

To: Mayor Mark D. Boughton and Members of the Common Council

Re: Minutes of the Common Council Committee Meeting held on April 23, 2007.

The meeting was called to order upon the close of the Public Hearings. The members were recorded as:

Present- McMahon, Nagarsheth, Johnson, Trombetta, Calandrino, Perkins, Visconti, Esposito, Chianese, Saadi, Cavo, Basso, Rotello, Diggs, Riley, Saracino, Seabury, Stanley and Taborsak

Absent: Teicholz (Undergoing medical treatment).

19 PRESENT - 1 ABSENT – 1 VACANT SEAT

Littering Regulations – Section 11A-1 to 11A-6

Attorney Pinter said this new language allows for higher fines and broader prohibitions on littering and dumping. Also adds UNIT as an additional enforcement agent for this Ordinance. This will promote the Mayor’s intention to provide a clean community and to advise residents that littering & dumping have to be taken care of.

Mr. Chianese asked if this is subject to the appeal process since that is not stated. Attorney Pinter said anything that is enforceable is also “appealable”. He added that it is not necessary to state it because it refers to the UNIT as an enforcement agent and their actions are subject to appeal.

Mr. Saadi made a motion to recommend adoption of this at the next Council meeting. Mr. Trombetta seconded the motion.

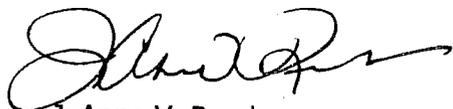
Mr. Rotello asked if they had considered the temporary nature of some trash, such as contractors doing remodeling. Attorney Pinter said all ordinances must be interpreted in a way that is reasonable. For example, if the materials are of a hazardous nature, then they must be taken care of in a reasonable time frame.

Mrs. Basso pointed out that many of the local appliance dealers now offer the incentive of disposal of the old equipment before installation of the replacement unit.

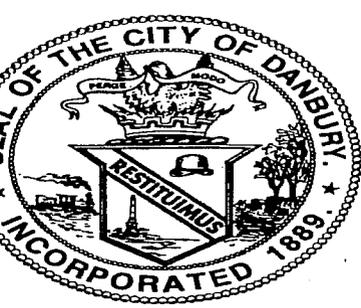
Mr. Chianese spoke about working this past Saturday at the City wide clean up day and said this is a good ordinance.

Mr. Cavo called the vote on the motion and it was passed unanimously with the exception of Mrs. Taborsak, who abstained from the vote.

Respectfully submitted,



JoAnne V. Read
Secretary



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ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

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

THAT Chapter 11A of the Code of Ordinances of Danbury, Connecticut is hereby established by the enactment of Sections 11A-1 through 11A-6, which sections shall read as follows:

CHAPTER 11A. Littering Regulation

Sec. 11A-1. Definition.

For the purposes of this Chapter the word "litter" means as defined in C.G.S. Section 22a-248(4) as amended, any discarded, used or unconsumed substance or waste material, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material which has not been deposited in a litter receptacle.

All other applicable definitions shall be as defined in the Connecticut General Statutes, including the specific provisions of CGS Sec. 22a-248 thereof.

Sec. 11A-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 up to one thousand dollars (\$1,000.00) per violation. Each separate activity pursuant to subsection A. shall constitute a separate offense.
- 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 Sec. 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.

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Sec. 11A-3. Dumping on public or private property prohibited.

- A. Consistent with the provisions of Sec. 16A-1 hereof, any collector, who dumps more than one (1) cubic foot in volume of solid waste at one time in an area not designated for such disposal by the City of Danbury pursuant to the provisions of section 22a-220a of the Connecticut General Statutes or who knowingly mixes other solid waste with items designated for recycling pursuant to section 22a-241b of the Connecticut General Statutes or pursuant to the provisions of Chapter 16A hereof, shall for a first violation be liable for a civil penalty of not more than two thousand five hundred dollars (\$2,500.00) for each violation and not more than ten thousand dollars (\$10,000.00) for a subsequent violation. Each day a violation persists shall constitute a separate offense.
- B. Any person, other than a collector, who: (1) Dumps more than one cubic foot in volume of solid waste at one time in a solid waste or refuse collection container without the authorization of the owner of such container or (2) dumps any material into a recycling collection container used to collect another type of material for purposes of disposal by a collector shall be guilty of an infraction as provided for in chapter 881b of the Connecticut General Statutes. Any owner or lessor of a solid waste or refuse collection container may post signs on or near such container which indicate that the unauthorized disposal of waste in such container shall constitute an infraction punishable in accordance with state law. Any Danbury police officer may issue a summons for the commission of an infraction for any violation of this subsection.

Sec. 11A-4. Obstruction to public travel.

No person without a permit from the director of engineering shall place, keep or knowingly suffer to remain, any box, bale, case, barrel, bundle, package, goods, ware, merchandise, cart, carriage, vehicle, lumber, refuse matter, rubbish, earth or stones, or any article, material or thing of any kind or description upon highway, street, sidewalk or public place in said city, so as to obstruct, interfere, or cause inconvenience to public travel.

Sec. 11A-5. Clean community provisions.

- A. The owner, occupant, tenant, lessee, proprietor, person in charge, or person using or occupying any commercial, multiple family structure, institutional or industrial building, establishment or property in the City of Danbury, jointly and severally, is hereby required to keep the public walkways and roadways, driveway, yards, parking areas, work areas, including but not limited to loading and unloading areas, and lots adjacent thereto and under his or her control reasonably clean at all times and to place sweepings in a container to prevent scattering. If deemed necessary or advisable by the Litter Control Officer, said owner, occupant, tenant lessee, proprietor, person in charge, or person using or occupying any commercial, institutional or industrial building, establishment or property in the City of Danbury, shall provide approved containers of such size, number and type as may be specified by the Litter Control Officer to be reasonably required to hold litter generated by operations on the premises.
- B. Every owner, occupant and lessee of a house or building shall be jointly and severally required to maintain garbage and recyclable solid waste storage areas in a clean condition and to insure that all garbage is kept in an approved container.

- C. Property owners and general contractors in charge of a construction site are jointly and severally required to furnish approved containers for construction litter. All litter from construction and related activities shall be containerized and shall be picked up and placed in the approved containers at the end of each workday.

- D. Owners of any food establishment which sells food for consumption on premises or off premises is hereby required to keep the public walkways and roadways, driveways, yards, parking areas, work areas, including but not limited to loading and unloading areas, and lots adjacent thereto, clean at all times and to place sweepings in a container to prevent scattering within a radius of two hundred (200) feet.

- E. Pursuant to C.G.S. Sec. 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. Each day a violation persists shall constitute a separate offense. This penalty shall be in addition to any civil penalties applicable under C.G.S. Sec. 22a-220a(i). Three (3) citations in one (1) year may result in the revocation of any permits, certificates and/or licenses issued by the City.

Sec. 11A-6. 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.