



General Assembly

January Session, 2015

Raised Bill No. 7012

LCO No. 5208



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING A MUNICIPALITY'S AUTHORITY TO
REGULATE THE CONSTRUCTION OF FENCES AND THE PLANTING
OF TREES AND SHRUBS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (7) of subsection (c) of section 7-148 of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2015*):

4 (7) (A) (i) Make rules relating to the maintenance of safe and
5 sanitary housing;

6 (ii) Regulate the mode of using any buildings when such regulations
7 seem expedient for the purpose of promoting the safety, health, morals
8 and general welfare of the inhabitants of the municipality;

9 (iii) Regulate and prohibit the moving of buildings upon or through
10 the streets or other public places of the municipality, and cause the
11 removal and demolition of unsafe buildings and structures;

12 (iv) Regulate and provide for the licensing of parked trailers when

13 located off the public highways, and trailer parks or mobile
14 manufactured home parks, except as otherwise provided by special act
15 and except where there exists a local zoning commission so
16 empowered;

17 (v) Establish lines beyond which no buildings, steps, stoop, veranda,
18 billboard, advertising sign or device, fence or other structure or
19 obstruction may be erected and establish lines beyond which no tree,
20 shrub or other vegetation may be planted;

21 (vi) Regulate and prohibit the placing, erecting or keeping of signs,
22 awnings or other things upon or over the sidewalks, streets and other
23 public places of the municipality;

24 (vii) Regulate plumbing and house drainage;

25 (viii) Prohibit or regulate the construction of dwellings, apartments,
26 boarding houses, hotels, commercial buildings, youth camps or
27 commercial camps and commercial camping facilities in such
28 municipality unless the sewerage facilities have been approved by the
29 authorized officials of the municipality;

30 (B) (i) Regulate and prohibit, in a manner not inconsistent with the
31 general statutes, traffic, the operation of vehicles on streets and
32 highways, off-street parking and on-street residential neighborhood
33 parking areas in which on-street parking is limited to residents of a
34 given neighborhood, as determined by the municipality;

35 (ii) Regulate the speed of vehicles, subject to the provisions of the
36 general statutes relating to the regulation of the speed of motor
37 vehicles and of animals, and the driving or leading of animals through
38 the streets;

39 (C) Regulate and prohibit the construction or use, and require the
40 removal of sinks, cesspools, drains, sewers, privies, barns, outhouses
41 and poultry pens and houses;

42 (D) (i) Regulate and prohibit the going at large of dogs and other
43 animals in the streets and public places of the municipality and
44 prevent cruelty to animals and all inhuman sports, except that no
45 municipality shall adopt breed-specific dog ordinances;

46 (ii) Regulate and prohibit the keeping of wild or domestic animals,
47 including reptiles, within the municipal limits or portions thereof;

48 (E) Define, prohibit and abate within the municipality all nuisances
49 and causes thereof, and all things detrimental to the health, morals,
50 safety, convenience and welfare of its inhabitants and cause the
51 abatement of any nuisance at the expense of the owner or owners of
52 the premises on which such nuisance exists;

53 (F) (i) Keep streets, sidewalks and public places free from undue
54 noise and nuisances, and prohibit loitering thereon;

55 (ii) Regulate loitering on private property with the permission of the
56 owner thereof;

57 (iii) Prohibit the loitering in the nighttime of minors on the streets,
58 alleys or public places within its limits;

59 (iv) Prevent trespassing on public and private lands and in
60 buildings in the municipality;

61 (G) Prevent vice and suppress gambling houses, houses of ill-fame
62 and disorderly houses;

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

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

- 70 (iii) Regulate auctions and garage and tag sales;
- 71 (iv) Prohibit, restrain, license and regulate the business of peddlers,
72 auctioneers and junk dealers in a manner not inconsistent with the
73 general statutes;
- 74 (v) Regulate and prohibit swimming or bathing in the public or
75 exposed places within the municipality;
- 76 (vi) Regulate and license the operation of amusement parks and
77 amusement arcades including, but not limited to, the regulation of
78 mechanical rides and the establishment of the hours of operation;
- 79 (vii) Prohibit, restrain, license and regulate all sports, exhibitions,
80 public amusements and performances and all places where games may
81 be played;
- 82 (viii) Preserve the public peace and good order, prevent and quell
83 riots and disorderly assemblages and prevent disturbing noises;
- 84 (ix) Establish a system to obtain a more accurate registration of
85 births, marriages and deaths than the system provided by the general
86 statutes in a manner not inconsistent with the general statutes;
- 87 (x) Control insect pests or plant diseases in any manner deemed
88 appropriate;
- 89 (xi) Provide for the health of the inhabitants of the municipality and
90 do all things necessary or desirable to secure and promote the public
91 health;
- 92 (xii) Regulate the use of streets, sidewalks, highways, public places
93 and grounds for public and private purposes;
- 94 (xiii) Make and enforce police, sanitary or other similar regulations
95 and protect or promote the peace, safety, good government and
96 welfare of the municipality and its inhabitants;

97 (xiv) Regulate, in addition to the requirements under section 7-282b,
98 the installation, maintenance and operation of any device or
99 equipment in a residence or place of business which is capable of
100 automatically calling and relaying recorded emergency messages to
101 any state police or municipal police or fire department telephone
102 number or which is capable of automatically calling and relaying
103 recorded emergency messages or other forms of emergency signals to
104 an intermediate third party which shall thereafter call and relay such
105 emergency messages to a state police or municipal police or fire
106 department telephone number. Such regulations may provide for
107 penalties for the transmittal of false alarms by such devices or
108 equipment;

109 (xv) Make and enforce regulations for the prevention and
110 remediation of housing blight, including regulations reducing
111 assessments and authorizing designated agents of the municipality to
112 enter property during reasonable hours for the purpose of remediating
113 blighted conditions, provided such regulations define housing blight
114 and require such municipality to give written notice of any violation to
115 the owner and occupant of the property and provide a reasonable
116 opportunity for the owner and occupant to remediate the blighted
117 conditions prior to any enforcement action being taken, and further
118 provided such regulations shall not authorize such municipality or its
119 designated agents to enter any dwelling house or structure on such
120 property, and including regulations establishing a duty to maintain
121 property and specifying standards to determine if there is neglect;
122 prescribe civil penalties for the violation of such regulations of not less
123 than ten or more than one hundred dollars for each day that a
124 violation continues and, if such civil penalties are prescribed, such
125 municipality shall adopt a citation hearing procedure in accordance
126 with section 7-152c;

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	7-148(c)(7)

Statement of Purpose:

To ensure that a municipality is vested with the authority to prohibit the construction of fences or the planting of trees, shrubs or other vegetation that would interfere with a property owner's ability to enjoy his or her own property.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]