



General Assembly

January Session, 2019

Committee Bill No. 5127

LCO No. 3518



* 0 3 5 1 8 H B 0 5 1 2 7 P D *

Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:

(PD)

**AN ACT CONCERNING THE ERECTION OF FENCES AND THE
PLANTING OF HEDGES AND TREES THAT OBSTRUCT WATER
VIEWS.**

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

1 Section 1. Subsection (c) of section 7-148 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *January 1, 2020*):

4 (c) Any municipality shall have the power to do any of the
5 following, in addition to all powers granted to municipalities under
6 the Constitution and general statutes:

7 (1) (A) Contract and be contracted with, sue and be sued, and
8 institute, prosecute, maintain and defend any action or proceeding in
9 any court of competent jurisdiction;

10 (B) Provide for the authentication, execution and delivery of deeds,
11 contracts, grants, and releases of municipal property and for the
12 issuance of evidences of indebtedness of the municipality;

13 (2) (A) Establish and maintain a budget system;

14 (B) Assess, levy and collect taxes for general or special purposes on
15 all property, subjects or objects which may be lawfully taxed, and
16 regulate the mode of assessment and collection of taxes and
17 assessments not otherwise provided for, including establishment of a
18 procedure for the withholding of approval of building application
19 when taxes or water or sewer rates, charges or assessments imposed
20 by the municipality are delinquent for the property for which an
21 application was made;

22 (C) Make appropriations for the support of the municipality and
23 pay its debts;

24 (D) Make appropriations for the purpose of meeting a public
25 emergency threatening the lives, health or property of citizens,
26 provided such appropriations shall require a favorable vote of at least
27 two-thirds of the entire membership of the legislative body or, when
28 the legislative body is the town meeting, at least two-thirds of those
29 present and voting;

30 (E) Make appropriations to military organizations, hospitals, health
31 care facilities, public health nursing organizations, nonprofit museums
32 and libraries, organizations providing drug abuse and dependency
33 programs and any other private organization performing a public
34 function;

35 (F) Provide for the manner in which contracts involving unusual
36 expenditures shall be made;

37 (G) When not specifically prescribed by general statute or by
38 charter, prescribe the form of proceedings and mode of assessing
39 benefits and appraising damages in taking land for public use, or in
40 making public improvements to be paid for, in whole or in part, by
41 special assessments, and prescribe the manner in which all benefits
42 assessed shall be collected;

43 (H) Provide for the bonding of municipal officials or employees by

44 requiring the furnishing of such bond, conditioned upon honesty or
45 faithful performance of duty and determine the amount, form, and
46 sufficiency of the sureties thereof;

47 (I) Regulate the method of borrowing money for any purpose for
48 which taxes may be levied and borrow on the faith and credit of the
49 municipality for such general or special purposes and to such extent as
50 is authorized by general statute;

51 (J) Provide for the temporary borrowing of money;

52 (K) Create a sinking fund or funds or a trust fund or funds or other
53 special funds, including funds which do not lapse at the end of the
54 municipal fiscal year;

55 (L) Provide for the assignment of municipal tax liens on real
56 property to the extent authorized by general statute;

57 (3) (A) Take or acquire by gift, purchase, grant, including any grant
58 from the United States or the state, bequest or devise and hold,
59 condemn, lease, sell, manage, transfer, release and convey such real
60 and personal property or interest therein absolutely or in trust as the
61 purposes of the municipality or any public use or purpose, including
62 that of education, art, ornament, health, charity or amusement,
63 cemeteries, parks or gardens, or the erection or maintenance of statues,
64 monuments, buildings or other structures, require. Any lease of real or
65 personal property or any interest therein, either as lessee or lessor, may
66 be for such term or any extensions thereof and upon such other terms
67 and conditions as have been approved by the municipality, including
68 without limitation the power to bind itself to appropriate funds as
69 necessary to meet rent and other obligations as provided in any such
70 lease;

71 (B) Provide for the proper administration of gifts, grants, bequests
72 and devises and meet such terms or conditions as are prescribed by the
73 grantor or donor and accepted by the municipality;

74 (4) (A) Provide for police protection, regulate and prescribe the
75 duties of the persons providing police protection with respect to
76 criminal matters within the limits of the municipality and maintain
77 and regulate a suitable place of detention within the limits of the
78 municipality for the safekeeping of all persons arrested and awaiting
79 trial and do all other things necessary or desirable for the policing of
80 the municipality;

81 (B) Provide for fire protection, organize, maintain and regulate the
82 persons providing fire protection, provide the necessary apparatus for
83 extinguishing fires and do all other things necessary or desirable for
84 the protection of the municipality from fire;

85 (C) Provide for entertainment, amusements, concerts, celebrations
86 and cultural activities, including the direct or indirect purchase,
87 ownership and operation of the assets of one or more sports franchises;

88 (D) Provide for ambulance service by the municipality or any
89 person, firm or corporation;

90 (E) Provide for the employment of nurses;

91 (F) Provide for lighting the streets, highways and other public
92 places of the municipality and for the care and preservation of public
93 lamps, lamp posts and fixtures;

94 (G) Provide for the furnishing of water, by contract or otherwise;

95 (H) Provide for or regulate the collection and disposal of garbage,
96 trash, rubbish, waste material and ashes by contract or otherwise,
97 including prohibiting the throwing or placing of such materials on the
98 highways;

99 (I) Provide for the financing, construction, rehabilitation, repair,
100 improvement or subsidization of housing for low and moderate
101 income persons and families;

102 (5) (A) Provide for and establish pension systems for the officers
103 and employees of the municipality and for the active members of any
104 volunteer fire department or any volunteer ambulance association of
105 the municipality, and establish a system of qualification for the tenure
106 in office of such officers and employees, provided the rights or benefits
107 granted to any individual under any municipal retirement or pension
108 system shall not be diminished or eliminated;

109 (B) Establish a merit system or civil service system for the selection
110 and promotion of public officials and employees. Nothing in this
111 subparagraph shall be construed to validate any merit system or civil
112 service system established prior to May 24, 1972;

113 (C) Provide for the employment of and prescribe the salaries,
114 compensation and hours of employment of all officers and employees
115 of the municipality and the duties of such officers and employees not
116 expressly defined by the Constitution of the state, the general statutes,
117 charter or special act;

118 (D) Provide for the appointment of a municipal historian;

119 (6) (A) (i) Establish, lay out, construct, reconstruct, alter, maintain,
120 repair, control and operate cemeteries, public burial grounds,
121 hospitals, clinics, institutions for children and aged, infirm and
122 chronically ill persons, bus terminals and airports and their
123 accessories, docks, wharves, school houses, libraries, parks,
124 playgrounds, playfields, fieldhouses, baths, bathhouses, swimming
125 pools, gymnasiums, comfort stations, recreation places, public beaches,
126 beach facilities, public gardens, markets, garbage and refuse disposal
127 facilities, parking lots and other off-street parking facilities, and any
128 and all buildings or facilities necessary or convenient for carrying on
129 the government of the municipality;

130 (ii) Create, provide for, construct, regulate and maintain all things in
131 the nature of public works and improvements;

132 (iii) Enter into or upon any land for the purpose of making
133 necessary surveys or mapping in connection with any public
134 improvement, and take by eminent domain any lands, rights,
135 easements, privileges, franchises or structures which are necessary for
136 the purpose of establishing, constructing or maintaining any public
137 work, or for any municipal purpose, in the manner prescribed by the
138 general statutes;

139 (iv) Regulate and protect from injury or defacement all public
140 buildings, public monuments, trees and ornaments in public places
141 and other public property in the municipality;

142 (v) Provide for the planting, rearing and preserving of shade and
143 ornamental trees on the streets and public grounds;

144 (vi) Provide for improvement of waterfronts by a board,
145 commission or otherwise;

146 (B) (i) Lay out, construct, reconstruct, repair, maintain, operate,
147 alter, extend and discontinue sewer and drainage systems and sewage
148 disposal plants;

149 (ii) Enter into or upon any land for the purpose of correcting the
150 flow of surface water through watercourses which prevent, or may
151 tend to prevent, the free discharge of municipal highway surface water
152 through said courses;

153 (iii) Regulate the laying, location and maintenance of gas pipes,
154 water pipes, drains, sewers, poles, wires, conduits and other structures
155 in the streets and public places of the municipality;

156 (iv) Prohibit and regulate the discharge of drains from roofs of
157 buildings over or upon the sidewalks, streets or other public places of
158 the municipality or into sanitary sewers;

159 (v) Enter into energy-savings performance contracts;

160 (C) (i) Lay out, construct, reconstruct, alter, maintain, repair, control,
161 operate, and assign numbers to streets, alleys, highways, boulevards,
162 bridges, underpasses, sidewalks, curbs, gutters, public walks and
163 parkways;

164 (ii) Keep open and safe for public use and travel and free from
165 encroachment or obstruction the streets, sidewalks and public places in
166 the municipality;

167 (iii) Control the excavation of highways and streets;

168 (iv) Regulate and prohibit the excavation, altering or opening of
169 sidewalks, public places and grounds for public and private purposes
170 and the location of any work or things thereon, whether temporary or
171 permanent, upon or under the surface thereof;

172 (v) Require owners or occupants of land adjacent to any sidewalk or
173 public work to remove snow, ice, sleet, debris or any other obstruction
174 therefrom, provide penalties upon their failure to do so, and cause
175 such snow, ice, sleet, debris or other obstruction to be removed and
176 make the cost of such removal a lien on such property;

177 (vi) Grant to abutting property owners a limited property or
178 leasehold interest in abutting streets and sidewalks for the purpose of
179 encouraging and supporting private commercial development;

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

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

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

188 (iv) Regulate and provide for the licensing of parked trailers when
189 located off the public highways, and trailer parks or mobile
190 manufactured home parks, except as otherwise provided by special act
191 and except where there exists a local zoning commission so
192 empowered;

193 (v) Establish lines beyond which no buildings, steps, stoop, veranda,
194 billboard, advertising sign or device or other structure or obstruction
195 may be erected;

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

199 (vii) Regulate plumbing and house drainage;

200 (viii) Prohibit or regulate the construction of dwellings, apartments,
201 boarding houses, hotels, commercial buildings, youth camps or
202 commercial camps and commercial camping facilities in such
203 municipality unless the sewerage facilities have been approved by the
204 authorized officials of the municipality;

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

210 (ii) Regulate the speed of vehicles, subject to the provisions of the
211 general statutes relating to the regulation of the speed of motor
212 vehicles and of animals, and the driving or leading of animals through
213 the streets;

214 (iii) Require that conspicuous signage be posted in any area where a
215 motor vehicle may be subject to towing or to the use of a wheel-locking
216 device that renders such motor vehicle immovable, and that such
217 signage indicate where the motor vehicle will be stored, how the

218 vehicle may be redeemed and any costs or fees that may be charged;

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

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

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

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

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

235 (ii) Regulate loitering on private property with the permission of the
236 owner thereof;

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

239 (iv) Prevent trespassing on public and private lands and in
240 buildings in the municipality;

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

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

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

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

251 (iv) Prohibit, restrain, license and regulate the business of peddlers,
252 auctioneers and junk dealers in a manner not inconsistent with the
253 general statutes;

254 (v) Regulate and prohibit swimming or bathing in the public or
255 exposed places within the municipality;

256 (vi) Regulate and license the operation of amusement parks and
257 amusement arcades including, but not limited to, the regulation of
258 mechanical rides and the establishment of the hours of operation;

259 (vii) Prohibit, restrain, license and regulate all sports, exhibitions,
260 public amusements and performances and all places where games may
261 be played;

262 (viii) Preserve the public peace and good order, prevent and quell
263 riots and disorderly assemblages and prevent disturbing noises;

264 (ix) Establish a system to obtain a more accurate registration of
265 births, marriages and deaths than the system provided by the general
266 statutes in a manner not inconsistent with the general statutes;

267 (x) Control insect pests or plant diseases in any manner deemed
268 appropriate;

269 (xi) Provide for the health of the inhabitants of the municipality and
270 do all things necessary or desirable to secure and promote the public
271 health;

272 (xii) Regulate the use of streets, sidewalks, highways, public places

273 and grounds for public and private purposes;

274 (xiii) Make and enforce police, sanitary or other similar regulations
275 and protect or promote the peace, safety, good government and
276 welfare of the municipality and its inhabitants;

277 (xiv) Regulate, in addition to the requirements under section 7-282b,
278 the installation, maintenance and operation of any device or
279 equipment in a residence or place of business which is capable of
280 automatically calling and relaying recorded emergency messages to
281 any state police or municipal police or fire department telephone
282 number or which is capable of automatically calling and relaying
283 recorded emergency messages or other forms of emergency signals to
284 an intermediate third party which shall thereafter call and relay such
285 emergency messages to a state police or municipal police or fire
286 department telephone number. Such regulations may provide for
287 penalties for the transmittal of false alarms by such devices or
288 equipment;

289 (xv) Make and enforce regulations for the prevention and
290 remediation of housing blight, including regulations reducing
291 assessments and authorizing designated agents of the municipality to
292 enter property during reasonable hours for the purpose of remediating
293 blighted conditions, provided such regulations define housing blight
294 and require such municipality to give written notice of any violation to
295 the owner and occupant of the property and provide a reasonable
296 opportunity for the owner and occupant to remediate the blighted
297 conditions prior to any enforcement action being taken, and further
298 provided such regulations shall not authorize such municipality or its
299 designated agents to enter any dwelling house or structure on such
300 property, and including regulations establishing a duty to maintain
301 property and specifying standards to determine if there is neglect;
302 prescribe civil penalties for the violation of such regulations of not less
303 than ten or more than one hundred dollars for each day that a
304 violation continues and, if such civil penalties are prescribed, such

305 municipality shall adopt a citation hearing procedure in accordance
306 with section 7-152c;

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

310 (8) (A) Provide for the protection and improvement of the
311 environment including, but not limited to, coastal areas, wetlands and
312 areas adjacent to waterways in a manner not inconsistent with the
313 general statutes;

314 (B) Regulate the location and removal of any offensive manure or
315 other substance or dead animals through the streets of the
316 municipality and provide for the disposal of same;

317 (C) Except where there exists a local zoning commission, regulate
318 the filling of, or removal of, soil, loam, sand or gravel from land not in
319 public use in the whole, or in specified districts of, the municipality,
320 and provide for the reestablishment of ground level and protection of
321 the area by suitable cover;

322 (D) Regulate the emission of smoke from any chimney, smokestack
323 or other source within the limits of the municipality, and provide for
324 proper heating of buildings within the municipality;

325 (E) Regulate the erection of fences and the planting of hedges and
326 trees by owners and occupants of land, which fences, hedges or trees
327 obstruct the view of another such owner or occupant of any waterway
328 or tidal water;

329 (9) (A) Provide for fair housing;

330 (B) Adopt a code of prohibited discriminatory practices;

331 (10) (A) Make all lawful regulations and ordinances in furtherance
332 of any general powers as enumerated in this section, and prescribe

333 penalties for the violation of the same not to exceed two hundred fifty
334 dollars, unless otherwise specifically provided by the general statutes.
335 Such regulations and ordinances may be enforced by citations issued
336 by designated municipal officers or employees, provided the
337 regulations and ordinances have been designated specifically by the
338 municipality for enforcement by citation in the same manner in which
339 they were adopted and the designated municipal officers or employees
340 issue a written warning providing notice of the specific violation
341 before issuing the citation, except that no such written warning shall
342 be required for violations of a municipal ordinance regulating the
343 operation or use of a dirt bike, all-terrain vehicle or mini-motorcycle;

344 (B) Adopt a code of ethical conduct;

345 (C) Establish and maintain free legal aid bureaus;

346 (D) Perform data processing and related administrative computer
347 services for a fee for another municipality;

348 (E) Adopt the model ordinance concerning a municipal freedom of
349 information advisory board created under subsection (f) of section 1-
350 205 and establish a municipal freedom of information advisory board
351 as provided by said ordinance and said section;

352 (F) Protect the historic or architectural character of properties or
353 districts that are listed on, or under consideration for listing on, the
354 National Register of Historic Places, 16a USC 470, or the state register
355 of historic places, as defined in section 10-410.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2020	7-148(c)

Statement of Purpose:

To permit municipalities to regulate the erection of fences and planting of hedges and trees that obstruct a neighbor's water views.

[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.]

Co-Sponsors: REP. MCCARTY, 38th Dist.

H.B. 5127