore, it is respectfully requested that an Ad hoc Committee be formed to review the proposed ordinance changes. The Office of the Corporation Counsel has prepared a proposed draft ordinance which is attached hereto.

Thank you for your consideration, and please feel free to contact me, or the Office of the Corporation Counsel with any questions.

Sincerely yours,

  
David Day, P.E.  
Superintendent of Public Utilities

Enclosure  
cc:

Laszlo L. Pinter, Deputy Corporation Counsel  
Robin L. Edwards, Assistant Corporation Counsel  
Antonio Iadarola, P.E., Director of Public Works

## COPY SHOWING DELETIONS AND NEW LANGUAGE.

THAT Section 21-44 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec 21-44- Same—Ownership, installation, repair, testing, billing.

- (a) The water use of each consumer shall be metered. All piping for meters shall be plumbed by the customer at his own expense. For purposes of this section a "water meter" shall include any associated meter reading device.
- (b) The ~~city~~CITY shall furnish, install, maintain, test and repair all water meters one (1) inch or less in size and used by the ~~city~~CITY for the purpose of billing public water system customers. The ~~city~~CITY shall bear all costs so incurred.
- (c) The ~~city~~CITY shall furnish, install, maintain, test and repair all water meters exceeding one (1) inch in size and used by the ~~city~~CITY for the purpose of billing public water system customers for new water service initiated after July 1, 2005. The customer shall bear the expense of the new meter acquisition and installation and the ~~city~~CITY shall bear the expense of future maintenance, repair and if necessary, replacement of the meter.
- (d) In the event of a change of property use by a customer that results in the need for a replacement meter exceeding one (1) inch in size, the customer shall bear the expense of new meter acquisition and installation and the ~~city~~CITY shall bear the expense of future maintenance, repair and if necessary, replacement of the meter.
- (e) NOT WITHSTANDING THE ABOVE, aAll customers owning water meters FOR WATER SERVICE INITIATED BEFORE JULY 1, 2005, on the effective date of this section that are used by the ~~city~~CITY for the purpose of billing public water system and that exceed one (1) inch in size, WHICH ARE DEEMED NECESSARY TO BE REPLACED BY THE SUPERINTENDENT OF PUBLIC UTILITIES OR HIS DESIGNEE, IN HIS SOLE DISCRETION, TO BE REPLACED FOR ANY REASON INCLUDING BUT NOT LIMITED TO OLD AGE, OBSOLESCENCE AND/OR INACCURACY ~~may elect to continue to own, maintain and repair said meters or may elect, at any time, to have the~~ SHALL BE ~~city~~ FURNISHED, OWNED, INSTALLED, AND MAINTAINED BY THE CITY. AS PART OF THE METER INSTALLATION, THE CITY SHALL ALSO INSTALL RADIO READ DEVICES AND SHUT OFF VALVES, IF NECESSARY, ~~and repair new meters. If a customer elects to have the city~~ replace an existing meter, the customer shall bear the expense of the new meter acquisition and installation and the city shall bear the expense of future maintenance, repair and if necessary, replacement of the meter.
- (f) All meters shall be subject to testing by the ~~city~~CITY at intervals as determined by the ~~S~~superintendent of Public Utilities, AS NOTED IN THE MOST CURRENT EDITION OF THE AMERICAN WATER WORKS ASSOCIATION PUBLICATION ENTITLED "WATER METERS-SELECTION, INSTALLATION, TESTING AND MAINTENANCE, and at such other times as deemed necessary by said ~~S~~superintendent OR HIS DESIGNEE, IN HIS SOLE DISCRETION. Whenever the ~~city~~CITY conducts a test of a water meter exceeding one (1) inch in size pursuant to the provisions of this subsection, the cost of the test shall be billed to the customer.
- (g) For purposes of this section, meter acquisition and installation costs shall be set by the ~~S~~superintendent of Public Utilities and shall be generally equivalent to the cost of OF THE METER, RADIO READ DEVICE AND ANY OTHER PARTS REQUIRED FOR INSTALLATION, ~~equipment, materials and services~~ as paid by the ~~C~~city.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parenthesis which indicate subsections.

Deleted language is indicated ~~strikeouts~~.



# ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT  
CITY COUNCIL

\_\_\_\_\_ A.D. 2012

**Be it ordained by the City Council of the City of Danbury:**

THAT Section 21-44 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec 21-44- Same—Ownership, installation, repair, testing, billing.

- (a) The water use of each consumer shall be metered. All piping for meters shall be plumbed by the customer at his own expense. For purposes of this section a "water meter" shall include any associated meter reading device.
- (b) The City shall furnish, install, maintain, test and repair all water meters one (1) inch or less in size and used by the City for the purpose of billing public water system customers. The City shall bear all costs so incurred.
- (c) The City shall furnish, install, maintain, test and repair all water meters exceeding one (1) inch in size and used by the City for the purpose of billing public water system customers for new water service initiated after July 1, 2005. The customer shall bear the expense of the new meter acquisition and installation and the City shall bear the expense of future maintenance, repair and if necessary, replacement of the meter.
- (d) In the event of a change of property use by a customer that results in the need for a replacement meter exceeding one (1) inch in size, the customer shall bear the expense of new meter acquisition and installation and the City shall bear the expense of future maintenance, repair and if necessary, replacement of the meter.
- (e) Notwithstanding the above, all customers owning water meters for water service initiated before July 1, 2005 that are used by the City for the purpose of billing public water system and that exceed one (1) inch, which are deemed necessary to be replaced by the Superintendent of Public Utilities or his designee, in his sole discretion, for any reason including but not limited to old age, obsolescence and/or inaccuracy shall be furnished, owned, installed, and maintained by the City. As part of the meter installation, the City shall also install radio read devices and shut off valves, if necessary
- (f) All meters shall be subject to testing by the City at intervals as determined by the Superintendent of Public Utilities, as noted in the most current edition of the American Water Works Association publication entitled "Water Meters-Selection, Installation, Testing and Maintenance, and at such other times as deemed necessary by said Superintendent or his designee, in his sole discretion. Whenever the City conducts a test of a water meter exceeding one (1) inch in size pursuant to the provisions of this subsection, the cost of the test shall be billed to the customer.
- (g) For purposes of this section, meter acquisition and installation costs shall be set by the Superintendent of Public Utilities and shall be generally equivalent to the cost of the meter, radio read device and any other parts required for installation, as paid by the City.

**CODE OF ORDINANCE—WATER METERS  
20-MARCH-2012**

Chairperson Mary Teicholz called the Committee meeting to order at 5:48 pm.

**COMMITTEE MEMBERS PRESENT:** Mary Teicholz, Mike Haddad, and Paul Rotello.

**ALSO PRESENT:** Robin L. Edwards, Assistant Corporation Counsel; David Day, Superintendent of Public Utilities and interested members of the public.

After making introductions and stating the charge of the committee, Chairperson Teicholz asked Mr. Day to give the committee an overview of the requested changes. Mr. Day stated that they were asking the ordinance be amended so that the City through Public Utilities could replace and take ownership of any water meters which were greater than one inch. The goal of the change is to allow the City to ensure that these meters provide accurate usage measurements. He went on to state that currently 95% of the city's meters are owned by the city. Not all of the 5% have problems, there are some property owners who test and maintain their meters. These would not become City property. Finally, he stated that his department had investigated alternatives including fines and fees for meters that were not working properly, and it is in the City's best interest to own these meters, as the inaccurate measuring costs the City more revenue than the cost of a new meter.

Mr. Haddad asked a question regarding the language about new installations and existing meters. Mrs. Edwards clarified that language and different requirements for new versus existing and meters that were greater than one inch. Mr. Haddad then asked about the cost of the meters. Mr. Day explained the types of meters and associated costs and stated that accurate water measurement would cover the cost of the meter in the short-term, and that when City replaced, owned and maintained the meters it would ensure that there would be no further loss of revenue due to inaccurate measurement. A discussion ensued regarding the costs, sizes of meters and testing.

Mr. Rotello questioned whether or not the property owner should bear some or all of the cost of the new meter. Mr. Day restated that the goal was to get accurate water measurements. The cost of the water is greater than the cost of the meter. Replacing and taking ownership is the easiest way for this to happen due to additional billing and legal cost association with enforcement. Additional amendment options and the current ordinance were discussed further.

Chairperson Teicholz asked what was the real cost to the city. Mr. Day stated that the cost of inaccurate water measuring far outweighs that cost of the meter. He explained that old meter always run slowly and may not capture small flow events.

**Mr. Rotello made a motion which was seconded by Mr. Haddad to recommend to the City Council the approval of the proposed changes to Ordinance 21-44 and proceed to a public hearing as required by statute. Vote, all in favor, motion unanimously approved.**

As there was no further business before the committee, Mr. Haddad made a motion to adjourn. The motion was seconded by Mr. Rotello. Vote, all in favor, motion unanimously approved. The meeting adjourned at 6:16 pm

Respectfully Submitted

Mary Teicholz, Committee Chairperson

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Mike Haddad

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Paul Rotello

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**Prevention of  
Housing Blight,  
Code of Ordinances  
12-34 and  
Sec. 10-99 to 106**



# CITY OF DANBURY

OFFICE OF THE MAYOR  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON  
MAYOR

(203) 797-4511  
FAX (203) 796-1666  
m.boughton@danbury-ct.gov

March 22, 2012

Honorable Members of the City Council  
155 Deer Hill Avenue  
Danbury, CT 06810

Re: Prevention of Housing Blight Exterior Premises  
Code of Ordinances Sections 10-99- through 10-106, 12-34

Dear Members of the Council:

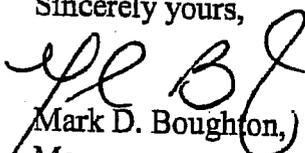
I submit the attached ordinances regarding prevention of housing blight to the exterior or outdoor portion of the premises for your consideration. The proposed new ordinances will serve to supplement and further enhance the strong ordinances Danbury already has in place to prevent residential housing blight.

The proposed ordinances provide for a means to abate blighted conditions existing on the exterior or outdoor portions of residential premises. The ordinances establish jurisdiction and enforcement over such matters solely within the Unified Neighborhood Inspection Team. In all other respects, the terms of the proposed ordinances parallel those previously adopted to prevent residential housing blight.

Therefore, it is requested that an Ad hoc Committee be formed to review the proposed ordinance changes. The Office of the Corporation Counsel has prepared the proposed draft ordinances which are attached hereto.

Thank you for your consideration of this matter.

Sincerely yours,

  
Mark D. Boughton,  
Mayor

Enclosure

cc: Laszlo I. Pinter, Deputy Corporation Counsel

**COPY SHOWING DELETIONS AND NEW LANGUAGE**

THAT Chapter 10 of the Code of Ordinances of the City of Danbury is hereby amended by adding Sections 10-99 through 10-106, under Article VI, which sections shall read as follows:

Prevention of Housing Blight- Exterior Premises

Sec. 10-99 - Declaration of policy.

(a) Code Sections 10-99 through 10-106 of Article VI are enacted pursuant to the enabling provisions of Connecticut General Statutes Section 7-148(c)(7)(H). These sections are intended to address blight existing on the exterior or outdoor portion of a premises which is not otherwise covered by Code Sections 10-91 through 10-98.

(b) It is hereby found and declared that there exists within the City of Danbury, real properties which contain housing blight consisting of a blighted exterior portion of a premises and that the existence of said exterior blighted conditions contribute to the decline of city neighborhoods. It is further found that the existence of such blighted exterior premises adversely affects the economic well being of the City and is inimical to the health, safety and welfare of the residents of the City of Danbury.

Sec. 10-100 - Definitions.

**Abandoned motor vehicle** shall mean a motor vehicle which, after good faith determination, has the appearance that the owner has relinquished control without intention to reclaim it, including but not limited to, a vehicle with no maker plates, invalid marker plates, or one which is damaged, vandalized, dismantled, partially dismantled, inoperative or unusable as a motor vehicle.

**Blighted** shall mean deteriorated, in a state of ill repair, filthy, decaying, unkempt, dirty.

**Blighted exterior premises** shall mean any and all exterior portions of any parcel of land containing a building or structure or a vacant parcel of land in which, AFTER GOOD FAITH DETERMINATION, at least one (1) of the following conditions exist:

- (1) The unauthorized storage or accumulation of junk, trash, rubbish, boxes, paper, plastic, debris, refuse or excessive wood waste debris of any kind on the exterior premises;
- (2) The parking of inoperable, abandoned and/or unregistered motor vehicles including cars, trucks, boats, motorcycles, or other inoperable machinery, on the exterior premises or the public right of way, except as permitted by the City of Danbury Zoning Regulations, the State of Connecticut or federal laws and/or regulations;
- (3) The exterior premises is not being maintained. The following factors may be considered, but are not exhaustive, in determining whether the exterior premises is not being maintained:

(a) The presence of junk, trash, rubbish, boxes, paper, plastic, debris, refuse or excessive wood waste debris of any kind. THE TERM "JUNK" SHALL INCLUDE, BUT NOT BE LIMITED TO, PARTS OF MACHINERY OR AUTOMOBILES, UNUSED OR DISCARDED APPLIANCES STORED IN THE OPEN, REMNANTS OF METAL, WOOD,

- (b) The presence of rodent HARBORAGE AND/OR infestation or vermin,
  - (c) The presence of overgrown grass, weeds, or brush that is uncultivated at least one foot in height,
  - (d) The presence of FRONT YARDS CONTAINING visible portions of significant unattended bare dirt patches;
- (4) The exterior premises has attracted illegal activity, as determined by the chief of police;
- (5)(5) The exterior premises is a factor in materially depreciating property values in the immediate neighborhood because of its poorly maintained condition.; INCLUDING  
~~(6)The exterior premises is a factor creating a~~ substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other premises within the neighborhood AS DOCUMENTED BY NEIGHBORHOOD COMPLAINTS, OR CANCELLATION OF INSURANCE ON PROXIMATE PROPERTIES.
- (7)(6) The exterior premises constitutes a health or sanitary problem, as determined by the health director.

**Inoperable motor vehicle** shall mean a motor vehicle that, (i) is incapable of performing the function for which it was designed by virtue of missing parts, or broken or severely damaged components, or (ii) cannot be legally registered by the Connecticut Department of Motor Vehicles.

**Neighborhood** shall mean an area of the city comprised of all premises or parcels of land any part of which is within a radius of eight hundred (800) feet of any part of another parcel or lot within the city limits.

Sec. 10-101 - Prohibition against creation or maintenance of a blighted exterior premises.

No person, firm or corporation, including any owner, or tenant under contract of maintenance, of real property in the City of Danbury shall cause or allow a blighted exterior premises to be created, nor shall any such individual or entity allow the continued existence of a blighted exterior premises.

Sec. 10-102 - Duties of Unified Neighborhood Inspection Team.

(a) The Unified Neighborhood Inspection Team ("UNIT") shall, unless otherwise provided, have the overall responsibility for the enforcement of the provisions of Code Sections 10-99 through 10-106 and shall cause regular inspections to be made of all blighted exterior premises, IN ACCORDANCE WITH ALL APPLICABLE LAW.

(b) Any member of the UNIT MAY, IN ACCORDANCE WITH ALL APPLICABLE LAW, ~~is authorized to enter upon any blighted exterior premises existing on private property, in accordance with all applicable law,~~ between 8 a.m. and 5 p.m. Monday through Friday which has been determined by preliminary observation, to be in violation of the provisions hereof.

(c) The UNIT shall report directly to the mayor regarding its enforcement of Code Sections 10-99 through 10-106.

Sec. 10-103 - Creation and certification of list of blighted properties.

- (a) Immediately upon enactment of these sections, the mayor shall require all department heads to provide to the UNIT a list of properties that they are aware of which contain a blighted exterior premises.
- (b) Within thirty (30) days of the receipt of said list the UNIT shall, utilizing the STANDARDS AND criteria established in Code Section 10-100, AND SUCH ADDITIONAL STANDARDS AND SUCH OTHER CRITERIA AS HEREINAFTER ADOPTED BY THE UNIT, compile a list of properties DETERMINED TO containing a blighted exterior premises. The UNIT shall, review and update the list as new information is reported.

Sec. 10-104 - Owner notification, enforcement and hearing.

(a) ONCE THE LIST OF PROPERTIES CONTAINING A BLIGHTED EXTERIOR PREMISES HAS BEEN GENERATED, THE UNIT, SHALL PROVIDE WRITTEN NOTICE AND WARNING OF ANY VIOLATION(S) TO THE OWNER AND TO THE OCCUPANT BY MAILING A WRITTEN NOTICE TO THE OWNER AND THE OCCUPANT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. SUCH NOTICE SHALL SET FORTH THE SPECIFIC VIOLATIONS AND PROVIDE THE OWNER AND THE OCCUPANT WITH A PERIOD OF THIRTY DAYS (30) FROM THE DATE OF THE MAILING OF THE NOTICE TO REMEDIATE THE BLIGHTED EXTERIOR PREMISES PRIOR TO ANY ENFORCEMENT ACTION BEING TAKEN.

(a)(b) Once THE WRITTEN NOTICE AND WARNING REQUIRED BY SECTION 10-104(A) HAS BEEN MAILED AND THE TIME PERIOD FOR REMEDIATION HAS ELAPSED WITH NO REMEDIATION OCCURRING~~THE list of properties containing a blighted exterior premises has been generated,~~ the UNIT shall issue written orders to the owners AND TO THE OCCUPANT of such premises notifying them of the specific violation(s) by mailing a notice to the owner by certified mail, return receipt requested, to the last known address of the owner AND THE OCCUPANT, or, in the case of an unidentified owner or one whose address is unknown, by publishing a notice in a daily or weekly newspaper having a general circulation within the community, stating that the property is cited for a blighted exterior premises.

(c) Said written order from THE UNIT shall direct the owner AND THE OCCUPANT to remediate the blighted exterior premises in a manner and within SUCH REASONABLE the time AS IS specified in said order. If such remediation does not occur within the time frame and in the manner specified, the UNIT is authorized to assess a-A CIVIL PENALTY fine up to two ONE hundred and fifty dollars (\$100250.00), or that maximum CIVIL PENALTY fine permitted by statute, whichever is greater, for each day of non-compliance, and shall also notify the owner AND THE OCCUPANT that the city may remediate the blight and assess the owner of the property for all costs associated with such remediation, OR SUCH OTHER FINES AS MAY BE AUTHORIZED OR IMPOSED BY THE STATE FOR A WILFULL VIOLATION OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS (\$250.00) FOR EACH SUCH DAY THAT THE BLIGHTED CONDITIONS CONTINUE TO EXIST.

(d) EFFECTIVE OCTOBER 1, 2012, ANY PERSON WHO IS A NEW OWNER OR NEW OCCUPANT SHALL, UPON REQUEST, BE GRANTED A THIRTY (30) DAY EXTENSION OF THE NOTICE AND OPPORTUNITY TO REMEDIATE PROVIDED PURSUANT TO SECTION 10-104 (A). FOR PURPOSES OF THIS SECTION "NEW OWNER" MEANS ANY PERSON OR ENTITY WHO HAS TAKEN TITLE TO A PROPERTY WITHIN THIRTY (30) DAYS OF THE NOTICE, AND "NEW OCCUPANT" MEANS ANY PERSON WHO HAS TAKEN OCCUPANCY OF A PROPERTY WITHIN THIRTY (30) DAYS OF THE NOTICE.

(e) ~~In the event of non-compliance and/or city remediation of the blighted exterior premises, the~~ THE UNIT shall issue a notice, together with invoice to the owner/violator demanding payment of all accrued CIVIL PENALTIES fines and costs of remediation. Further action to collect CIVIL PENALTIES fines and/or costs shall be in accordance with procedures set forth in Code Section 12-35 pertaining to enforcement, appeals and hearing.

~~Sec. 10-105 - Authority for PENALTIES fines; enforcement, appeals and hearing procedure; liens; waivers; tax deferrals on property; waiver of fines and release of lien upon remediation by new buyer; tax assessment increase deferral for other than present owner.~~

(a) In accordance with authority set forth in Connecticut General Statutes Section 7-148(c)(7)(H) as may be amended from time to time, a CIVIL PENALTY fine of up to ONE two hundred and fifty dollars (\$100250.00) is prescribed for each day of violation, the period of such violation being deemed to commence in accordance with Code Section 10-104 hereof.

(b) IN ACCORDANCE WITH AUTHORITY SET FORTH IN SECTION 3 OF PUBLIC ACT 12-146, AS MAY BE AMENDED FROM TIME TO TIME, A PENALTY OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS (\$250.00) FINED BY THE STATE IS PRESCRIBED FOR EACH DAY A WILLFUL VIOLATION CAN BE SHOWN.

~~(b)(c)~~ The collection of CIVIL PENALTIES fines imposed and costs assessed shall be subject to the appeal and hearing procedure set forth in Code Section 12-35.

~~(e)(d)~~ In accordance with authority set forth in Connecticut General Statutes, Section 7-148aa, as may be amended from time to time, any unpaid CIVIL PENALTY fine imposed pursuant to the provisions of this article shall constitute a lien upon the real estate against which the CIVIL PENALTY fine was imposed from the date of such CIVIL PENALTY fine. Each such lien may be continued, recorded and released in the manner provided by law and shall take precedence over all other liens filed after July 1, 1997, and encumbrances, except taxes, and may be enforced in the same manner as property tax liens, INCLUDING PURSUANT TO THE PROVISIONS OF CONNECTICUT GENERAL STATUTES SECTION 12-169b.

~~(d)(e)~~ As an incentive toward the full remediation of residential property designated as a blighted A BLIGHTED exterior premises by the UNIT, a purchaser or a prospective purchaser of such blighted property may make application to the City of Danbury for a waiver of PENALTIES fines and release of lien imposed in accordance with the provisions of this section. Said application shall specify the time frame of the sale and the proposed remediation. The applicant, once approved for this program, shall agree to

execute an agreement which shall specify the time frame for remediation (which remediation shall occur with six (6) months of closing of title), the specific improvements to be made, that the applicant shall maintain the property as owner occupied for a term of at least three (3) years from the date of remediation approval and that the applicant understands that such waiver or release shall only occur upon full remediation and approval of same by the UNIT.

(e)(f) In addition to the incentive proposed in subsection (d) hereof, a purchaser or proposed purchaser of residential property, may avail themselves of the tax deferral benefits set forth in Code Section 18-25, as may pertain to blighted residential property, except that the requirement of owner occupancy need not be required where said purchaser or prospective purchaser is eligible for and executes an agreement qualifying for tax deferral benefits pursuant to said Section 18-25.

(g) For purposes of this subsection, the term "new buyer" or "purchaser" shall mean an individual(s) or entity that shall have purchased the premises pursuant to an arms length transaction, verified to the satisfaction of the city in the remediation application specified in subsection (d) hereof, and may not include immediate family members of the prior owner (including, but not limited to spouses, children, siblings or parents) or sham transfers. The city shall make all determinations with respect to the viability and the acceptability of any new buyer for the proposed benefits and the purposes of this subsection and the city council may, in its review of remediation applications, waive such of the restrictions referred to in this section as it may deem prudent and in the best interests of the City of Danbury.

#### Sec. 10-106 - Consistency with other enforcement methods.

This article is intended to be enforced and applied in a manner consistent with other, available administrative remedies for the enforcement of housing blight but is not intended to be exclusive of such other remedies, penalties or enforcement actions which may be available to the city.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by ~~strikeouts~~.



# ORDINANCE

## CITY OF DANBURY, STATE OF CONNECTICUT CITY COUNCIL

\_\_\_\_\_ A.D. 2012

**Be it ordained by the City Council of the City of Danbury:**

THAT Chapter 10 of the Code of Ordinances of the City of Danbury is hereby amended by adding Sections 10-99 through 10-106, under Article VI, which sections shall read as follows:

### Prevention of Housing Blight- Exterior Premises

#### Sec. 10-99 - Declaration of policy.

(a) Code Sections 10-99 through 10-106 of Article VI are enacted pursuant to the enabling provisions of Connecticut General Statutes Section 7-148(c)(7)(H). These sections are intended to address blight existing on the exterior or outdoor portion of a premises which is not otherwise covered by Code Sections 10-91 through 10-98.

(b) It is hereby found and declared that there exists within the City of Danbury, real properties which contain housing blight consisting of a blighted exterior portion of a premises and that the existence of said exterior blighted conditions contribute to the decline of city neighborhoods. It is further found that the existence of such blighted exterior premises adversely affects the economic well being of the City and is inimical to the health, safety and welfare of the residents of the City of Danbury.

#### Sec. 10-100 - Definitions.

**Abandoned motor vehicle** shall mean a motor vehicle which, after good faith determination, has the appearance that the owner has relinquished control without intention to reclaim it, including but not limited to, a vehicle with no maker plates, invalid marker plates, or one which is damaged, vandalized, dismantled, partially dismantled, inoperative or unusable as a motor vehicle.

**Blighted** shall mean deteriorated, in a state of ill repair, filthy, decaying, unkempt, dirty.

**Blighted exterior premises** shall mean any and all exterior portions of any parcel of land containing a building or structure or a vacant parcel of land in which, after good faith determination, at least one (1) of the following conditions exist:

- (1) The unauthorized storage or accumulation of junk, trash, rubbish, boxes, paper, plastic, debris, refuse or excessive wood waste debris of any kind on the exterior premises;
- (2) The parking of inoperable, abandoned and/or unregistered motor vehicles including cars, trucks, boats, motorcycles, or other inoperable machinery, on the exterior premises or the public right of way, except as permitted by the City of Danbury Zoning Regulations, the State of Connecticut or federal laws and/or regulations;
- (3) The exterior premises is not being maintained. The following factors may be considered, but are not exhaustive, in determining whether the exterior premises is not being maintained:

- (a) The presence of junk, trash, rubbish, boxes, paper, plastic, debris, refuse or excessive wood waste debris of any kind. The term "junk" shall include, but not be limited to, parts of machinery or automobiles, unused or discarded appliances stored in the open, remnants of metal, wood,
  - (b) The presence of rodent harborage and/or infestation or vermin,
  - (c) The presence of overgrown grass, weeds, or brush that is uncultivated at least one foot in height,
  - (d) The presence of front yards containing visible portions of significant unattended bare dirt patches,
- (4) The exterior premises has attracted illegal activity, as determined by the chief of police;
  - (5) the exterior premises is a factor in materially depreciating property values in the immediate neighborhood because of its poorly maintained condition, including a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other premises within the neighborhood as documented by neighborhood complaints, or cancellation of insurance on proximate properties,
  - (6) The exterior premises constitutes a health or sanitary problem, as determined by the health director.

**Inoperable motor vehicle** shall mean a motor vehicle that, (i) is incapable of performing the function for which it was designed by virtue of missing parts, or broken or severely damaged components, or (ii) cannot be legally registered by the Connecticut Department of Motor Vehicles.

**Neighborhood** shall mean an area of the city comprised of all premises or parcels of land any part of which is within a radius of eight hundred (800) feet of any part of another parcel or lot within the city limits.

**Sec. 10-101 - Prohibition against creation or maintenance of a blighted exterior premises.**

No person, firm or corporation, including any owner, or tenant under contract of maintenance, of real property in the City of Danbury shall cause or allow a blighted exterior premises to be created, nor shall any such individual or entity allow the continued existence of a blighted exterior premises.

**Sec. 10-102 - Duties of Unified Neighborhood Inspection Team.**

(a) The Unified Neighborhood Inspection Team ("UNIT") shall, unless otherwise provided, have the overall responsibility for the enforcement of the provisions of Code Sections 10-99 through 10-106 and shall cause regular inspections to be made of all blighted exterior premises, in accordance with all applicable law.

(b) Any member of the UNIT may, in accordance with all applicable law, enter upon any blighted exterior premises existing on private property, between 8 a.m. and 5 p.m. Monday through Friday which has been determined by preliminary observation to be in violation of the provisions hereof.

(c) The UNIT shall report directly to the mayor regarding its enforcement of Code Sections 10-99 through 10-106.

Sec. 10-103 - Creation and certification of list of blighted properties.

- (a) Immediately upon enactment of these sections, the mayor shall require all department heads to provide to the UNIT a list of properties that they are aware of which contain a blighted exterior premises.
- (b) Within thirty (30) days of the receipt of said list the UNIT shall, utilizing the standards and criteria established in Code Section 10-100, and such additional standards and such other criteria as hereinafter adopted by the UNIT, compile a list of properties determined TO contain a blighted exterior premises. The UNIT shall, review and update the list as new information is reported.

Sec. 10-104 - Owner notification, enforcement and hearing.

- (a) Once the list of properties containing a blighted exterior premises has been generated, the UNIT, shall provide written notice and warning of any violation(s) to the owner and to the occupant by mailing a written notice to the owner and the occupant by certified mail, return receipt requested. Such notice shall set forth the specific violations and provide the owner and the occupant with a period of thirty days (30) from the date of the mailing of the notice to remediate the blighted exterior premises prior to any enforcement action being taken.
- (b) Once the written notice and warning required by section 10-104(a) has been mailed and the time period for remediation has elapsed with no remediation occurring, the UNIT shall issue written orders to the owner and to the occupant of such premises notifying them of the specific violation(s) by mailing a notice to the owner by certified mail, return receipt requested, to the last known address of the owner and the occupant, or, in the case of an unidentified owner or one whose address is unknown, by publishing a notice in a daily or weekly newspaper having a general circulation within the community, stating that the property is cited for a blighted exterior premises.
- (c) Said written order from the UNIT shall direct the owner and the occupant to remediate the blighted exterior premises in a manner and within such reasonable time as is specified in said order. If such remediation does not occur within the time frame and in the manner specified, the UNIT is authorized to assess a civil penalty up to ONE hundred dollars (\$100.00), or that maximum civil penalty permitted by statute, whichever is greater, for each day of non-compliance, and shall also notify the owner and the occupant that the city may remediate the blight and assess the owner of the property for all costs associated with such remediation, or such other fines as may be authorized or imposed by the state for a wilfull violation of not more than two hundred fifty dollars (\$250.00) for each such day that the blighted conditions continue to exist.
- (d) Effective October 1, 2012, any person who is a new owner or new occupant shall, upon request, be granted a thirty (30) day extension of the notice and opportunity to remediate provided pursuant to section 10-104 (a). For purposes of this section "new owner" means any person or entity who has taken title to a property within thirty (30) days of the notice, and "new occupant" means any person who has taken occupancy of a property within thirty (30) days of the notice.
- (e) In the event of non-compliance and/or city remediation of the blighted exterior premises, the UNIT shall issue a notice, together with invoice to the owner/violator demanding payment of

all accrued civil penalties and costs of remediation. Further action to collect civil penalties and/or costs shall be in accordance with procedures set forth in Code Section 12-35 pertaining to enforcement, appeals and hearing.

Sec. 10-105 - Penalties; enforcement, appeals; liens; waivers; tax deferrals

- (a) In accordance with authority set forth in Connecticut General Statutes Section 7-148(c)(7)(H) as may be amended from time to time, a civil penalty of up to one hundred dollars (\$100.00) is prescribed for each day of violation, the period of such violation being deemed to commence in accordance with Code Section 10-104 hereof.
- (b) In accordance with authority set forth in Section 3 of Public Act 12-146, as may be amended from time to time, a penalty of not more than two hundred fifty dollars (\$250.00) fined by the state is prescribed for each day a willful violation can be shown.
- (c) The collection of CIVIL PENALTIES imposed and costs assessed shall be subject to the appeal and hearing procedure set forth in Code Section 12-35.
- (d) In accordance with authority set forth in Connecticut General Statutes, Section 7-148aa, as may be amended from time to time, any unpaid civil penalty imposed pursuant to the provisions of this article shall constitute a lien upon the real estate against which the civil penalty was imposed from the date of such civil penalty. Each such lien may be continued, recorded and released in the manner provided by law and shall take precedence over all other liens filed after July 1, 1997, and encumbrances, except taxes, and may be enforced in the same manner as property tax liens, including pursuant to the provisions of Connecticut General Statutes Section 12-169b.
- (e) As an incentive toward the full remediation of residential property designated as a blighted exterior premises by the UNIT, a purchaser or a prospective purchaser of such blighted property may make application to the City of Danbury for a waiver of penalties and release of lien imposed in accordance with the provisions of this section. Said application shall specify the time frame of the sale and the proposed remediation. The applicant, once approved for this program, shall agree to execute an agreement which shall specify the time frame for remediation (which remediation shall occur with six (6) months of closing of title), the specific improvements to be made, that the applicant shall maintain the property as owner occupied for a term of at least three (3) years from the date of remediation approval and that the applicant understands that such waiver or release shall only occur upon full remediation and approval of same by the UNIT.
- (f) In addition to the incentive proposed in subsection (d) hereof, a purchaser or proposed purchaser of residential property, may avail themselves of the tax deferral benefits set forth in Code Section 18-25, as may pertain to blighted residential property, except that the requirement of owner occupancy need not be required where said purchaser or prospective purchaser is eligible for and executes an agreement qualifying for tax deferral benefits pursuant to said Section 18-25.
- (g) For purposes of this subsection, the term "new buyer" or "purchaser" shall mean an individual(s) or entity that shall have purchased the premises pursuant to an arms length transaction, verified to the satisfaction of the city in the remediation application specified in

subsection (d) hereof, and may not include immediate family members of the prior owner (including, but not limited to spouses, children, siblings or parents) or sham transfers. The city shall make all determinations with respect to the viability and the acceptability of any new buyer for the proposed benefits and the purposes of this subsection and the city council may, in its review of remediation applications, waive such of the restrictions referred to in this section as it may deem prudent and in the best interests of the City of Danbury.

**Sec. 10-106 - Consistency with other enforcement methods.**

This article is intended to be enforced and applied in a manner consistent with other, available administrative remedies for the enforcement of housing blight but is not intended to be exclusive of such other remedies, penalties or enforcement actions which may be available to the city.

**COPY SHOWING DELETIONS AND NEW LANGUAGE.**

SECTION 1. That the City of Danbury Code of Ordinances Section 12-34 (b)(5) is hereby amended by adding paragraph (b) follows:

(a) The blight inspector, as such official may be designated and established within the office of the Danbury building inspection, shall be authorized to issue citations for violations of the provisions of article VI of chapter 10 of the Code of Ordinance, pertaining to blight remediation.

**(b) UNIT MEMBERS DESIGNATED TO ENFORCE EXTERIOR PREMISES BLIGHT REMEDIATION SHALL BE AUTHORIZED TO ISSUE CITATIONS FOR VIOLATIONS OF ARTICLE VI OF CHAPTER 10 FOR THE CODE OF ORDINANCES PERTAINING TO EXTERIOR PREMISES BLIGHT REMEDIATION.**

Note: New language is indicated by **CAPITALIZATION COMBINED WITH UNDERLINING** except that capitalization is not utilized for the letters in parenthesis which indicate subsections.

Deleted language is indicated ~~strikeouts~~.



# ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT  
CITY COUNCIL

\_\_\_\_\_ A.D. 2012

**Be it ordained by the City Council of the City of Danbury:**

**Sec. 12-34. - Citations.**

(a) In accordance with the provisions of Connecticut General Statutes, subsection 7-148(c), in addition to other available methods of enforcement, the provisions of the Danbury Code of Ordinances identified in subsection (b) hereof may be enforced by citation.

(b) The officers and employees designated herein shall be authorized to issue citations for violations of the provisions of the Danbury Code of Ordinances identified below:

(1) The fire chief or his designee shall be authorized to issue citations for violations of the provisions of sections 3A-42, 3A-43, 3A-49 and 8-33 of the Danbury Code of Ordinances.

(2) The health director or his designee shall be authorized to issue citations for violations of the provisions of articles II, V and VI of chapter 9 as well as the provisions of sections 10-3, 10-4, 10-5, 10-6, 10-7 and 10-10 of the Danbury Code of Ordinances.

(3) The director of public works or his designee shall be authorized to issue citations for violations of the provisions of sections 12-22, 12-31, 12-32, 16A-1, 17-43 as well as the provisions of articles I and II of the chapter 16, article I of chapter 17 and articles I and II of chapter 21 of the Danbury Code of Ordinances.

(4) Danbury police officers shall be authorized to issue citations for violations of the provisions of sections 3A-27, 12-2, 12-3, 12-4, 12-12, 12-13, 12-14, 12-24, 12-27, 12-33, 18-13 and 19-34.1 of the Danbury Code of Ordinances. In addition to the foregoing, Danbury police officers shall also be authorized to issue citations for violations of the provisions of the Danbury Code of Ordinances identified in subsections (1) through (3) of this subsection.

(5) (a) The blight inspector, as such official may be designated and established within the office of the Danbury building inspector, shall be authorized to issue citations for violations of the provisions of article VI of chapter 10 of the Code of Ordinances, pertaining to blight remediation.

(b) UNIT members designated to enforce exterior premises blight remediation shall be authorized to issue citations for violation of Article VI of Chapter 10 for the Code of Ordinances pertaining to exterior premises blight remediation.

(6) The sealer of weights and measures shall be authorized to issue citations imposing fines for violations of the provisions of chapter 22 of the Danbury Code of Ordinances.

(7) The zoning enforcement officer, or his designee, shall be authorized to issue citations imposing fines for violations of the provisions of section 12-7 of the Danbury Code of Ordinances.

(8) The UNIT litter control officer, or his designee, shall be authorized to issue citations imposing fines for violations of the provisions of section 11-1 of the Danbury Code of Ordinances.

(9) The director of public works, or his designee, shall be authorized to issue citations imposing fines for violations of the provisions of chapter 11, article II of the Danbury Code of Ordinances.

(10) The UNIT official designated to enforce violations of Division 4 and Division 5 of Chapter 19 of the Code of Ordinances shall be authorized to issue citations imposing fines for violation thereof.

(11) In addition to those officials and those provisions of the ordinances of the City of Danbury already referenced in (b)(1) through (b)(10), officers and employees designated pursuant to the provisions of any other duly enacted ordinance providing for enforcement by citation procedure are hereby so authorized.

(c) Citations shall be issued only by designated citation officers and employees and only after the issuance of a written warning. Said warning shall provide notice of the specific violation to be corrected and shall explain the citation enforcement procedures which may be used if the alleged violation is not corrected within the time provided for in said notice.

**~AD HOC REPORT~**

***Prevention of Housing Blight—Ordinance—Section 10-99 to 106 & 12-34***

Tuesday, May 15, 2012

Chairman Joseph Cavo called the meeting to order at 6:15 p.m. on Tuesday, May 15, 2012, in the Caucus Room, 3<sup>rd</sup> Floor, Danbury City Hall, 155 Deer Hill Avenue. Present were Committee members Jack Knapp and Fred Visconti. Also present were Laszlo Pinter, Deputy Corporation Counsel; Wayne Sheppard, Chief of Staff for the Mayor's Office; Ex Officio: Philip Curran, Duane Perkins, Andrew Wetmore, Tom Saadi; Shawn Stillman, U.N.I.T.; Rick Palanzo, Superintendent of Public Buildings; Bruce Tuomala, Office of Economic Development; and, members of the public.

Chairman Cavo introduced everyone present at the meeting.

Chairman Cavo opened up the meeting to Mr. Pinter in order to offer an explanation of the proposal before the Committee. Mr. Pinter explained that the Mayor issued a letter dated March 22<sup>nd</sup> which went to the April Council. The request is for the approval of the creation of a new ordinance and an amendment to an existing ordinance. The new ordinance would permit the enforcement of exterior housing blight in Danbury. There is an ordinance in place for residential housing blight as structures. This would be a sister of that ordinance to allow for the enforcement by the U.N.I.T. to enforce exterior housing blight. There are provisions which set forth what is intended to be enforced. Mr. Pinter highlighted the ordinances and procedures. Problems have arisen possibly as a result of the economic times but also due to foreclosures and individuals who are unable and/or unwilling to maintain the properties in a fashion which creates unsafe conditions and unhealthful conditions. Inoperable and abandoned vehicles is being addressed in the ordinance as well. The ordinances have been crafted in such a fashion so as to assist with clarifying what would be considered a blight condition and gives direction to personnel on how to proceed with addressing the issues brought to light—which includes the hours that have been deemed reasonable (8 a.m. through 5 p.m.). Entry upon private property needs to come with care (i.e., procedures in place, notification, etc.). The steps that have been outlined are commonly understood citation procedures that are in the law that the ordinances have been modeled after. There is a change to the fine amount from \$250 to \$100. The maximum fine permissible for a blight citation is \$100. There is a provision in the state law whereby if the City fails or does not file a lien to recover costs for remediation of blighted properties, the City is allowed to recover the money through taxation. This has been added to the ordinance. Also, if an individual not related to the owner of a property desires to purchase a blighted property, there can be a certain level of forgiveness of penalties if the individual agrees, in writing, to remediate the property and bring the property into compliance. With regard to Ordinance 10-5, there is an amendment to 12-34 of the Code, it authorizes the creation of citation procedures and City personnel to enforce citation procedures. In order to invoke the blight ordinance, the U.N.I.T. needs to be added as one of the entities allowed to enforce the new ordinance.

Mr. Stillman noted that the proposal is a great step of enforcement for his department to continue to resolve the challenges that are faced in the City. Mr. Knapp asked if the hours of operation were acceptable. Mr. Stillman pointed out that 8 a.m. through 5 p.m. are a good encompassment of when he goes out to the properties but said that he makes himself available prior to 8 a.m., after 5 p.m. and on the weekends to accommodate the property owners.

Mr. Perkins inquired what steps needed to be taken in order to begin addressing the issues of a property. Mr. Stillman explained he would attempt to have a conversation with the property owner to explain what the concerns are and establish a timeframe in which the issue(s) can be addressed. If the property owner is noncompliant, a warning is issued which describes the problem and how much time the property owner has to remediate the problem. If the property owner continues to be noncompliant, they are given notification that a

citation will be issued which sets forth the fine structure. Mr. Perkins questioned what action is taken if the property owner is out of state or a property has been abandoned or in foreclosure. Mr. Pinter explained that every attempt is made to identify who the responsible party is in order to send a warning or notice. Ultimately, depending on the level of remediation, the City steps in and takes care to address the issues of the property. The City's rights are then reserved through a lien or attachment to recover the costs.

**A motion was made by Councilman Knapp and seconded by Councilman Visconti that the Ad Hoc Committee recommends to the City Council to adopt the Code of Ordinances Sections 10-99 to 10-106 and 12-34 as presented and amended. The motion passed unanimously.**

**A motion to adjourn was made by Councilman Visconti and seconded by Councilman Knapp. The motion carried unanimously at 6:46 p.m.**

Respectfully submitted,

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Joseph Cavo, Chairman

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Jack Knapp

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Fred Visconti

~AD HOC REPORT~

*Prevention of Housing Blight (Recommitted) Ordinance Sec. 10-99 to 106 & 12-34*

Monday, June 25, 2012

Chairman Joseph Cavo called the meeting to order at 7:00 p.m. on Monday, June 25, 2012, in the Caucus Room, 3<sup>rd</sup> Floor, Danbury City Hall, 155 Deer Hill Avenue. Present were Committee members Jack Knapp and Fred Visconti. Also present were Robin Edwards, Deputy Corporation Counsel; Shawn Stillman, U.N.I.T.; Ex Officio: Benjamin Chianese, Warren Levy, Stephen Darcy and Donald Taylor; and, members of the public.

Chairman Cavo introduced everyone present at the meeting and explained the purpose of the meeting. He further explained that he requested the re-committal of the proposed ordinance due to the state recently passing legislative changes that will go into effect October 1<sup>st</sup>, 2012.

Chairman Cavo opened up the meeting to Ms. Edwards who distributed a new packet of information noting a typographical error which has been corrected. She pointed out that the Ordinance has been changed to incorporate the State's changes. Ms. Edwards reviewed the document and its changes with the Committee (i.e., provision mandating written notice to the property owner and to the occupant of any violation potentially existing and provides a reasonable opportunity to remediate the conditions before any enforcement action is commenced (30-day's notice), renames the fines as "civil penalties", a provision for fines up to \$250/day which is imposed by the State if there was a willful violation in addition to the City's penalty of \$100/day, a provision for new owners or occupants of blighted property to request a 30-day extension of the notice and to be provided an opportunity to remediate, a provision to allow unpaid penalties/fines to a tax bill if the City chooses not to file a lien). She pointed out that the U.N.I.T. team was being given tools to allow a matter to be referred to the State's Attorney's office as a last resort to address a blighted property. The Ordinance deals with exterior blight. Mr. Cavo asked where the funds for State level fines go and Ms. Edwards said the funds go to the State. Mr. Cavo asked if there was anything that would preclude the City from continually fining for a blatant disregard to remedy blight even if the State becomes involved and Ms. Edwards did not know of anything that would preclude the City to take such action. She pointed out that once the U.N.I.T. has exhausted their efforts and the blight is willfully not remedied, they can now turn to the State's Attorney's Office for further action. Mr. Taylor asked if an individual purchases a blighted property, does that individual assume the back fines. Ms. Edwards explained that the new owner could submit an application to excuse back fines. The ultimate goal is to remediate properties rather than issuing fines.

**A motion was made by Councilman Knapp and seconded by Councilman Visconti that the Ad Hoc Committee recommends to the City Council the adoption of Code of Ordinances Sections 10-99 to 10-106 and 12-34 as newly presented and amended, after said matter was recommitted to the Ad Hoc Committee due to the recent adoption of Public Act 12-146, subject to a Public Hearing . The motion passed unanimously. A motion to adjourn was made by Councilman Knapp and seconded by Councilman Visconti. The motion carried unanimously at 7:30 p.m.**

Respectfully submitted,

\_\_\_\_\_  
Joseph Cavo, Chairman

\_\_\_\_\_  
Jack Knapp

\_\_\_\_\_  
Fred Visconti

**Downtown Incentive  
Package  
Code of Ordinance  
Sec. 11-2,6-02,  
11-7&17-7**



# CITY OF DANBURY

OFFICE OF THE MAYOR  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON  
MAYOR

(203) 797-4511  
FAX (203) 796-1666  
m.boughton@danbury-ct.gov

June 20, 2012

Honorable Members of the City Council  
155 Deer Hill Avenue  
Danbury, CT 06810

Re: "Downtown Public Incentive Package - Ordinances and Resolutions"  
Downtown Revitalization Zone

Dear Members of the Council:

I submit the attached "Downtown Public Incentive Package - Ordinances and Resolutions" which have been prepared as a result of the recommendations of the Main Street Renaissance Task Force in its report entitled *Downtown Danbury: Issues & Recommendations 2010*.

The proposed new ordinances and resolutions will help to promote development in downtown Danbury by reducing current application fees for properties located in the Downtown Revitalization Zone ("DRZ"), as well as provide several financial incentives which help to reduce the cost of doing business downtown by reducing certain licensing fees. Additionally, the package contains an ordinance which provides that sidewalks within the DRZ are to be repaired or replaced by the City, with the abutting owners being responsible for keeping them clean, safe and unobstructed.

For your reference and convenience, please find a listing of the proposed ordinances and resolutions submitted as the "Downtown Public Incentive Package - Ordinances and Resolutions":

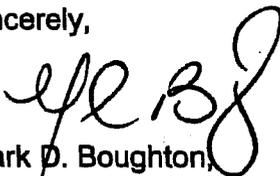
- 1) Section 11-2 Code of Ordinances-reduction in engineering and fire marshal review fees by 50% for land use applications submitted on properties located in the DRZ,
- 2) Section 6.02 Code of Ordinances-Amendment of Connecticut Basic Building Code-reduction in building permit fees by 50% for commercial and residential structures located in the DRZ,
- 3) Resolution to authorize the Director of the Health and Human Services Department to impose a fee of \$40.00 for certificates of apartment occupancy for apartments located in the DRZ, and to impose a licensing fee of \$4.00 per room for rooming houses or hotels located

- 4) Resolution to authorize the Director of the Health and Human Services Department to reduce the annual license fees for food service establishments by 50% for property located in the DRZ,
- 5) Section 11-7 of the Code of Ordinances- reduction in license fees for public pools located in the DRZ by 50%, and
- 6) Section 17-7 of the Code of Ordinances-City to repair and replace sidewalks in the DRZ if abutting owners keep them clean and unobstructed.

Therefore, it is requested that an ad hoc committee be formed to review the proposed "Downtown Public Incentive Package – Ordinances and Resolutions". The Office of the Corporation Counsel has prepared the proposed draft ordinances and resolutions which are attached hereto.

Thank you for your consideration of this matter.

Sincerely,



Mark D. Boughton,  
Mayor

Enclosures

COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT Subsection 11-2 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 11-2 Land use application processing fees; ~~subdivisions~~; engineering and fire marshal review.

(a) *Purpose.* Pursuant to the provisions of section 8-1c of the Connecticut General Statutes, the City of Danbury is authorized to adopt a schedule of reasonable fees for the processing of applications by the zoning commission, planning commission, zoning board of appeals and environmental impact commission. The intention of this ordinance is to allow the aforementioned land use agencies to retain, to the extent possible, the right to establish general processing fees while establishing consistent engineering and fire marshal review fees pertaining to all land use applications.

(b) *Engineering fees.* In addition to the general processing fees established IN connection with the issuance of permits, licenses or other approvals by the land use agencies identified in subsection (a) hereof, ~~and in addition to the general subdivision processing fee established pursuant to subsection (d) hereof~~, whenever a review by the engineering division of the Danbury Department of Public Works is required in connection with the issuance of said permits, licenses and approvals, the applicant shall pay an additional processing fee to defray the costs of said review. Said additional processing fee shall be in the amount of three (3) percent of the estimated cost of construction, but shall not exceed one thousand dollars (\$1,000.00) nor be less than fifty dollars (\$50.00). In addition to the foregoing, the applicant shall pay a fee of three hundred dollars (\$300.00) for each and every review of revised or modified plans submitted by the applicant to the city and reviewed by THE engineering division of the department of public works.

(c) *Fire marshal fees.* In addition to the general processing fees established IN connection with the issuance of permits, licenses or other approvals by the land use agencies identified in subsection (a) hereof, ~~and in addition to the general subdivision processing fee established pursuant to subsection (d) hereof~~, whenever a review by the fire marshal of the City of Danbury is required in connection with the issuance of said permits, licenses and approvals, the applicant shall pay an additional processing fee to defray the costs of said review. Said additional processing fee shall be in the amount of three (3) per cent of the estimated cost of construction, but shall not exceed five hundred dollars (\$500.00) nor be less than fifty dollars (\$50.00).

(d) ENGINEERING AND FIRE MARSHAL FEES – DOWNTOWN REVITALIZATION ZONE. THE ENGINEERING AND FIRE MARSHAL FEES MENTIONED IN SUBSECTIONS (B) AND (C) HEREOF, SHALL BE REDUCED BY FIFTY PERCENT (50%) FOR LAND USE APPLICATIONS SUBMITTED ON PROPERTIES LOCATED WITHIN THE DOWNTOWN REVITALIZATION ZONE AS SPECIFIED IN SECTION 7.F. OF THE CITY OF DANBURY ZONING REGULATIONS.

(e) ~~General subdivision processing~~ LAND USE APPLICATION PROCESSING fees. NOTHING IN THIS ORDINANCE SHALL BE CONSTRUED AS SUPERSEDING ANY FEES ESTABLISHED PURSUANT TO THE CITY OF DANBURY ZONING REGULATIONS, CITY OF DANBURY SUBDIVISION REGULATIONS OR THE INLAND WETLANDS AND WATERCOURSES REGULATIONS OF THE CITY OF DANBURY. ~~Due to the superceding effect of the provisions of this section created by section 8-1e of the Connecticut General Statutes upon the general subdivision processing fee previously provided for by the planning commission in the Subdivision Regulations of the City of Danbury, as amended, said fee is hereby established. Th~~ The general subdivision processing fee for subdivision applications shall be twenty five twenty five dollars (\$25.00\$25.00) per lot within the subdivision but in no case less than fifty dollars (\$50.00).

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by ~~strikeouts~~.



# ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

\_\_\_\_\_ A.D. 2012

**Be it ordained by the City Council of the City of Danbury:**

THAT Subsection 11-2 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 11-2 Land use application processing fees; engineering and fire marshal review.

(a) *Purpose.* Pursuant to the provisions of Section 8-1c of the Connecticut General Statutes, the City of Danbury is authorized to adopt a schedule of reasonable fees for the processing of applications by the zoning commission, planning commission, zoning board of appeals and environmental impact commission. The intention of this ordinance is to allow the aforementioned land use agencies to retain, to the extent possible, the right to establish general processing fees while establishing consistent engineering and fire marshal review fees pertaining to all land use applications.

(b) *Engineering fees.* In addition to the general processing fees established in connection with the issuance of permits, licenses or other approvals by the land use agencies identified in subsection (a) hereof, whenever a review by the engineering division of the Danbury Department of Public Works is required in connection with the issuance of said permits, licenses and approvals, the applicant shall pay an additional processing fee to defray the costs of said review. Said additional processing fee shall be in the amount of three (3) percent of the estimated cost of construction, but shall not exceed one thousand dollars (\$1,000.00) nor be less than fifty dollars (\$50.00). In addition to the foregoing, the applicant shall pay a fee of three hundred dollars (\$300.00) for each and every review of revised or modified plans submitted by the applicant to the city and reviewed by the engineering division of the department of public works.

(c) *Fire marshal fees.* In addition to the general processing fees established in connection with the issuance of permits, licenses or other approvals by the land use agencies identified in subsection (a) hereof, whenever a review by the fire marshal of the City of Danbury is required in connection with the issuance of said permits, licenses and approvals, the applicant shall pay an additional processing fee to defray the costs of said review. Said additional processing fee shall be in the amount of three (3) per cent of the estimated cost of construction, but shall not exceed five hundred dollars (\$500.00) nor be less than fifty dollars (\$50.00).

(d) *Engineering and Fire Marshal fees – Downtown Revitalization Zone.* The engineering and fire marshal fees mentioned in subsections (b) and (c) hereof, shall be reduced by fifty percent (50%) for land use applications submitted on properties located within the Downtown Revitalization Zone as specified in Section 7.F. of the City of Danbury Zoning Regulations.

(e) *Land use application processing fees.* Nothing in this ordinance shall be construed as superseding any fees established pursuant to the City of Danbury Zoning Regulations, City of Danbury subdivision regulations or the inland wetlands and watercourses regulations of the City of Danbury.

COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT Subsection 6-02(a) (1) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

**Sec. 6-02. Amendment of Connecticut Basic Building Code.**

(a) *Fees generally:*

- (1) In accordance with the provisions of Section 29-252-112.3.1 of the Connecticut Basic Building Code, before receiving a building permit the owner or his agent shall pay a fee in accordance with the following schedule and based on the value of the work to be performed:

<i>Valuation of Work</i>	<i>Fee</i>
For single and multi-family residential structures below one thousand dollars (\$1,000.00) in value	Twenty two dollars (\$22.00)*
One thousand dollars (\$1,000) and above	Twenty two dollars (\$22.00) for the first one thousand dollars (\$1,000.00) in value plus eleven dollars (\$11.00) for each additional one thousand dollars (\$1,000.00) or part thereof *
For commercial and industrial structures	Eighteen dollars (\$18.00) per one thousand dollars (\$1,000.00) or part thereof *
For separate permits, available at the option of the owner, covering mechanicals, electrical, plumbing, heating and air conditioning, sprinklers, chimneys and fireplaces	Five dollars (\$5.00) for each one hundred dollars (\$100.00) in value up to one thousand dollars (\$1,000.00) plus eleven dollars (\$11.00) for each additional one thousand dollars (\$1,000.00) *

\* EXCEPT THAT THE FEE FOR ALL RESIDENTIAL AND COMMERCIAL STRUCTURES LOCATED IN THE DOWNTOWN REVITALIZATION ZONE AS SPECIFIED IN SECTION 7.F. OF THE CITY OF DANBURY ZONING REGULATIONS SHALL BE REDUCED BY FIFTY PERCENT (50%). ANY STATE FEES SHALL NOT BE REDUCED.

No application for a building permit shall be processed without payment of the foregoing fees. If after the filing of an application for a building permit a change is made to the scope of the work to be performed which affects the value of the work, a new fee shall be calculated. Any increase in fee shall be paid prior to the issuance of a building permit unless a building permit has already been issued, in which case said increased fee shall be paid prior to the issuance of a certificate of occupancy. Any decrease in fee resulting from a change in the work shall be refunded in accordance with the provisions of subsection (e) hereof.

- (2) The fee established in paragraph 6-02(a)(1) shall cover the eight (8) inspections specified herein or so many thereof as are required or applied for on any particular project. Required inspections, to the extent applicable, include:
- a. Soil conditions
  - b. Footing drains and waterproofing
  - c. Rough electrical
  - d. Rough plumbing
  - e. Framing
  - f. Insulation
  - g. Gas or oil burner

Additional inspections shall be performed for an additional fee of dollars (\$33.00) per inspection. Each separate trip to the site shall be deemed to be a separate inspection. Such additional fees shall be due and payable prior to the issuance of a certificate of occupancy. The holder of a valid building permit may request that some or all of the foregoing inspections be performed outside of normal business hours. The Danbury building official may authorize performance of such inspections outside of normal business hours if appropriate personnel are available to provide such service. No certificate of occupancy shall be issued to any permit holder for whom inspections have been performed outside of normal business hours until the permit holder has paid a fee to cover the additional expense incurred by the city in connection with such inspections. All such fees shall be in an amount equal to the wages paid to personnel performing said inspections.

(b) *Additional fees.* Before receiving a permit or certificate for the following uses or for the conduct of any of the following activities, the owner or his agent shall pay the fee prescribed below:

<i>Type of Permit or Certificate</i>	<i>Fee</i>
(1) Demolition permits	Four percent (4%) of the actual cost of demolition
(2) Permits for the moving of buildings	Two hundred and seventy five dollars (\$275.00) per building
(3) Permits for wood stoves	Fifty five dollars (\$55.00) each
(4) Permits for tanks	
a. with a capacity of six hundred and sixty (660) gallons or less	Fifty five dollars (\$55.00) each
b. with a capacity of more than six hundred and sixty (660) gallons but less than two thousand (2000) gallons	Eighty three dollars (\$83.00) each
c. with a capacity of two thousand (2000) gallons or more	One hundred ten dollars (\$110.00) each
(5) Permits for signs	
a. If ten (10) square feet or less	Eleven dollars (\$11.00)
b. If in excess of ten (10) square feet	Eleven dollars (\$11.00) for the first ten (10) square feet plus fifty five cents (\$0.55) for each additional square foot or part thereof
(6) Certificate of occupancy	Twenty eight dollars (\$28.00) each
(7) Pools	Fifty five dollars (\$55.00) for the first one thousand dollars (\$1,000.00) in value plus eleven dollars (\$11.00) for each additional one thousand dollars (\$1,000.00) or part thereof

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by ~~strikeouts~~.



# ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

\_\_\_\_\_ A.D. 2012

**Be it ordained by the City Council of the City of Danbury:**

THAT Subsection 6-02(a) (1) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

**Sec. 6-02. Amendment of Connecticut Basic Building Code.**

**(a) Fees generally:**

- (1) In accordance with the provisions of Section 29-252-112.3.1 of the Connecticut Basic Building Code, before receiving a building permit the owner or his agent shall pay a fee in accordance with the following schedule and based on the value of the work to be performed:

<i>Valuation of Work</i>	<i>Fee</i>
For single and multi-family residential structures below one thousand dollars (\$1,000.00) in value	Twenty two dollars (\$22.00) *
One thousand dollars (\$1,000) and above	Twenty two dollars (\$22.00) for the first one thousand dollars (\$1,000.00) in value plus eleven dollars (\$11.00) for each additional one thousand dollars (\$1,000.00) or part thereof *
For commercial and industrial structures	Eighteen dollars (\$18.00) per one thousand dollars (\$1,000.00) or part thereof *
For separate permits, available at the option of the owner, covering mechanicals, electrical, plumbing, heating and air conditioning, sprinklers, chimneys and fireplaces	Five dollars (\$5.00) for each one hundred dollars (\$100.00) in value up to one thousand dollars (\$1,000.00) plus eleven dollars (\$11.00) for each additional one thousand dollars (\$1,000.00) *

\* Except that the fee for all residential and commercial structures located in the Downtown Revitalization Zone as specified in Section 7.F. of the City of Danbury Zoning Regulations shall be reduced by fifty percent (50%). Any state fees shall not be reduced.

No application for a building permit shall be processed without payment of the foregoing fees. If after the filing of an application for a building permit a change is made to the scope of the work to be performed which affects the value of the work, a new fee shall be calculated. Any increase in fee shall be paid prior to the issuance of a building permit unless a building permit has already been issued, in which case said increased fee shall be paid prior to the issuance of a certificate of occupancy. Any decrease in fee resulting from a change in the work shall be refunded in accordance with the provisions of subsection (e) hereof.

- (2) The fee established in paragraph 6-02(a)(1) shall cover the eight (8) inspections specified herein or so many thereof as are required or applied for on any particular project. Required inspections, to the extent applicable, include:

- a. Soil conditions
- b. Footing drains and waterproofing
- c. Rough electrical
- d. Rough plumbing
- e. Framing
- f. Insulation
- g. Gas or oil burner
- h. Final; including, but not limited to, electrical, plumbing, fire divisions and exits.

Additional inspections shall be performed for an additional fee of dollars (\$33.00) per inspection. Each separate trip to the site shall be deemed to be a separate inspection. Such additional fees shall be due and payable prior to the issuance of a certificate of occupancy. The holder of a valid building permit may request that some or all of the foregoing inspections be performed outside of normal business hours. The Danbury building official may authorize performance of such inspections outside of normal business hours if appropriate personnel are available to provide such service. No certificate of occupancy shall be issued to any permit holder for whom inspections have been performed outside of normal business hours until the permit holder has paid a fee to cover the additional expense incurred by the city in connection with such inspections. All such fees shall be in an amount equal to the wages paid to personnel performing said inspections.

(b) *Additional fees.* Before receiving a permit or certificate for the following uses or for the conduct of any of the following activities, the owner or his agent shall pay the fee prescribed below:

<i>Type of Permit or Certificate</i>	<i>Fee</i>
(1) Demolition permits	Four percent (4%) of the actual cost of demolition
(2) Permits for the moving of buildings	Two hundred and seventy five dollars (\$275.00) per building
(3) Permits for wood stoves	Fifty five dollars (\$55.00) each
(4) Permits for tanks	
a. with a capacity of six hundred and sixty (660) gallons or less	Fifty five dollars (\$55.00) each
b. with a capacity of more than six hundred and sixty (660) gallons but less than two thousand (2000) gallons	Eighty three dollars (\$83.00) each
c. with a capacity of two thousand (2000) gallons or more	One hundred ten dollars (\$110.00) each
(5) Permits for signs	
a. If ten (10) square feet or less	Eleven dollars (\$11.00)
b. If in excess or ten (10) square feet	Eleven dollars (\$11.00) for the first ten (10) square feet plus fifty five cents (\$0.55) for each additional square foot or part thereof
(6) Certificate of occupancy	Twenty eight dollars (\$28.00) each
(7) Pools	Fifty five dollars (\$55.00) for the first one thousand dollars \$1,000.00 in value plus eleven dollars (\$11.00) for each additional one thousand dollars (\$1,000.00) or part thereof

## COPY SHOWING DELETIONS AND NEW LANGUAGE:

THAT Section 11-7 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

### Sec. 11-7. Public swimming pools.

(a) Definitions. As used in this section, the phrase "public pool" shall have the definition assigned to it under the provisions of Section 19-13-B33b(a)(1) of the Regulations of Connecticut State Agencies, as amended.

(b) License to operate. No person, firm, corporation or other entity shall operate or maintain any public pool within the City of Danbury without a license. All such licenses shall be issued by the Health and Human Services Department upon written application made on forms provided by the Director. Licenses shall be effective for a period of not more than one year commencing on the date of issuance and expiring on the following June 30<sup>th</sup> unless otherwise revoked pursuant to the provisions of subsection (e) hereof.

(c) License fee. No license shall be issued by the Health and Human Services Department until the applicant has paid a fee of two hundred fifty dollars (\$250.00) per public pool, EXCEPT THAT LICENSE FEES FOR PUBLIC POOLS LOCATED WITHIN THE DOWNTOWN REVITALIZATION ZONE AS SPECIFIED IN SECTION 7.F. OF THE CITY OF DANBURY ZONING REGULATIONS SHALL BE REDUCED BY FIFTY PERCENT (50%). ~~one hundred twenty five dollars (\$125).~~

(d) Inspections. Whenever the Director of Health and Human Services has ordered a licensee to correct one or more conditions that violate the provisions of 19-13-B33b of the Regulations of Connecticut State Agencies, as amended, or that otherwise fail to comport with the demands of public health and safety the Director of Health and Human Services or his authorized designee shall thereafter perform an inspection to determine whether or not the licensee has complied with said order. If said inspection reveals that the licensee has failed to perform the required corrections or has performed said corrections inadequately, the licensee shall pay a fee of fifty dollars (\$50.00) for each subsequent inspection that may be required in connection with said order.

(e) Suspension and Revocation. The Director of Health and Human Services shall have authority to order the suspension or revocation of any license issued pursuant to the provision of subsection (b) hereof whenever he concludes that the licensee has failed to comply with the requirements of 19-13-B33b of the Regulations of Connecticut State Agencies, as amended, or otherwise when the demands of public health and safety require it. The Director of Health and Human Services shall promptly send a written notice of the order of revocation or suspension to the licensee indicating the reasons for said action and advising the licensee of his right to appeal said order to the Commissioner of Health Services in accordance with Section 19a-229 of the Connecticut General Statutes and Sections 19-2-1 to 19-2-43 inclusive of the Regulations of Connecticut State Agencies, as amended.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parenthesis which indicate subsections.

Deleted language is indicated ~~strikeouts~~.



# ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT  
CITY COUNCIL

\_\_\_\_\_ A.D. 2012

**Be it ordained by the City Council of the City of Danbury:**

THAT Section 11-7 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

## **Sec. 11-7. Public swimming pools.**

(a) **Definitions.** As used in this section, the phrase "public pool" shall have the definition assigned to it under the provisions of Section 19-13-B33b(a)(1) of the Regulations of Connecticut State Agencies, as amended.

(b) **License to operate.** No person, firm, corporation or other entity shall operate or maintain any public pool within the City of Danbury without a license. All such licenses shall be issued by the Health and Human Services Department upon written application made on forms provided by the Director. Licenses shall be effective for a period of not more than one year commencing on the date of issuance and expiring on the following June 30<sup>th</sup> unless otherwise revoked pursuant to the provisions of subsection (e) hereof.

(c) **License fee.** No license shall be issued by the Health and Human Services Department until the applicant has paid a fee of two hundred fifty dollars (\$250.00) per public pool; except that license fees for public pools located within the Downtown Revitalization Zone as specified in Section 7.F. of the City of Danbury Zoning Regulations shall be reduced by fifty percent (50%).

(d) **Inspections.** Whenever the Director of Health and Human Services has ordered a licensee to correct one or more conditions that violate the provisions of 19-13-B33b of the Regulations of Connecticut State Agencies, as amended, or that otherwise fail to comport with the demands of public health and safety the Director of Health and Human Services or his authorized designee shall thereafter perform an inspection to determine whether or not the licensee has complied with said order. If said inspection reveals that the licensee has failed to perform the required corrections or has performed said corrections inadequately, the licensee shall pay a fee of fifty dollars (\$50.00) for each subsequent inspection that may be required in connection with said order.

(e) **Suspension and Revocation.** The Director of Health and Human Services shall have authority to order the suspension or revocation of any license issued pursuant to the provision of subsection (b) hereof whenever he concludes that the licensee has failed to comply with the requirements of 19-13-B33b of the Regulations of Connecticut State Agencies, as amended, or otherwise when the demands of public health and safety require it. The Director of Health and Human Services shall promptly send a written notice of the order of revocation or suspension to the licensee indicating the reasons for said action and advising the licensee of his right to appeal said order to the Commissioner of Health Services in accordance with Section 19a-229 of the Connecticut General Statutes and Sections 19-2-1 to 19-2-43 inclusive of the Regulations of Connecticut State Agencies, as amended.

COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT SECTION 17-7 OF THE CODE OF ORDINANCES OF DANBURY, CONNECTICUT IS HEREBY AMENDED AS FOLLOWS:

Sec. 17-7. - Removal of snow, ~~AND ice, sand and debris~~ from sidewalks; MAINTENANCE, REPAIR AND REPLACEMENT OF SIDEWALKS; OBSTRUCTIONS TO ~~and private~~ property; ~~deposit onto~~ public property; ENFORCEMENT.

(a) SNOW AND ICE.

- (1) Every person owning or occupying any land fronting upon any sidewalk within the city shall, within four (4) hours of daylight immediately following the cessation of any fall of snow, or accumulation of ice thereon, cause the same to be removed, so that travel upon said sidewalk shall not be obstructed, dangerous or inconvenient, and upon failure so to do within the time limit, shall be punished as provided in Section 1-7 OF THE CODE OF ORDINANCES. After the expiration of the time limit as aforesaid, if such snow and ice shall not have been removed, the DIRECTOR OF PUBLIC WORKS, ~~superintendent of highways~~ or his/HER designee, shall cause the same to be removed at the expense of such owner or occupier, such expense to be recovered from either the owner or occupier in an action brought in the name of the city.
- (2) Pursuant to the provisions of ~~Public Act 81-340~~ SECTION 7-163a, and notwithstanding the provisions of Section 13a-149 of the CONNECTICUT General Statutes or any other General Statute or Special Act, the City of Danbury shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the City of Danbury is the owner or person in possession and control of land abutting such sidewalk. The provisions hereof shall not relieve the City of Danbury from any liability imposed by law resulting from its affirmative acts with respect to such sidewalk.
- (3) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the City of Danbury had prior to the effective date hereof and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of such injury.
- (4) No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against the person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two (2) years from the date when the injury is first sustained.

(b) MAINTENANCE, REPAIR AND REPLACEMENT.

(1) Every person, firm, corporation, association or partnership owning any PROPERTY ABUTTING ~~land fronting on~~ any PUBLIC sidewalk within the City of Danbury shall be responsible for (a) the REPAIR OR REPLACEMENT OF DAMAGED, UNPAVED OR UNSAFE SIDEWALKS, (b) KEEPING THE SIDEWALK UNOBSTRUCTED BY ANY OBJECT, UNLESS PRIOR APPROVAL IS GRANTED BY CITY COUNCIL, AND (c) KEEPING THE SIDEWALK CLEAN OF SAND, LITTER, TRASH OR OTHER DEBRIS AT ALL TIMES EXTENDING ALONG THE FULL FRONTAGE OF SAID PROPERTY. ~~maintenance and repair of said sidewalk.~~

(2) The DIRECTOR OF PUBLIC WORKS ~~superintendent of highways~~ or his/HER designee, may issue an order to any such owner requiring him/HER to repair OR REPLACE any DAMAGED, UNPAVED OR UNSAFE sidewalk abutting his/HER property within such period of time as is specified in said order. If the owner of any such property fails to comply with a proper order of the DIRECTOR OF PUBLIC WORKS ~~superintendent of highways~~ or his/HER designee, the DIRECTOR OF PUBLIC WORKS OR HIS/HER DESIGNEE, ~~superintendent of highways~~ shall cause repairs OR REPLACEMENT as specified to be made at the expense of such owner, such expense may be recovered from the owner of said abutting property in an action brought in the name of the City of Danbury.

(3) FOR PROPERTY ABUTTING ANY PUBLIC SIDEWALK LOCATED WITHIN THE DOWNTOWN REVITALIZATION ZONE, AS SPECIFIED IN SECTION 7.F. OF THE CITY OF DANBURY ZONING REGULATIONS, THE CITY MAY, AT ITS DISCRETION AND PROVIDED FUNDING IS DULY APPROPRIATED FOR SUCH PURPOSE IN ACCORDANCE WITH LAW, REPAIR OR REPLACE SUCH SIDEWALKS OR PORTIONS THEREOF.

(c) OBSTRUCTIONS TO PUBLIC PROPERTY.

No person shall place or cause to be placed any snow, ice, sand, LITTER, ~~or TRASH~~ or OTHER debris OR ANY OBJECT that obstructs, may obstruct or otherwise interfereS with safe passage ~~upon,~~ or ~~otherwise interfere with~~ the regular and proper maintenance or drainage of any street, road, public highway, sidewalk or other public property in the city.

(d)(e) ENFORCEMENT.

(1) All lawful expenses incurred by the City of Danbury by virtue of THIS SECTION 17-7(a) THROUGH (c) ~~subsection 17-7(a) or 17-7(b)~~ shall accrue interest at a rate of twelve (12) per cent per annum and shall be a lien upon the premises adjoining such SIDEwalk provided that the DIRECTOR OF PUBLIC WORKS, OR HIS/HER DESIGNEE, ~~superintendent of highways~~ shall cause a certificate of lien to be recorded in the town clerk's office within sixty (60) days of the completion of any

necessary repair, REPLACEMENT or removal authorized herein. SAID COSTS MAY ALSO BE ASSESSED AGAINST THE REAL ESTATE AND COLLECTED AS PART OF THE TAXES PURSUANT TO THE PROVISIONS OF SECTION 12-169b OF THE CONNECTICUT GENERAL STATUTES. ANY SUCH AMOUNT ADDED TO THE ASSESSMENT SHALL CONSTITUTE A LIEN UPON THE REAL ESTATE AND MAY BE ENFORCED IN THE SAME MANNER AS PROPERTY TAX LIENS.

(2) FOR ANY VIOLATION OF THIS SECTION 17-7(a) THROUGH (c), any Danbury Police Officer or the dDirector of Ppublic Wworks or his/HER designee, OR MEMBER OF THE UNIFIED NEIGHBORHOOD INSPECTION TEAM FOR VIOLATIONS OCCURRING WITHIN THE DRZ, shall be authorized to issue citations AS SET FORTH IN SECTION 1-7 OF THE CODE OF ORDINANCES, providing for penalties of ninety dollars (\$90.00) per violation of this section.

~~(d) Pursuant to the provisions of Public Act 81-340 and notwithstanding the provisions of Section 13a-149 of the General Statutes or any other General Statute or Special Act, the City of Danbury shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the City of Danbury is the owner or person in possession and control of land abutting such sidewalk. The provisions hereof shall not relieve the City of Danbury from any liability imposed by law resulting from its affirmative acts with respect to such sidewalk.~~

~~(e) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the City of Danbury had prior to the effective date hereof and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of such injury.~~

~~(f) No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against the person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two (2) years from the date when the injury is first sustained.~~

~~(g) No person shall place or cause to be placed any snow, ice, sand or debris that obstructs, may obstruct or otherwise interfere with safe passage upon, or otherwise interfere with the regular and proper maintenance or drainage of any street, road, public highway, sidewalk or other public property in the city.~~

~~(h) Any Danbury Police Officer or the director of public works or his designee, shall be authorized to issue citations providing for penalties of ninety dollars (\$90.00) per violation for violations of this section.~~

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by strikeouts.



# ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT  
CITY COUNCIL

\_\_\_\_\_ A.D. 2012

**Be it ordained by the City Council of the City of Danbury:**

That Section 17-7 of the Code of Ordinances of Danbury, Connecticut is hereby amended as follows:

**Sec. 17-7. - Removal of snow and ice from sidewalks; maintenance, repair and replacement of sidewalks; obstructions to public property; enforcement.**

**(a) Snow and Ice.**

- (1) Every person owning or occupying any land fronting upon any sidewalk within the City shall, within four (4) hours of daylight immediately following the cessation of any fall of snow, or accumulation of ice thereon, cause the same to be removed, so that travel upon said sidewalk shall not be obstructed, dangerous or inconvenient, and upon failure so to do within the time limit shall be punished as provided in Section 1-7 of the Code of Ordinances. after the expiration of the time limit as aforesaid, if such snow and ice shall not have been removed, the director of public works, or his/her designee, shall cause the same to be removed at the expense of such owner or occupier, such expense to be recovered from either the owner or occupier in an action brought in the name of the City.**
- (2) Pursuant to the provisions of Section 7-163a, and notwithstanding the provisions of Section 13a-149 of the Connecticut General Statutes or any other General Statute or Special Act, the City of Danbury shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the City of Danbury is the owner or person in possession and control of land abutting such sidewalk. The provisions hereof shall not relieve the City of Danbury from any liability imposed by law resulting from its affirmative acts with respect to such sidewalk.**
- (3) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the City of Danbury had prior to the effective date hereof and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of such injury.**
- (4) No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against the person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two (2) years from the date when the injury is first sustained.**

**(b) Maintenance, Repair and Replacement.**

- (1) Every person, firm, corporation, association or partnership owning any property abutting any public sidewalk within the City of Danbury shall be responsible for (a) the repair or replacement of damaged, unpaved or unsafe sidewalks, (b) keeping the sidewalk unobstructed by any object, unless prior approval is granted by City Council, and (c) keeping the sidewalk clean of sand, litter, trash or other debris at all times extending along the full frontage of said property.**
- (2) The Director of Public Works or his/her designee, may issue an order to any such owner requiring him/her to repair or replace any damaged, unpaved or unsafe sidewalk abutting his/her property within such period of time as is specified in said order. If the owner of any such property fails to comply with a proper order of the Director of Public Works or his/her designee, the Director of Public Works or his/her designee, shall cause repairs or replacement as specified to be made at the expense of such owner, such expense may be recovered from the owner of said abutting property in an action brought in the name of the City of Danbury.**
- (3) For property abutting any public sidewalk located within the Downtown Revitalization Zone, ("DRZ") as specified in Section 7.f. of the City of Danbury Zoning Regulations, the City may, at its discretion and provided funding is duly appropriated for such purpose in accordance with law, repair or replace such sidewalks or portions thereof.**

**(c) Obstructions to Public Property.**

**No person shall place or cause to be placed any snow, ice, sand, litter, trash or other debris or any object that obstructs, may obstruct or otherwise interferes with safe passage or the regular and proper maintenance or drainage of any street, road, public highway, sidewalk or other public property in the City.**

**(d) Enforcement.**

- (1) All lawful expenses incurred by the City of Danbury by virtue of this Section 17-7(a) through (c) shall accrue interest at a rate of twelve (12) per cent per annum and shall be a lien upon the premises adjoining such sidewalk provided that the Director of Public Works, or his/her designee, shall cause a certificate of lien to be recorded in the Town Clerk's office within sixty (60) days of the completion of any necessary repair, replacement or removal authorized herein. Said costs may also be assessed against the real estate and collected as part of the taxes pursuant to the provisions of section 12-169b of the Connecticut General Statutes. Any such amount added to the assessment shall constitute a lien upon the real estate and may be enforced in the same manner as property tax liens.**
- (2) For any violation of this Section 17-7(a) through (c), any Danbury Police Officer or the Director of Public Works or his/her designee, or member of the Unified Neighborhood Inspection Team for violations occurring within the DRZ, shall be authorized to issue citations as set forth in Section 1-7 of the Code of Ordinances.**



# RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

\_\_\_\_\_ A.D. 2012

**RESOLVED** BY THE CITY COUNCIL OF THE CITY OF DANBURY

**WHEREAS**, the City of Danbury has enacted ordinances designated as Section 10-10 concerning, among other things, the issuance of certificates of apartment occupancy; and Section 10-11 concerning among other things, the licensing of rooming houses and hotels; and

**WHEREAS**, Subsection 10-10(4) provides for the establishment of a fee to be charged in connection with the issuance of said certificates;

**WHEREAS**, Subsection 10-11(1)(e) provides for the establishment of a reasonable schedule of annual fees to be collected to defray the expenses of licensing rooming houses and hotels.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Director of the Health and Human Services Department is hereby authorized and empowered to impose a fee of eighty dollars (\$80.00) for the issuance of all such certificates of apartment occupancy, except that fees for certificates of occupancy for apartments located in the Downtown Revitalization Zone as specified in Section 7.F. of the City of Danbury Zoning Regulations shall be forty dollars (\$40.00).

**NOW, THEREFORE, BE IT RESOLVED THAT** the Director of the Health and Human Services Department is hereby authorized and empowered to impose a licensing fee of eight dollars (\$8.00) per room for each habitable room in each such rooming house or hotel, except that fees for licenses for rooming houses or hotels located in the Downtown Revitalization Zone as specified in Section 7.F. of the City of Danbury Zoning Regulations shall be four dollars (\$4.00).



# RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

\_\_\_\_\_ A.D. 2012

**RESOLVED** BY THE CITY COUNCIL OF THE CITY OF DANBURY

**WHEREAS**, the City of Danbury has enacted a food service establishment ordinance designated as Chapter 8A of the Danbury Code of Ordinances; and

**WHEREAS**, Section 8A-6 of said ordinance provides for the establishment of an annual schedule of fees to be collected to defray the expenses of food service establishment licensing.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Director of the Health and Human Services Department is hereby authorized and empowered to impose the following fees for all licenses issued from July 1 through June 30 of each fiscal year.

1. All food service establishments, which are classified as a Class I food service establishment pursuant to Section 19-13-B42(s)(3)(A) of the Connecticut Public Health Code, shall pay an annual fee of one hundred and fifty dollars (\$150.00).
2. All food service establishments, which are classified as a Class II food service establishment pursuant to Section 19-13-B42(s)(3)(B) of the Connecticut Public Health Code, shall pay an annual fee of two hundred and fifty dollars (\$250.00).
3. All food service establishments which are classified as a Class III food service establishment pursuant to Section 19-13-B42(s)(3)(C) of the Connecticut Public Health Code, shall pay an annual fee of three hundred dollars (\$300.00).
4. All food service establishments which are classified as a Class IV food service establishment pursuant to Section 19-13-B42(s)(3)(D) of the Connecticut Public Health Code, shall pay an annual fee of four hundred dollars (\$400.00).
5. All itinerant food vending establishments which are classified as a Class I itinerant food vending establishment pursuant to Section 19-13-B48(2)(A) of the Connecticut Public Health Code, shall pay an annual fee of one hundred and fifty dollars (\$150.00).
6. All itinerant food vending establishments which are classified as a Class II itinerant food vending establishment pursuant to Section 19-13-B48(2)(B) of the Connecticut Public Health Code, shall pay an annual fee of two hundred and fifty dollars (\$250.00).
7. All itinerant food vending establishments which are classified as a Class III itinerant food vending establishment pursuant to Section 19-13-B48(2)(C) of the Connecticut Public Health Code, shall pay an annual fee of three hundred dollars (\$300.00).

8. All itinerant food vending establishments which are classified as a Class IV itinerant food vending establishment pursuant to Section 19-13-B48(2)(D) of the Connecticut Public Health Code, shall pay an annual fee of four hundred dollars (\$400.00).
9. Notwithstanding numbers 1 through 4 above, all annual license fees referred to in numbers 1 through 4 shall be reduced by fifty percent (50%) for property located within the Downtown Revitalization Zone, as specified in Section 7.F. of the City of Danbury Zoning Regulations.
10. Any food service establishment that fails to renew its license in accordance with the provisions of Section 8A-7 of the Danbury Code of Ordinances on or before August 1 of the applicable fiscal year shall be subject to a late payment fee of four hundred dollars (\$400.00).
11. The fees established in paragraphs 1 through 8 hereof are intended to defray the costs associated with routine periodic inspections of food service establishments. All such establishments requiring additional inspections due to the existence of conditions observed during routine inspections, which require correction and therefore re-inspection, shall pay a fee of two hundred fifty dollars (\$250.00) per re-inspection.
12. Any plan review and inspection required pursuant to Section 8A-2 and 8A-3 of the Danbury Code of Ordinances in connection with the construction, alteration or remodeling of food service establishments shall be performed by the Director of Health or his designee upon payment of a fee of three hundred fifty dollars (\$350.00).
13. All food service establishments requiring more than one pre-operational inspection pursuant to Section 8A-3 of the Danbury Code of Ordinances due to the existence of conditions observed during the first pre-operational inspection which requires correction and therefore re-inspection, shall pay a fee of two hundred fifty dollars (\$250.00) per re-inspection.
14. Any temporary food service establishment may obtain a license for its operations pursuant to Section 8A-8 of the Danbury Code of Ordinances upon payment of an eighty dollar (\$80.00) license fee.
15. A license fee of thirty-five dollars (\$35.00) shall be required of a non-profit entity operating a food service establishment, which entity has provided to the Director of the Health and Human Services Department or his designee, written proof of its officially designated non-profit status pursuant to the applicable provisions of the Internal Revenue Code. All necessary application materials must be filed with the Department of Health and Human Services at least five (5) business days prior to the date of the event pertaining to the temporary food license application. If all such materials are not filed on a timely basis, and additional time is required to process the application materials, then all such costs associated with the additional processing time shall be paid by the applicant. The Director or his designee may waive all or part of the additional expenses in his sole discretion.

**CITY COUNCIL-ADHOC COMMITTEE DOWNTOWN INCENTIVE PACKAGE**  
**CAUCUS ROOM, 3<sup>RD</sup> FLOOR, CITY HALL**  
**01-AUGUST-2012, 6:00PM**

Chairman Stephen Darcy called the Committee meeting to order at 6:01 pm.

**COMMITTEE MEMBERS PRESENT:** Chairman Stephen Darcy, Joseph Cavo, and Peter Nero.

**EX OFFICIO MEMBER:** Duane Perkins

**ALSO PRESENT:** Mayor Mark Boughton; Robin L. Edwards, Assistant Corporation Counsel; David. St. Hilaire, Director of Finance; Dennis Elpern, Director of Planning; Bruce Tuomala, Director of Economic Development; Shawn Stillman, Neighborhood Coordinator; and Andrea Gartner, City Center.

Chairman Darcy made introductions and stated the purpose of the meeting and then asked Mayor Boughton to discuss the proposed ordinance changes before the committee. Mayor Boughton stated the changes being proposed have evolved from suggestions made by the Main Street Task Force. The purpose of these changes is to make it easier and more attractive to do business in downtown Danbury, where City infrastructure exists to support such development. He continued stating the ordinance changes and resolutions would decrease fees for Engineering, Fire Marshall, Building Permits, Hotels and Rooming, some Dining and Restaurant licensing, and Public Pools which are mainly associated with Hotels. In addition, the City would work with property owners to repair and replace sidewalks abutting private property. In regard to the sidewalks there is currently a great deal of inconsistency in the repair and replacement which is now the responsibility of the property owner. The sidewalk resolution includes an incentive for property owners and/or tenants to keep sidewalks unobstructed and clean. Mayor Boughton concluded that it would allow for one additional employee for the UNIT specifically for downtown.

Chairman Darcy asked for Mr. Elpern to discuss the changes from a Planning perspective. Mr. Elpern stated that by making these changes the City Council would be sending a clear message that businesses are wanted and welcome in downtown Danbury. He gave a brief overview of the actions which had already been taken and stated that the fees and sidewalks were the issues to be addressed at this time to ensure the continued revitalization of downtown Danbury.

Chairman Darcy then asked Ms. Edwards to discuss the changes from a legal perspective. Ms. Edwards directed the committee to the specific language changes in the code of Ordinances section 11-2, 6.02, 11-7, and 17-7. She stated that in addition to these changes the committee should note a few scribner error corrections.

Chairman Darcy asked Mr. St. Hilaire to discuss the changes from a financial perspective. Mr. St. Hilaire stated that there are many variables but the cost of the city for the reduction in fees would not have a large impact.

Chairman Darcy asked Ms. Gartner to discuss the package from the perspective of City Center. Ms. Gartner stated that these changes fit in with their mission and the Guidelines of the National Main Street Preservation program. A short discussion ensued regarding the timing of the changes and if they apply to the Farmer's Market.

Mr. Cavo asked what the reaction from the merchants has been. Mayor Boughton stated that it has been positive to those who have attended recent meetings. He continued that there may need to be some marketing and/or outreach. A brief discussion about marketing the program ensued.

Mr. Cavo asked for a clarification of how the fees would apply to existing businesses. Ms. Edwards stated that there would not be any fees that were retroactive. However, going forward businesses that routinely pay fees for such services as inspections would be charged the lower fee, because the changes in fees take effect for all businesses in the Downtown Revitalization Zone. Mr. Elpern added that the City Council should only make these incentives available to businesses in the Downtown Revitalization Zone to promote development. A brief discussion regarding the fees and accounting took place.

Mr. Nero asked for a clarification between fee reduction and assessment deferrals. Mr. Elpern explained that the ordinance changes and resolutions would establish the fees where as assessment deferrals were determined on a case by case basis. A brief discussion regarding assessment deferrals took place.

**Mr. Cavo moved to recommend to the City Council that the amendments to the Code of Ordinance in sections 11-2, 6-02, 11-7 and 17-7 be referred to a Public Hearing and to recommend that the resolutions regarding fee changes be adopted. Mr. Nero seconded the motion. A brief discussion took place. Vote, all in favor, motion unanimously approved.**

As there was no further business before this committee Mr. Cavo moved to adjourn the Committee meeting. Mr. Nero seconded the motion. Vote, all in favor, motion unanimously approved. The meeting adjourned at 6:48 pm

Respectfully Submitted,

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Stephen Darcy, Committee Chairman

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Joseph Cavo

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Peter Nero

## City Council-Ad-Hoc Committee

### Downtown Incentive Package (RECOMMIT)

September 24<sup>th</sup>, 2012

Chairman Stephen Darcy called the Committee meeting to order at 7:17pm.

**COMMITTEE MEMBERS PRESENT:** Chairman Stephen Darcy, Joseph Cavo, and Peter Nero  
**ALSO PRESENT:** Les Pinter, Deputy Corporation Counsel; Dennis Elpern, Director of Planning; Bruce Tuomala, Director of Economic Development; Antonio Iadarola, P.E., Director of Public Works; and Andrea Gartner, City Center.

Chairman Darcy made introductions and stated the purpose of the meeting and then asked Mr. Elpern to remind the committee about the genesis of the proposed changes of the Code of Ordinances. Mr. Elpern briefly discussed the Downtown Revitalization Task Force and the recommendation it had made to provide incentives to businesses to operate Within the Downtown Revitalization Zone. He stated that the last change is in regard to the sidewalks

Chairman Darcy asked Mr. Pinter to review the proposed changes to the Code of Ordinance as it relates to the sidewalks. Mr. Pinter directed the committee to changes in Code of Ordinance 17-7. He reviewed all the changes which outline the obligations of the property owners, the authority and discretion of the Director of Public Works, clarification of obstruction and enforcement. A brief discussion occurred regarding these changes. Mr. Iadarola and Mr. Tuomala supported the changes.

Mr. Pinter reminded those present that this item would go before the City Council at the October meeting at which time the Council is required to send it to Public Hearing before Voting on the changes

**Councilman Cavo moved to recommend that the City Council adopt the proposed amendments to Code of Ordinances Sections 11-2,6-02,11-7 and the amendments to Code Section 17-7 regarding sidewalks as presented;**  
**and Move to recommend that the Council adopt the resolutions regarding the fee modifications authorizing the Director of Health and Human Services Department to impose a fee for certificates of occupancy for apartments, and to impose a licensing fee per room for rooming houses or hotels, and to impose a fee reducing the annual license Revitalization Zone, all as set forth in the attached Resolutions.**

As there was no further business before the committee, Mr. Cavo moved to adjourn the meeting at 7:33. Mr. Nero seconded the motion. VOTE, all in favor, motion unanimously approved.

Respectfully Submitted,

Stephen Darcy, Chair

Joe Cavo

Peter Nero

**Entertainment  
License  
Code of Ordinances  
Sec. 11-6 & 12-34**



# CITY OF DANBURY

OFFICE OF THE MAYOR  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON  
MAYOR

(203) 797-4511  
FAX (203) 796-1666  
m.boughton@danbury-ct.gov

June 25, 2012

Honorable Members of the City Council  
155 Deer Hill Avenue  
Danbury, CT 06810

**Re: Entertainment License Ordinance**

Dear Council Members:

Attached please find a draft of an Entertainment License Ordinance that would regulate businesses in the Downtown Revitalization Zone providing amplified music, sound or other noise for musical performance and dancing. The Ordinance strikes a balance between the interests of the providers of such entertainment and those of nearby restaurants and other property owners by subjecting the entertainment activities to reasonable conditions related to noise control, hours of operation and the provision of security by the entertainment establishments.

Also proposed is an amendment to the citation hearing ordinance that would allow Danbury police officers, U.N.I.T. members, and the Zoning Enforcement Officer to issue citations imposing financial penalties for violation of the Entertainment License Ordinance.

Please send the Ordinance to a Committee of the Whole and a public hearing.

Sincerely,

Mark D. Boughton, Mayor



# ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

\_\_\_\_\_ A.D. 2012

Be it ordained by the City Council of the City of Danbury:

The Code of Ordinances of the City of Danbury is hereby amended to add the following Section 11-6:

## Sec. 11-6. Entertainment Licenses.

(a) **Purpose.** Places of business located in the City of Danbury (City) Downtown Revitalization Zone (DRZ) which provide amplified music, sound or other noise for musical performances or dancing may have a detrimental effect on adjacent public or private property because of excessive noise, accumulation of outdoor trash, and alcohol abuse. The requirement of an entertainment license will provide standards for the appropriate operation of such places of business and penalties for violations thereto.

(b) **Applicability; Exemptions.** This Ordinance shall apply to any place of business located within the DRZ offering, on a regular or occasional basis, entertainment which includes (1) live or pre-recorded amplified musical performances, or (2) dancing to live or pre-recorded amplified music or song, except for the following exempt activities:

(1) Religious services or performances at any church or other place of worship.

(2) Any place of business that only provides background music or musical performances that do not disrupt normal conversation.

(3) Any activity approved by the City or otherwise permitted by law to take place on public land.

(4) Any temporary circus, farmers market, festival, or carnival exempt from securing a zoning permit in accordance with the City of Danbury Zoning Regulations or otherwise exempt from the City's Zoning Regulations pursuant to state or federal law.

(5) Public and private school programs; studios for instruction in music or dance.

(c) **Definitions.** Unless a contrary intention clearly appears, the following words shall have the meaning given in this section. All words and terms not defined herein shall be used with a meaning of standard usage.

(1) **Amplified.** Any music, sound or other noise which utilizes electronic equipment that increases the strength of electrical signals passing through it by use of electronically powered microphones, speakers, or bullhorns.

(2) **Application.** An entertainment license application the form of which shall be provided by the City to all persons required to obtain a license pursuant to this Ordinance.

(3) **Downtown Revitalization Zone.** The Downtown Revitalization Zone (DRZ) as defined in the City of Danbury Zoning Regulations.

(4) **Entertainment.** Live or pre-recorded amplified musical performances, and dancing to live or pre-recorded amplified music or song, either by patrons or by performers for the benefit of an audience of two or more persons.

(5) **Establishment.** Any existing or proposed place of business located in the DRZ which is open to the public or a private club, with or without the requirement of an admission fee, providing amplified entertainment as specified herein, including cafes, restaurants, taverns, dance halls, clubs, and other uses as specified in the City of Danbury Zoning Regulations which offer entertainment activities.

(6) **Licensee.** The owner, operator or permittee, as designated by the State of Connecticut, of the establishment, whether owned or leased by the licensee, who applies for and executes the "Entertainment License Application." If the owner or operator is different from the licensee, the owner and/or operator shall also execute and agree to be bound by the representations contained in the application and by the terms of this Ordinance, and shall be considered a licensee in addition to the permittee.

(7) **U.N.I.T.** The City of Danbury Unified Neighborhood Inspection Team whose members are or may hereafter be appointed by the Mayor.

(d) **Application Requirements.** An Application is required to be submitted to and approved by the City to provide entertainment in all establishments as herein defined. The licensee of an establishment shall be held responsible for all violations of the requirements and restrictions specified herein. Approval of the Application shall be a prior condition to operate an establishment providing entertainment, as defined herein. An Application shall include a completed Application Form as provided by the City, a floor plan of the establishment and outdoor premises, and payment of all required fees. An Application shall not be submitted prior to receipt of all required land use approvals for the proposed use. The Application shall be submitted to the City's Zoning Enforcement Officer, who shall approve or deny the Application within thirty (30) days after submittal. An Application shall be approved if it complies with all requirements set forth in this Ordinance and the Application; if the ZEO denies the Application, he shall explain in writing to the applicant why the Application does not comply with the requirements of this Ordinance or the Application. A license shall be valid for three (3) years from the date of issuance unless (1) there is a change in the licensee, as herein defined, in which case a new Application shall be submitted, including payment of all fees, and approved prior to the commencement of any applicable activity after the change or, (2) the license is revoked pursuant to subsection (g) of this Ordinance. A license is not transferable. The fee for a license shall be \$500.00 and shall be paid at the time the Application is submitted to the Zoning Enforcement Officer.

All establishments which are required to submit an Application shall comply with the requirements of this Ordinance as well as all other applicable federal, state and City regulations.

(e) **Existing Establishments.** Any establishment which is lawfully in existence as of the effective date of this Ordinance shall be allowed to continue providing entertainment provided that it files an Application no later than thirty (30) days after the date of this Ordinance. The first Application fee shall be waived for such establishments.

**(f) Restrictions.** Any establishment which receives a license under this Ordinance shall comply, as a condition of the license, with the following requirements, which are intended to provide reasonable assurances that the quiet, safety and cleanliness of the premises and vicinity are maintained:

**(1) Noise.**

(i) All amplified music, speech or noise shall be contained within a building on the premises. No amplified equipment, including speakers and bullhorns, shall be so positioned to direct music or other sound outside the building. The establishment shall provide adequate ventilation within the structure such that all windows shall be closed during amplified entertainment and exterior doors shall be open only for the passage of employees and patrons.

(ii) No employee or patron shall vocally promote entertainment provided on the premises by shouting or use of a bullhorn, amplified microphone, or speakers outdoors.

(iii) A licensee shall not make, cause to be made or otherwise allow any loud or unreasonable noise to emanate from the establishment. Noise shall be deemed to be unreasonable when it disturbs, injures or endangers the peace or health of neighboring persons of ordinary sensibilities or when it endangers the health, safety or welfare of the community. Any such noise shall be considered to be a noise disturbance and public nuisance. The prohibitions of this section shall apply whether or not the noise exceeds the decibel levels set forth in § 12-14 (e) of the City Code of Ordinances.

**(2) Hours of Operation.**

(i) The hours of operation for entertainment shall be from 9:00 a.m. to 2:00 am Fridays and Saturdays, from 11:00 a.m. to 1:00 a.m' Sundays, and from 9:00 a.m. to 1:00 a.m. all other days of the week. No patron shall be permitted to consume alcoholic beverages after the closing hour.

(ii) No alcoholic liquor shall be sold, served or dispensed within one-half hour prior to the closing hour. No patron shall be admitted to the premises after the closing hour. All patrons shall leave the licensed premises within thirty minutes after the closing hour.

(iii) The licensee and employees of the premises may remain on the premises after closing for the purpose of cleaning, maintenance, security, food preparation, and closing the business.

(iv) Establishments that serve alcohol shall not conduct events directed to persons under age 21 (e.g. "teen nights" and "18 and over" parties) except for such events at which alcohol is not served and which events take place in a portion of the establishment that is fully and securely separated by walls, dividers or other code-compliant barriers from areas where alcohol is served or consumed.

**(3) Maintenance, Design and Security.**

(i) All licensees shall maintain efficient and affirmative supervision over the conduct of their patrons in the licensed premises or on sidewalks contiguous to the licensed premises, to include maintaining free and clear passage on public rights-of-way, on real property owned or

leased by the licensee on which the licensed premises are located, and in parking areas owned or leased by the licensee for use by patrons of the licensed premises.

(ii) All licensees shall be responsible for maintaining all outdoor space on the premises, including parking areas, decks, seating areas and all other lands owned or leased by the licensee, and on all abutting public sidewalks of the premises. All such outdoor space shall be kept clear of litter and cleaned daily within eight hours after each closing.

(iii) Entertainment shall be inside the building in location(s) designated in the Application to minimize noise or other nuisances affecting adjacent property.

(iv) The licensee shall not knowingly admit to the premises any person who is then under the influence of intoxicating beverages or of drugs, nor shall the licensee knowingly permit the possession, sale or use of illegal narcotics or hallucinogenic drugs on the premises.

(v) All fights, disturbances, violence or any other violation of law shall be reported to the police immediately by the licensee or employees of the establishment.

(vi) All establishments which serve alcoholic beverages shall comply with and be operated in accordance with all applicable federal, state and City regulations.

(vii) The establishment shall implement other conditions and/or management practices necessary to ensure that management and/or patrons of the establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the use.

(viii) The licensee shall take all reasonable measures to ensure that public sidewalks and private ways adjacent to the premises are not blocked by patrons or employees and shall provide security whenever patrons gather outdoors.

(ix) Employees of the establishment shall be posted at all entrances and exits to the establishment during the period from 10:00 p.m. to such time past closing that all patrons have left the premises. These employees shall take reasonable steps to prevent patrons waiting to enter the establishment and those exiting the establishment from disrupting the quiet and cleanliness of the neighborhood as they leave the establishment.

Whenever a licensee allows a promoter to use the premises for a particular entertainment event, the licensee shall inform the promoter of the requirements of this Ordinance and shall, at least five (5) days prior to the event, obtain the promoter's agreement to abide by those requirements, provided that the licensee shall remain responsible to the City for compliance with this Ordinance.

(g) **Enforcement.** Enforcement of this Ordinance may be conducted by police officers of the Danbury Police Department, members of the U.N.I.T., or by the City's Zoning Enforcement Officer. At all times while the premises are occupied, police and other enforcement officials, while on duty, must be admitted and granted access to the entire licensed premises, including the parking lot and other areas surrounding the building. No licensee or any employee thereof shall in any way interfere with the official duties or activities of any such police or enforcement official. No licensee or employee thereof shall harass, either verbally or physically, any police or other enforcement official while such police or other enforcement official is performing his or her official duties on or within the establishment or other areas surrounding the establishment.

**(h) Penalties.** Any establishment found in violation of any of the restrictions specified above by a police officer of the Danbury Police Department or other City official authorized to enforce this Ordinance shall be issued a citation of violation in accordance with Sections 12-34 and 12-35 of the City Code of Ordinances for the following penalties to the licensee:

- (i) First Offense.** Letter of warning pursuant to § 12-34(c) of the Code of Ordinances.
- (ii) Second Offense within 12 calendar months of first offense.** License suspension of 15 days.
- (iii) Third Offense within 12 calendar months of second offense.** License suspension of 30 days.
- (iv) Fourth Offense within 12 calendar months of third offense.** Revocation of license. Licensee may reapply for a license no sooner than six months after the date of the violation.

The citation of violation shall be hand delivered or sent by registered mail within ten (10) days of the violation. The penalties specified above shall only pertain to the provision of entertainment on the premises and shall be in addition to any assessments or penalties imposed pursuant to § 12-34 (b) (4) of the City Code of Ordinances for violations of § 12-14 (h) of the City Code of Ordinances. No suspension or revocation under subsections (ii), (iii) or (iv) above shall be imposed unless and until the licensee is provided with at least fifteen (15) days prior written notice of the proposed suspension or revocation. The notice shall set forth the proposed grounds for the suspension or revocation and provide the licensee with an opportunity to request a hearing before a citation hearing officer appointed pursuant to Section 12-35 (f) of the City Code of Ordinances to show why the license should not be suspended or revoked. Any such request by the licensee shall be in writing and addressed to the official issuing the citation and to the City's Office of the Corporation Counsel and shall be delivered by hand or sent by mail no later than ten (10) days after the date of receipt of the notice. Any person who does not deliver or mail written demand for a hearing within such ten (10) day period shall be deemed to have admitted liability, and the issuing official shall certify such person's failure to respond to the hearing officer. The hearing shall be held in accordance with the procedures set forth in Section 12-35(c) of the City Code of Ordinances. If the hearing officer determines that the license shall be suspended or revoked, he or she shall enter an order which shall set forth the date on which the suspension or revocation shall take effect, which shall be no later than fifteen (15) days from the date of entry of the order.

**(i) Additional Penalties for Court Enforcement.** If any person violates any provision of this Ordinance by either 1) failing to comply with the requirements of any license issued hereunder, or 2) failing to apply for a license as may be required, such person shall be liable to the City for its costs and reasonable attorney's fees in any action in the courts of this state to enforce the Ordinance.

**(j) Effective Date.** This Ordinance shall become effective on \_\_\_\_\_.

COPY SHOWING DELECTION AND NEW LANGUAGE:

**Sec. 12-34. Citations.**

*THAT Subsection 12-34(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a new paragraph (11), which said paragraph reads as follows:*

(11) DANBURY POLICE OFFICERS, U.N.I.T. MEMBERS AND THE ZONING ENFORCEMENT OFFICER SHALL BE AUTHORIZED TO ISSUE CITATIONS IMPOSING PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF SECTION 11-6 OF THE DANBURY CODE OF ORDINANCES.

*THAT Subsection 12-34(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended by renumbering (b)(11) to become (b)(12) which said paragraph reads as follows:*

(12) ~~(11)~~ IN ADDITION TO THOSE OFFICIALS AND THOSE PROVISIONS OF THE ORDINANCES OF THE CITY OF DANBURY ALREADY REFERENCED IN (B)(1) THROUGH (B)(11) ~~(10)~~, OFFICERS AND EMPLOYEES DESIGNATED PURSUANT TO THE PROVISIONS OF ANY OTHER DULY ENACTED ORDINANCE PROVIDING FOR ENFORCEMENT BY CITATION PROCEDURE ARE HEREBY SO AUTHORIZED.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by strikeouts.



# ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

\_\_\_\_\_ A.D. 2012

**Be it ordained by the City Council of the City of Danbury:**

## **Sec. 12-34. Citations.**

*THAT Subsection 12-34(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a new paragraph (11), which said paragraph reads as follows:*

(11) Danbury police officers, U.N.I.T. members and the Zoning Enforcement Officer shall be authorized to issue citations imposing penalties for violations of the provisions of section 11-6 of the Danbury Code of Ordinances.

*THAT Subsection 12-34(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended by renumbering (b)(11) to become (b)12 which said paragraph reads as follows:*

(12) In addition to those officials and those provisions of the ordinances of the City of Danbury already referenced in (b)(1) through (b)(11), officers and employees designated pursuant to the provisions of any other duly enacted ordinance providing for enforcement by citation procedure are hereby so authorized.