

**~AD HOC REPORT~  
Neighborhood Preservation Zone  
Monday, February 22, 2016**

Chairman Christopher Arconti called the meeting to order at 6:45 p.m. on Monday, February 22, 2016, in the Caucus Room, 3rd Floor, Danbury City Hall, 155 Deer Hill Avenue. Present were Committee Members Joe Cavo and Fred Visconti. Also present were Ex-Officio Members Paul Rotello and Chief Philip Curran, Mayor Mark Boughton, Police Chief Alan Baker, Mayor's Office Chief of Staff Dean Esposito, Deputy Corporation Counsel Les Pinter, UNIT Coordinator Shawn Stillman, Office of Neighborhood Assistance, and Members of the Public.

Mr. Arconti stated the purpose of the meeting is to discuss the Neighborhood Preservation Ordinance 12-14.1.

As the Petitioner, Mr. Boughton discussed the Ordinance Section with regard to issues that have arisen - for instance, a citizen running a business out of their home and repetitively hosting large parties. He stated while parties are fine, these consistent parties where food and beverages are being sold, is bringing problems of parking, etc. These changes include fines and allows for enforcement options.

Mr. Pinter discussed residential neighborhoods atmosphere, traffic, public safety, light issues, excessive noise, etc. This includes ways to deal with an outdoor group activity of 10 or more people where a violation of certain items outlined in the Ordinance occur. The complaint would need to be made by two or more people within 500 feet of the offending property. Following an initial warning, the citation fine would then be \$250 for each day of violation and cost recovery for enforcement which can include a lien on the property. He noted this works very well with the Noise Ordinance. He responded that this includes sporting events as well and that a variance would not apply to this Ordinance.

Regarding disseminating the information in the Ordinance, Mr. Boughton noted there has been success and cooperation with many of the social service clubs in town. He noted for these situations, one-on-one contact may be better than a wide ranging broadcast of the information.

Mr. Rotello brought up the issue of limits a property owner has with regard to noisy tenants, noting a lien put a well-meaning property owner in a bind and the landlord should be separated from the antagonist. Mr. Pinter noted the citation goes to the perpetrator, and the property owner can take his own remedy against the tenant. There were comments from several members regarding out of town landlords.

Mr. Cavo suggested a landlord could bring the issue to the Hearing Officer and ask for time if an eviction is in process.

**A motion was made by Councilman Cavo, and seconded by Councilman Visconti, that the Ad Hoc recommend to the City Council as a Whole, the collateral adoption of Section 12-14.1 Neighborhood Preservation Quality of Life creation of Neighborhood Preservation Zone (NPZ), and to hold an appropriate Public Hearing in the process.** The motion passed unanimously.

**A motion was made by Councilman Cavo, and seconded by Councilman Visconti, that the Ad Hoc Committee be adjourned.** The motion passed unanimously at 7:15 p.m.

Respectfully Submitted,

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Christopher Arconti, Chairman  
Joe Cavo  
Fred Visconti



# ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT  
CITY COUNCIL

\_\_\_\_\_ A.D. 2016

**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/or (v) housing or other blight.
  - (2) "Outdoor Group Activity" shall mean any singular or repetitive 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) Trigger and enforcement. Upon written or other properly verified complaint by any person either to the Danbury Police Department or filed with City UNIT offices, or by two or more owners of 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 and may be enforced in any manner authorized by law.

- (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.