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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

August 20, 2015

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

Re: Neighborhood Preservation Zone
Code Section 12-14.1 (proposed)

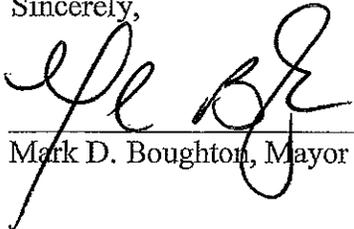
Dear Council:

This is a request that you consider the adoption of an additional tool to deal with noise and related nuisance activity in City communities. Since you already have a pending committee to handle revisions to noise complaints and accessory issues, it is appropriate to join this "NPZ" ordinance proposal for consideration with the related draft legislation that you be receiving and considering prior to ad hoc.

The attached ordinance, although numerically slightly different, will be a "subset" of the existing noise ordinance, and will be useful to manage and regulate additional issues in our community that have come forward in recent times.

Please let me know if you have any questions in the meantime.

Sincerely,



Mark D. Boughton, Mayor

Attachment
"NPZletter"



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

_____ A.D. 2015

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

That the Code of ordinances of Danbury, Connecticut, is hereby amended by adding a section, to be numbered 12-14.1 which said section shall read as follows:

Sec. 12-14.1. Neighborhood preservation of quality of life. Creation of Neighborhood Preservation Zone "NPZ".

- (a) Statement of purpose. The purpose of this section is to regulate specified outdoor activity that has been found detrimental to the general health, well being, safety and welfare of the residents and communities of the City of Danbury, including the preservation of property values, reducing or eliminating offensive noise and securing order in City communities. The attendant increase in vehicular traffic as well as excessive on and off street parking and lighting associated with such conditions have also been found to constitute both private and public nuisance activity. For such purposes, the provisions of the Neighborhood Protection Preservation Zone "NPPZ" are hereby established to protect the communities of Danbury.
- (b) Definitions. As used in this section, the following terms shall have the meanings described herein, unless the context clearly indicates that a different meaning is intended.
- (1). "Nuisance" shall mean conduct associated with an outdoor group activity which in the sole determination of the City causes a disturbance or unreasonably interferes with another person's use and/or interest in the use of their property, including but not limited to the creation of (i) excessive noise; (ii) increase in vehicular traffic; (iii) non-permitted on and off street parking; (iv) excessive lighting and (v) housing or other blight.
 - (2) "Outdoor Group Activity" shall mean any sporting or any other group or impact activity engaged in outdoors on private residential property, by ten (10) or more persons in a residential zone or affecting a residential zone as defined pursuant to the City of Danbury Zoning Regulations.
 - (3) "UNIT" shall mean the municipal Unified neighborhood Intervention Team, duly organized and constituted.
- (c) Enforcement and trigger. Upon written or other verified complaint either by the Danbury Police Department or by the owners or residents and filed with the UNIT offices, by two or more properties within five hundred (500) feet of the property containing or maintaining an Outdoor Group Activity, alleging that an owner or tenant of private property has created a nuisance or disturbance by engaging in or permitting such activity on his or her property, the UNIT shall be authorized to issue warnings or citations pursuant to section 12-34 of this Code and the Connecticut General Statutes section 7-148 et seq. and the Danbury Police Department, in addition to citations, shall be authorized to issue summons and fines as set forth in said Connecticut General Statutes.

Citations shall not be the exclusive remedy for any enforcement pursuant to this section.

- (d) Prohibited acts. No property owner or tenant in any residential zone shall, at any time, in such residential zone or affecting any residential zone allow, authorize or maintain Outdoor Group Activities that constitute a nuisance or disturbance.
- (e) Penalties. In addition to such other penalties as may be authorized by other law, the UNIT, the Danbury Police Department or other authorized enforcement agent is authorized to issue warnings, citations or fines to the maximum of \$250.00 or such maximum as may be authorized by law to those violating the provisions of this section.

Each violation of this section shall constitute a separate offense, and each day of violation constitutes a separate offense.

- (f) Costs of enforcement/Lien. In addition to such penalties as herein authorized and in recognition of the taxpayers' expenditures necessitated by the enforcement of these provisions, the party or parties found to have violated these provisions shall be liable for all costs and expenses of municipal officials required in such enforcement. Assessment of such costs or expenses may be appealed to a duly designated citation hearing officer pursuant to Code section 12-35.

Any unpaid penalty or assessment of cost or expense may result in a lien upon the property of the violator.

- (g) Interpretation. No provision of this section shall be interpreted or construed to prohibit speech, expression or conduct protected by the laws of the State of Connecticut or the laws of the United States.
- (h) Severability. If any provision of this section or the application thereof shall be held invalid or unenforceable, the remainder of this section or the application of such terms and provisions to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each remaining term and provision hereof shall be deemed valid and be enforced to the fullest extent permitted by law.