



General Assembly

Amendment

February Session, 2010

LCO No. 5565

SB0020105565H00

Offered by:

REP. TONG, 147th Dist.

REP. FLOREN, 149th Dist.

To: Subst. Senate Bill No. 201

File No. 292

Cal. No. 401

**"AN ACT CONCERNING TECHNICAL REVISIONS TO THE
PLANNING AND DEVELOPMENT STATUTES."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subparagraph (H) of subdivision (7) of subsection (c) of
4 section 7-148 of the general statutes is repealed and the following is
5 substituted in lieu thereof (*Effective October 1, 2010*):

6 (H) (i) Secure the safety of persons in or passing through the
7 municipality by regulation of shows, processions, parades and music;

8 (ii) Regulate and prohibit the carrying on within the municipality of
9 any trade, manufacture, business or profession which is, or may be, so
10 carried on as to become prejudicial to public health, conducive to fraud
11 and cheating, or dangerous to, or constituting an unreasonable
12 annoyance to, those living or owning property in the vicinity;

13 (iii) Regulate auctions and garage and tag sales;

- 14 (iv) Prohibit, restrain, license and regulate the business of peddlers,
15 auctioneers and junk dealers in a manner not inconsistent with the
16 general statutes;
- 17 (v) Regulate and prohibit swimming or bathing in the public or
18 exposed places within the municipality;
- 19 (vi) Regulate and license the operation of amusement parks and
20 amusement arcades including, but not limited to, the regulation of
21 mechanical rides and the establishment of the hours of operation;
- 22 (vii) Prohibit, restrain, license and regulate all sports, exhibitions,
23 public amusements and performances and all places where games may
24 be played;
- 25 (viii) Preserve the public peace and good order, prevent and quell
26 riots and disorderly assemblages and prevent disturbing noises;
- 27 (ix) Establish a system to obtain a more accurate registration of
28 births, marriages and deaths than the system provided by the general
29 statutes in a manner not inconsistent with the general statutes;
- 30 (x) Control insect pests or plant diseases in any manner deemed
31 appropriate;
- 32 (xi) Provide for the health of the inhabitants of the municipality and
33 do all things necessary or desirable to secure and promote the public
34 health;
- 35 (xii) Regulate the use of streets, sidewalks, highways, public places
36 and grounds for public and private purposes;
- 37 (xiii) Make and enforce police, sanitary or other similar regulations
38 and protect or promote the peace, safety, good government and
39 welfare of the municipality and its inhabitants;
- 40 (xiv) Regulate, in addition to the requirements under section 7-282b,
41 the installation, maintenance and operation of any device or

42 equipment in a residence or place of business which is capable of
43 automatically calling and relaying recorded emergency messages to
44 any state police or municipal police or fire department telephone
45 number or which is capable of automatically calling and relaying
46 recorded emergency messages or other forms of emergency signals to
47 an intermediate third party which shall thereafter call and relay such
48 emergency messages to a state police or municipal police or fire
49 department telephone number. Such regulations may provide for
50 penalties for the transmittal of false alarms by such devices or
51 equipment;

52 (xv) Make and enforce regulations [preventing] for the prevention
53 and remediation of housing blight, including regulations reducing
54 assessments and authorizing designated agents of the municipality to
55 enter property during reasonable hours for the purpose of remediating
56 blighted conditions, provided such regulations define housing blight,
57 and further provided such regulations shall not authorize such
58 municipality or its designated agents to enter any dwelling house or
59 structure on such property, and including regulations establishing a
60 duty to maintain property and specifying standards to determine if
61 there is neglect; prescribe fines for the violation of such regulations of
62 not less than ten or more than one hundred dollars for each day that a
63 violation continues and, if such fines are prescribed, such municipality
64 shall adopt a citation hearing procedure in accordance with section 7-
65 152c;

66 (xvi) Regulate, on any property owned by the municipality, any
67 activity deemed to be deleterious to public health, including the
68 lighting or carrying of a lighted cigarette, cigar, pipe or similar device;

69 Sec. 502. Section 7-148ff of the 2010 supplement to the general
70 statutes is repealed and the following is substituted in lieu thereof
71 (*Effective October 1, 2010*):

72 (a) Any municipality that has regulations preventing housing blight
73 under subparagraph (H)(xv) of subdivision (7) of subsection (c) of

74 section 7-148, as amended by this act, may, by ordinance adopted by
75 its legislative body on recommendation of its board of finance or
76 equivalent body, provide for a special assessment on housing that is
77 blighted, as defined in such regulations. Such ordinance may authorize
78 a municipality to designate an agent or agents who shall have the right
79 to enter property during reasonable hours for the purpose of
80 remediating blighted conditions, provided such agent or agents shall
81 not enter any dwelling house or other structure.

82 (b) Prior to initial approval by the legislative body of such
83 municipality of the plan for implementation of the special assessment
84 to be provided pursuant to the provisions of this section, the executive
85 authority of such municipality shall appoint a committee consisting of
86 not less than six taxpayers of such municipality, one of whom shall be
87 a landlord, the tax assessor and representatives of municipal agencies
88 responsible for zoning and health, housing, fire and other safety code
89 compliance. The committee shall undertake and complete, within a
90 period not in excess of sixty days following such appointment, a study
91 and investigation with respect to such special assessment and shall
92 submit a report to the board of finance or equivalent body of such
93 municipality. The report shall include, but not be limited to, the
94 following: (1) A statement describing the fiscal effect of a special
95 assessment on the revenue for the municipality; (2) identification of
96 properties that may be subject to a special assessment; (3) the amount
97 of property taxes generated by the properties and the cost to the
98 municipality for code enforcement on such properties, including costs
99 for police and fire personnel; (4) recommendations with respect to the
100 form and extent of any assessment; and (5) standards for imposition of
101 the assessment. In establishing any standards, the committee shall
102 consider the number of outstanding health, housing and safety
103 violations for the property, the number of times municipal health,
104 housing and safety personnel have had to inspect the property and the
105 cost to the municipality to enforce code compliance on the property.
106 After the initial approval of the special assessment by the legislative
107 body of such municipality, such plan may be amended from time to

108 time by vote of its legislative body on recommendation of its board of
109 finance or equivalent body without compliance with the requirements
110 of this subsection applicable to such initial approval.

111 (c) Any ordinance adopted under subsection (a) of this section shall
112 include, but not be limited to, the following: (1) Standards to
113 determine (A) if a special assessment should be imposed on a
114 property, and (B) under what circumstances, if any, a right of entry to
115 remediate a blighted condition on a property shall be authorized, (2)
116 the amount of the assessment, which shall be a reasonable amount and
117 based on an analysis of the costs to the municipality for code
118 inspection and enforcement, including costs for police and fire
119 personnel, (3) procedures for notice to the property owner of
120 imposition of the special assessment and determination that a right of
121 entry to remediate a blighted condition on a property is authorized,
122 which shall include a time period to remedy the code noncompliance
123 before the assessment is due or the right of entry is authorized and a
124 process for appeal of an assessment or authorization, and which may
125 allow for notice to be delivered in accordance with section 7-148ii
126 when the property owner is a registrant, and (4) the appointment of a
127 board consisting of the finance director, tax assessor and municipal
128 code enforcement official to determine when the special assessment
129 should be imposed or the right of entry authorized on specific
130 property. Annually, the legislative body shall review the amount of
131 any assessment to be imposed pursuant to an ordinance adopted
132 under this section and may revise such amount.

133 (d) Any funds received by a municipality from a special assessment
134 imposed pursuant to an ordinance adopted under subsection (c) of this
135 section shall be deposited into a special fund or account maintained by
136 the municipality which shall be dedicated for expenses of the
137 municipality related to enforcement of ordinances regulating blight
138 and state and local health, housing and safety codes and regulations,
139 including expenses related to community police, and the remediation
140 of blighted conditions, when authorized.

141 (e) Any unpaid special assessment imposed by a municipality
142 pursuant to the provisions of an ordinance adopted under subsection
143 (c) of this section shall constitute a lien upon the real estate against
144 which the fine was imposed from the date of such fine. Each such lien
145 may be continued, recorded and released in the manner provided by
146 the general statutes for continuing, recording and releasing property
147 tax liens. Each such lien may be enforced in the same manner as
148 property tax liens."