

3



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

July 19, 2016

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

Dear Council Members:

This year the Connecticut General Assembly adopted PA No. 16-122, which amends existing state statutes governing littering. The new provision allows the city to assess a separate administrative penalty of up to five hundred dollars (\$500.00) in cases where the responsible party or property owner discards litter containing furniture, automobiles or automobile parts, large appliances, tires, bulky waste, hazardous waste or any other similar material.

Attached you will find a proposed ordinance that codifies this new administrative penalty and insures that it is only imposed after the responsible party or property owner is given notice of the charge and the opportunity to be heard under our existing citation hearing process.

Given the scope of this state-wide problem, I believe it is vital that we utilize all the tools available to us in order to protect our environment and the quality of life of our residents. The incorporation of this new enforcement technique in our existing arsenal serves that purpose and I therefore encourage you to consider the adoption of the attached ordinance at your earliest convenience.

Sincerely,

Mark D. Boughton,
Mayor

Attachment

COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT Section 4-2 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 4-2. - Littering on public or private property prohibited.

A. Pursuant to provisions of C.G.S. section 22a-250(a), as amended, no person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public property in the City of Danbury or upon private property in the City of Danbury not owned by said person or in the waters of the City of Danbury including, but not limited to, any public highway, park, beach, campground, forest land, recreational area, mobile manufactured home park, road, street or alley except:

- (1) When such property is designated by the state or the City of Danbury for the disposal of solid waste, recyclable solid waste, garbage or refuse, and such person is authorized to use such property for such purpose;
- (2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public properties or waters.

B. Nothing in this section shall be construed to prevent the placing of approved containers which contain litter at curbside for schedule collection, as provided for in this chapter.

C. Pursuant to C.G.S. section 22a-226d(a), as may be amended from time to time, violation of this section is punishable by a fine of one thousand dollars (\$1,000.00) per violation. Each separate activity pursuant to subsection A. shall constitute a separate offense. PURSUANT TO THE PROVISIONS OF SECTION 1 OF PUBLIC ACT NO. 16-122, AFTER CONDUCTING A HEARING IN ACCORDANCE WITH SECTION 12-35 OF THIS CODE, THE CITY MAY ASSESS A SEPARATE ADMINISTRATIVE PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS (\$500.00) UPON THE RESPONSIBLE PARTY OR PROPERTY OWNER, AS APPLICABLE, IF SUCH LITTER INCLUDES ANY ITEM OF FURNITURE OR ANY DISCARDED ITEM LISTED IN C.G.S. SECTION 22a-250(d).

D. Pursuant to C.G.S. section 22a-226d(b), any police officer, the City of Danbury UNIT Litter Control Officer, and any other person so authorized by the chief executive officer may issue a citation to any person who commits a violation under this section in accordance with sections 12-34 and 12-35 of the Code of Ordinances of the City of Danbury. In addition, enforcement of this section may, in the alternative, be through remedies available through other law not otherwise inconsistent herewith.

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. 2016

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

Sec. 4-2. - Littering on public or private property prohibited.

A. Pursuant to provisions of C.G.S. section 22a-250(a), as amended, no person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public property in the City of Danbury or upon private property in the City of Danbury not owned by said person or in the waters of the City of Danbury including, but not limited to, any public highway, park, beach, campground, forest land, recreational area, mobile manufactured home park, road, street or alley except:

(1) When such property is designated by the state or the City of Danbury for the disposal of solid waste, recyclable solid waste, garbage or refuse, and such person is authorized to use such property for such purpose;

(2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public properties or waters.

B. Nothing in this section shall be construed to prevent the placing of approved containers which contain litter at curbside for schedule collection, as provided for in this chapter.

C. Pursuant to C.G.S. section 22a-226d(a), as may be amended from time to time, violation of this section is punishable by a fine of one thousand dollars (\$1,000.00) per violation. Each separate activity pursuant to subsection A. shall constitute a separate offense. Pursuant to the provisions of Section 1 of Public Act No. 16-122, after conducting a hearing in accordance with Section 12-35 of this code, the City may assess a separate administrative penalty of not more than five hundred dollars (\$500.00) upon the responsible party or property owner, as applicable, if such litter includes any item of furniture or any discarded item listed in C.G.S. section 22a-250(d).

D. Pursuant to C.G.S. section 22a-226d(b), any police officer, the City of Danbury UNIT Litter Control Officer, and any other person so authorized by the chief executive officer may issue a citation to any person who commits a violation under this section in accordance with sections 12-34 and 12-35 of the Code of Ordinances of the City of Danbury. In addition, enforcement of this section may, in the alternative, be through remedies available through other law not otherwise inconsistent herewith.