

**TOWN OF PROSPECT
ORDINANCE #81-06-03-14**

**Ordinance Concerning the Re-Organization of the
Naugatuck Valley Council of Governments**

WHEREAS, the Town of Prospect has heretofore been a designated municipality within the Central Naugatuck Valley Planning Region; and,

WHEREAS, as an eligible member the Town of Prospect adopted Ordinance #28-08-03-70 on August 3, 1970 creating of Regional Council of Elected Officials, joining the Council of Governments for the Central Naugatuck Valley ("COGCNV") as a regional council of elected officials and remains a member at the present time; and,

WHEREAS, the State of Connecticut has determined that a reorganization and resignation of planning districts shall be completed on or before 1 January 2015; and,

WHEREAS, said reorganization recommended the consolidation of the Central Naugatuck Valley Planning Region (comprised of the following municipalities: Beacon Falls, Bethlehem, Cheshire, Middlebury, Naugatuck, Oxford, Prospect, Southbury, Thomaston, Waterbury, Watertown, Wolcott and Woodbury) and Valley Planning Region (comprised of the following municipalities: Ansonia, Derby, Seymour and Shelton) into a Naugatuck Valley Planning District; and,

WHEREAS, said Naugatuck Valley Planning District may additionally include the City of Bristol and Town of Plymouth; and,

WHEREAS, on or about 11 October 2013 COGCNV and on 17 December 2013 the Valley Council of Governments both approved the voluntary consolidation of the two regions; and,

WHEREAS, on or about 24 December 2013 the Office of Policy and Management approved the requested and redesignated the Central Naugatuck Valley and Valley Planning Regions into the Naugatuck Valley Planning Region; and,

WHEREAS, the Naugatuck Valley Council of Governments ("NVCOG") operating within the newly established Planning Region will commence operations on 1 January 2015; and,

WHEREAS, the Town of Prospect would like to participate in the creation of NVCOG as the council of governments for the Naugatuck Valley Planning Region by (1) approving an ordinance pursuant to C.G.S. §4-124j adopting C.G.S. §§4-124i-4-124p; (2) filing a certified copy of the adopting ordinance with the Office of Policy and Management of the State of Connecticut ("OPM"); and, (3) upon certification by the Secretary of OPM participating in the operation of the transitional executive committee of NVCOG, which transitional period shall conclude on 31 December 2014 at 11:59:59 PM; and,

WHEREAS, the Town of Prospect (1) shall remain a member of COGCNV as it continues to operate and wind down as a council of elected officials until December 31, 2014 and participates in the negotiation of the terms and conditions pertinent to the operation of NVCOG prior to January 1, 2015; and, (2) recognizes the necessity of the current members of COGCNV to remain in operation as an unincorporated association of municipalities in order to wind down the affairs and assets of COGCNV that are either not assigned to and integrated within the operations of NVCOG and which the municipalities believe need to remain separate and distinct from NVCOG.

NOW THEREFORE BE IT ORDAINED, AS FOLLOWS:

Sec. 1. Creation of Naugatuck Valley Regional Council of Governments. The Town of Prospect hereby joins with such municipalities of the Naugatuck Valley Planning Region, as designated by the Secretary of the Office of Policy and Management of the State of Connecticut, to create a regional council of governments to be known as the Naugatuck Valley Regional Council of Governments by adopting the provisions of C.G.S. §§4-124i – 4-124p.

Sec. 1a. Transitional Provision. Certification by the Secretary of the Office of Policy and Management. Transitional Executive Committee and Transitional Period.

(c) Upon certification by the Secretary of said Office of Policy and Management that at least sixty percent of the municipalities in the planning region have adopted ordinances creating a regional council of government, as required by the Connecticut General Statutes, the Naugatuck Valley Regional Council of Governments shall be established.

(b) Upon such certification, the Transitional Period shall commence. Said Transitional Period shall conclude on 31 December 2014 at 11:59:59 PM. During such period the Town of Prospect shall participate on the Transitional Executive Committee for the purposes set forth in the Connecticut General Statutes. The Mayor shall be a member of the Transitional Executive Committee. In the absence of the Mayor, the legislative body of the Town of Prospect shall appoint an elected official to serve as a member. The Mayor may send a representative in his or her stead; however, such representative shall not be a member of said executive committee.

© This section shall expire at the conclusion of the Transitional Period and thereafter be void and of no force and effect.

Sec. 2. Membership in the Naugatuck Valley Regional Council of Governments. On and after 1 January 2015, the Town of Prospect shall be a member of the Naugatuck Valley Council of Governments.

Sec. 3. Powers and Duties of the Naugatuck Valley Council of Governments. The Naugatuck Valley Council of Governments shall have such powers, purposes, rights, duties and responsibilities as shall be set forth in the Connecticut General Statutes.

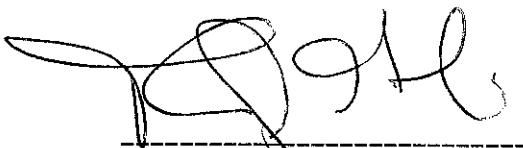
Sec. 4. Representative to the Naugatuck Valley Council of Government. The Mayor shall be the representative of the Town of Prospect to the council of governments. In the absence of the Mayor, the legislative body of the Town of Prospect shall appoint an elected official to serve as a member. The Mayor may send an alternate in his or her stead; however, such alternate shall be entitled to such rights as may be established by the council of governments. The Town of Prospect shall be entitled to one vote in the affairs of the council of governments.


Sec. 5. The Council of Governments of the Central Naugatuck Valley. Successor Association. The Town of Prospect shall remain a member of Council of Governments for the Central Naugatuck Valley as it continues to operate and wind down as a council of elected officials until December 31, 2014. The Town of Prospect shall also participate with the current members of council of elected officials in an unincorporated association of such municipalities in order to wind down the affairs and assets of the Council of Governments of the Central Naugatuck Valley that are either not assigned to and integrated within the operations of Naugatuck Valley Council of Governments.

Sec. 6. Repeal of Prior Ordinances. On or after 1 January 2015 the following ordinance regarding the council of elected officials shall be repealed:

Ordinance #28-08-03-70 – an Ordinance concerning creating of Regional Council of Elected Officials adopted by the Prospect Town Council (August 3, 1970).

Approved: June 3, 2014
 Recorded: June 4, 2014
 Publication: June 13, 2014
 Effective Date: July 14, 2014


 Thomas J. Galvin, Chairman
 Prospect Town Council


 M. Carrie Anderson
 Town Clerk

PROSPECT, CONN.
 TOWN CLERK'S OFFICE
 RECEIVED FOR RECORD
 2014 JUN -5 AM 8:10
 Margaret A. Anderson
 TOWN CLERK

TOWN OF PROSPECT
ORDINANCE #82-10-07-14

**ORDINANCE REGARDING POWERS AND DUTIES OF
THE WATER POLLUTION CONTROL AUTHORITY**

Be It Resolved that the Town of Prospect adopts the following ordinance:

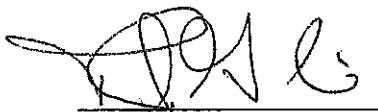
That the Prospect Water Pollution Control Authority is hereby granted all of the powers and privileges and shall be subject to the duties and limitations set forth in Chapter 103 of the General Statutes of the State of Connecticut, as amended.

Upon adoption of this ordinance, Ordinances #67-08-27-02, #73-10-05-04 and #77-12-05-06 are repealed.

Passed and adopted by the Prospect Town Council on the 7th day of October, 2014.

Approval: October 7, 2014
Recorded: October 8, 2014
Published: October 9, 2014
Effective: November 8, 2014

PROSPECT COMM
TOWN CLERK'S OFFICE
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2014 OCT -8 AM 10:40
Mayerson L. Anderson
TOWN CLERK



Thomas J. Galvin
Prospect Town Council Chair



M. Carrie Anderson
Prospect Town Clerk

TOWN OF PROSPECT, CONNECTICUT -- BLIGHT ORDINANCE

BE IT ORDAINED, by the Prospect Town Council, in a meeting duly assembled on February 17, 2015, that the following ordinance is adopted:

BLIGHT ORDINANCE**ORDINANCE #83-02-17-15**

of the Code of Ordinances, Town of Prospect, Connecticut is hereby as follows:

Sec. 1. Purpose. The purpose of this ordinance is to define, prohibit and abate blights and nuisances and to protect, preserve, promote public health, safety and welfare, and to preserve and protect property values.

Sec. 2. Scope of provisions.

This ordinance shall apply uniformly to the maintenance of all residential, nonresidential, and undeveloped premises now in existence or hereafter constructed, maintained, or modified.

Sec. 3. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance:

Abandoned Premises: Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured; which have been occupied by unauthorized persons or for illegal purposes; or which present a danger of structural collapse or fire that may spread to adjacent properties.

Abandoned vehicles: More than two (2) unregistered, inoperable cars, trucks, aircrafts, campers, motorcycles or mopeds, recreational vehicles (e.g., golf carts, snowmobiles, water sleds, all-terrain vehicles, etc.) boats or other watercrafts, tractors, carts, trailers, riding mowers, or farming or construction equipment whether self-propelled or towed stored on the exterior of the premises, unless such exterior storage is permitted under the terms of a permit or approval issued by a local or state commission or agency. It shall be a defense that the vehicle is not abandoned if it is currently registered with a state or federal licensing agency such as a department of motor vehicles, or other agency that licenses the particular type of vehicle. Inoperable shall mean that the vehicle is no longer being used for its intended purpose evidenced by two (2) or more of the following conditions:

- (1) Engine no longer starts or is missing;
- (2) Flat tires or missing tires, wheels, or other parts necessary for locomotion;
- (3) Missing doors or windows;
- (4) Close proximity of grass or other vegetation or debris, indicating immobility;

TOWN OF PROSPECT, CONNECTICUT -- BLIGHT ORDINANCE

(5) Holes, rust, or other evidence of obvious physical decay or neglect, lack of maintenance or excessive use; or

(6) Use for another purpose (e.g. storage).

Accumulating Refuse: Waste, garbage, trash, litter, junk or rubbish that accumulates on any private premises, business, lot, or abandoned property, and that is not completely contained within trash or refuse storage bins, racks or enclosures, or other containers as approved by the Town for such use, all or part of which has remained in such location for at least 60 days.

Anti-Blight Commission: A five (5) member Board, appointed by the Prospect Town Council, empowered to identify, receive and investigate complaints and enforce procedures of this ordinance.

Capable individual: A person that can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children above sixteen (16) years of age without physical or mental disability as defined herein.

Connecticut General Statutes: Laws of the State of Connecticut, including any applicable amendments.

Debris: Material which is incapable of immediately performing the function for which it was designed including, but not limited to, abandoned, discarded, or unused objects; plastics, glass, papers; equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, or garbage which is in public view.

Disabled individual: In the case of an owner-occupied residence, an individual who has a disability meeting the definitions for the mental or physical disability as defined under the Americans with Disabilities Act of 1990, and does not have other household members capable of providing the necessary maintenance.

Dilapidated: In a physically deteriorating condition which, if left unabated, would cause an unsafe or unsanitary condition or a nuisance to the general public.

Disrepair: In poor working order, dilapidated, decrepit or in an imminent state of collapse.

Infestation: The presence of insects, rodents, vermin or other pests on the premises, which constitute a health hazard.

Owner/Occupant: Any person, institution, foundation, entity or authority which owns, leases, rents, possesses, or is responsible for property within the Town.

TOWN OF PROSPECT, CONNECTICUT -- BLIGHT ORDINANCE

Persistent: Existing or remaining in the same state for a period of least 60 days.

Person: Any individual, civic organization, municipal agency, town employee, corporation, partnership, limited liability company, limited liability partnership, association, trust or unincorporated organization.

Premises: A tract of land including its buildings or structures either occupied or unoccupied.

Public view: Visible from any public right-of-way or neighboring property, at grade level.

Reasonable: Exercising the degree of caution and concern an ordinarily prudent and rational person would use in similar circumstances.

Rubbish, Garbage, Refuse: Solid waste consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, leaves, wood, plastics, glass, bedding, crockery, unused and scrap building materials, and similar materials.

Sanitary Conditions: Free from filth and pathogens.

Structure: Anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground.

Vacant: Buildings, structures, premises or portions thereof, including tenant spaces, which have been unoccupied for a period of ninety (90) days or longer.

Vacant Parcel: A parcel of land with no structure thereon.

Sec. 4. Blighted Premises. No owner/occupant of real property within the Town of Prospect shall cause or allow blighted premises to be created, nor shall any owner/occupant allow the continued existence of blighted premises.

A blighted premises is identified as any building or structure, any part of a structure that is a separate unit, or a parcel of land, or any accessory structure, or a fence, in which at least one of the following conditions exists:

1. It has been determined by the Town Building Official, Chesprocott Health District, Town Engineer, Zoning Enforcement Officer, or other appropriate official as designated by the Mayor acting within the scope of his or her authority, that a condition exists that poses a serious or immediate threat to the health, safety or general welfare of the occupants or other persons in the Town; or
2. The Fire Marshal has determined that a building or structure is a fire hazard; or
3. The property is in a state of disrepair or is dilapidated; or

TOWN OF PROSPECT, CONNECTICUT -- BLIGHT ORDINANCE

4. The property is attracting illegal activity due to its state of disrepair or dilapidation; or
5. Persistent occurrences of any of the following: violations of building, fire, zoning, housing or health codes; or
6. The property is not being adequately maintained. The following factors shall be considered in determining whether it is not being adequately maintained:
 - (a) Missing, broken or boarded up windows, doors or the existence of graffiti; or
 - (b) Collapsing or missing walls and/or roof; or
 - (c) Seriously damaged or missing siding; or
 - (d) Unrepaired water or fire damage; or
 - (e) Rodent harborage and/or infestation; or
 - (f) Persistent debris, rubbish, garbage or accumulating refuse on the property; or
 - (g) More than two (2) abandoned or unregistered vehicles as defined in Section 3; or
 - (h) Overgrown brush, shrubs, weeds and /or grass as prohibited by Section 5.

Sec. 5. Mowing, removal of weeds and similar vegetation; control of vegetation.

For the period from May 1st and continuing through the end of October of each year, it shall be unlawful for any owner/occupant of property upon which a structure exists, or who is in possession of a vacant lot in an approved subdivision which fronts on a paved public road to allow grass to grow more than one (1) foot in height, unless such grass is harvested as hay or is maintained at such height for ornamental purposes, within six (6) feet of the street line of any paved public highway and within six (6) feet of any side yard property line adjoining a property on which a building or dwelling exists, or to allow any weeds of similar growth in such locations to grow more than one (1) foot in height. Every owner/occupant of property shall keep his property free from vegetation of any type, which, in the opinion of the Chesprocott Health District and/or a designated public official, is overgrown or injurious to public health or safety.

TOWN OF PROSPECT, CONNECTICUT -- BLIGHT ORDINANCE

Sec. 6. Establishment of Anti-Blight Commission.

This ordinance provides for the establishment of an Anti-Blight Commission consisting of five members appointed by the Prospect Town Council. The Anti-Blight Commission will meet regularly and/or as needed to identify potentially blighted properties, and receive, review, evaluate and address complaints of blight. The Anti-Blight Commission will have the power to issue Warning Notices and Citations and, with the approval of the Town Council, to authorize the remediation of blighted conditions, according to the processes set forth in this ordinance.

Sec. 7. Complaints, Warning Notice.

(a) Any person may file a written complaint of violation of this ordinance with the Anti-Blight Commission for review. If it appears to the Anti-Blight Commission that a violation of this ordinance exists, the Anti-Blight Commission shall forward a Warning Notice to the owner/occupant and a copy of such notice to each individual or entity with a recorded lien on the real property at the time such determination has been made.

(b) Such a Warning Notice from the Anti-Blight Commission shall be issued prior to issuing a Citation.

(c) Such Warning Notice shall:

(1) Provide a description of the real estate sufficient for identification, and specify the violation that is alleged to exist and the remedial action required;

(2) Provide a period of not more than thirty (30) days for the performance of any act required; however, the Anti-Blight Commission may allow for a longer period for abatement depending on the nature of the violation. Requests for extension of the time period established for abatement shall be submitted in writing to the Anti-Blight Commission. Approval of an extension request shall require a majority vote of the Anti-Blight Commission;

(3) State that if the required remedial actions are not completed within the time frame in (2) above, the amount of civil penalties that may be imposed for noncompliance shall apply to each violation in the amount of twenty five dollars (\$25.00) per day for days 1-30, then increase to fifty dollars (\$50.00) for days 31-60, then increase to one hundred (\$100.00) dollars per day for each day that the violation continues beyond sixty days from the date of the notice;

(4) State that if the required remedial actions are not completed within the time frame in (2) above, the Town may remediate the property and assess the costs against the property owner in accordance with Sections 16 and 18 of this ordinance;

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(5) State that in the process of remediation, the Town may remove and dispose of items constituting and/or contributing to the blighted condition of the property; and

(6) Advise that the owner/occupant may respond to a Warning Notice in writing or in person at the next Anti-Blight Commission meeting to express concerns or provide information regarding special considerations, as described in Section 19 of this ordinance.

(d) Delivery of a Warning Notice to the owner/occupant and the copy to any lien holders shall be by the following methods:

(1) By personal delivery to the owner/occupant; or

(2) By certified mail, return receipt requested, addressed to the owner/occupant at his/her/its last known address with postage prepaid thereon. Should a Warning Notice served via certified mail be refused, it may be resent by regular United States first class mail.

(3) By first class mail to any lien holder addressed to such lien holder's current or last-known address; however, the failure to send a copy of the notice to any lien holder shall not relieve the owner/occupant from remediating the violation(s) or from paying any civil penalties.

Sec. 8. Enforcement by Citation.

(a) If the corrective actions specified in the Warning Notice are not taken within thirty (30) days of the date that the Warning Notice is personally delivered or mailed unless the Anti-Blight Commission receives information sufficient to determine that no violation exists or that the violation has been corrected, the Anti-Blight Commission shall issue a written Citation to the owner/occupant, with a copy to any lien holder; however, the failure to send a copy to any lien holder shall not relieve the owner/occupant from remediating the violation(s) or from paying any civil penalties.

(b) A Citation shall be in writing and include:

(1) A description of the real estate sufficient for identification, specifying the violation that is alleged to exist and the remedial action required;

(2) Detailed information regarding the contents of the initial Warning Notice (which may be in the form of a copy of such Warning Notice) and the failure of the owner/occupant to take the corrective actions specified therein within the time prescribed in the Warning Notice;

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- (3) The amount of the civil penalties due for noncompliance and a statement that the owner/occupant has ten 10 days from receipt of the Citation within which to make uncontested payment;
 - (4) Notice that it is the owner/occupant's obligation to inform the Anti-Blight Commission in writing that the violation has been brought into compliance;
 - (5) A statement that the owner/occupant may contest his/her/its liability and request a hearing before a Citation Hearing Officer in accordance with Section 10 of this ordinance; and
 - (6) A statement that if the owner/occupant does not pay the civil penalties or request a hearing, an assessment and judgment shall be entered against such owner/occupant.
- (c) The Citation shall be delivered to the owner/occupant, and a copy to any lien holder, in the same manner as set forth in Section 7 (d) above.

Sec. 9. Uncontested Payment Period

Uncontested payment to the Town of Prospect of the civil penalties specified in the Citation shall be allowed for a period of ten (10) calendar days from receipt of the Citation. If the Citation was sent by regular mail as set forth in Section 7 (d)(2) above, the day of receipt of the Citation shall be deemed to be four (4) days after the date of its mailing.

Sec. 10. Notice of Violation and Hearing

(a) If uncontested payment of the civil penalties specified in the Citation is not made within the ten (10) day period set forth in Section 9 above, at any time within twelve (12) months from the expiration of the 10-day period, the Anti-Blight Commission shall send notice to the person(s) cited, informing such person:

- (1) Of the allegations against such person and the amount of the civil penalties, costs, or fees due;
- (2) That the cited person may contest his/her/its liability before a Citation Hearing Officer by delivering, in person or by mail, within ten (10) days of the date of the notice (the date of delivery if hand delivered or the date of mailing if mailed), a written request for a hearing;
- (3) That filing a request for a hearing shall cause the daily accrual of civil

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penalties to cease from the date such filing is hand-delivered or mailed to the Anti-Blight Commission until the date the hearing officer renders a decision unless, during such period, the violation of this ordinance is expanded or increased;

(4) That if the cited person does not request such a hearing, an assessment and judgment shall be entered against such person; and

(5) That such judgment may issue without further notice.

(b) The notice shall be delivered to the owner/occupant, and a copy to any lien holder, in the same manner as set forth in Section 7 (d) above.

Sec. 11. Admission of Liability and Payment of Civil Penalty

Any cited person who wishes to admit liability without requesting a hearing may pay the full amount of the civil penalties admitted to in person or by mail to the Town of Prospect. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.

Any person who does not deliver or postmark written request for a hearing within ten (10) days of the date of the notice described in Section 10 above (the date of delivery if hand delivered or the date of mailing if mailed) shall be deemed to have admitted liability, and the Anti-Blight Commission or its designee shall certify such person's failure to respond to the Citation Hearing Officer. The Citation Hearing Officer shall thereupon enter and assess the civil penalties provided for by this ordinance and shall follow the procedures set forth in Section 14 of this ordinance.

Sec. 12. Hearing.

(a) An owner/occupant may request a hearing after receiving a Citation or within ten (10) days of the date of the notice described in Section 10 above. Said request shall be made in writing to the following: Town of Prospect Anti-Blight Commission, 36 Center St., Prospect, CT., 06712.

(b) Any person who requests a hearing shall be given written notice of the date, time and place for a hearing to be held not less than fifteen (15) days nor more than thirty (30) calendar days from the date of the original request. The Citation Hearing Officer shall grant, upon good cause shown, any reasonable request by any interested party for a postponement or continuance. An original or certified copy of the Citation shall be filed and retained by the Anti-Blight Commission and shall be deemed to be a business record within the scope of Connecticut General Statutes, Section 52-180 and evidence of the

TOWN OF PROSPECT, CONNECTICUT -- BLIGHT ORDINANCE

facts contained therein. Upon request of the person appealing the Citation, the presence of a member of the Anti-Blight Commission shall be required at the hearing. A person wishing to contest his/her/its liability shall appear at the hearing and may present evidence in his/her/its behalf and may appear with an attorney. A designated municipal official, other than the Citation Hearing Officer, may present evidence on behalf of the municipality. If the person who received the Citation fails to appear, the Citation Hearing Officer may enter an assessment by default against him/her/it or her upon a finding of proper notice and liability under the applicable provision(s) of this ordinance. The Citation Hearing Officer may accept written information by mail from the person who received the Citation and may determine thereby that the appearance of such person is unnecessary. The Citation Hearing Officer shall conduct the hearing in the order and form and with such methods of proof, as he/she deems fair and appropriate.

The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.

(c) Pending the hearing before a Citation Hearing Officer, no further enforcement activity as contemplated by Sections 16 and 18 shall occur until either a hearing is held or the Citation Hearing Officer assesses civil penalties or until the petitioner fails to appear for a scheduled hearing and the Citation Hearing Officer assesses civil penalties.

Sec. 13. Decision.

The Citation Hearing Officer shall announce the decision at the end of the hearing. If the Citation Hearing Officer determines that the person who received the citation is not liable, the Citation Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Citation Hearing Officer determines that the person is liable for the violation, he shall forthwith enter and assess the civil penalties against such person as provided by this ordinance, which penalties shall be immediately due and payable. The amount thereof shall be stated by the Citation Hearing Officer in his/her decision.

Sec. 14. Pursuit of Assessment and Judgment

If such assessment is not paid on the date of its entry, the Citation Hearing Officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the Notice of Assessment with the Clerk of a Superior Court facility designated by the Chief Court Administrator together with the required entry fee. The certified copy of the Notice of Assessment shall constitute a record of assessment. Within such twelve (12) month period, assessments against the same person may be accrued and filed as one record of assessment. The Clerk shall enter judgment, in the amount of such record of assessment and requisite court costs, against such person in favor of the municipality. Notwithstanding any provision of the Connecticut General

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Statutes, the Citation Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

Sec. 15. Appeal of Assessment

A person against whom an assessment has been entered pursuant to this ordinance is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to Connecticut General Statutes, Section 52-259, at a Superior Court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the Judges of the Superior Court.

Sec. 16. Enforcement by Town Remediation

When an owner/occupant has been found liable for a violation of this ordinance through his/her/its failure to timely seek a hearing to contest liability before a Citation Hearing Officer or due to the determination of the owner/occupant's liability by the Citation Hearing Officer, the Anti-Blight Commission, subject to the approval of the Town Council, may authorize a remediation company or the Public Works Department to enter the property during reasonable hours for the purpose of remediating the blighted conditions. In performing such remediation, however, the Town and/or its designated agents may not enter any dwelling, house or structure on such property without the written permission of the owner and any occupants.

Sec. 17. Appointment of Citation Hearing Officers.

The Mayor shall appoint three Town of Prospect residents to serve as Citation Hearing Officers. Although the Mayor may ask the Town Council to recommend candidates, the Mayor shall not be required to select from among the recommended candidates. Such officers shall serve staggered terms of three (3) years each. No member of the Anti-Blight Commission, zoning enforcement officer, police officer, building inspector or employee of the Town may be appointed as a Citation Hearing Officer under this ordinance.

Sec. 18. Penalties for offenses; lien.

(a) The owner/occupant of premises where a violation of any of the provisions of this ordinance shall exist or who shall maintain any building or premises in which such violations exist may:

TOWN OF PROSPECT, CONNECTICUT -- BLIGHT ORDINANCE

(1) Be assessed civil penalties of not more than one hundred dollars (\$100.00) for each day that a violation continues after a Warning Notice described in Section 7 is given to the owner/occupant; and/or

(2) Be required to abate the violation at the owner/occupant's expense; and or

(3) Be subject to the Town's remediation of the blighted condition(s) and assessing the costs of said remediation against the subject property by levying a lien on the subject real estate.

(b) Any unpaid civil penalty imposed pursuant to this ordinance, shall constitute a lien upon the real estate against which the civil penalty was imposed from the date of such civil penalty. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after July 1, 1997, except for taxes. Each such lien may be enforced in the same manner as property tax liens, including foreclosure of the real property.

(c) If the Town remediates blighted conditions on property pursuant to Section 16 above, the costs of such remediation may be assessed against the property in the form of a lien which shall take precedence over any other encumbrance except municipal tax assessments on such property. The Town shall, not later than thirty (30) days after the date on which such work has ceased, file a certificate of such lien and give notice to the owner of the property in the same manner as provided in Section 49-34 of the Connecticut General Statutes. Simultaneous with the filing, the Town shall make reasonable efforts to mail a copy of the certificate by first class mail to any recorded lien holder's current or last-known address.

(d) In addition to all other remedies and any civil penalties imposed herein, the provisions of this ordinance may be enforced by injunctive proceedings in Superior Court. The Town may recover from such owner/occupant or other responsible person any and all costs and fees, including reasonable attorneys' fees, expended by the Town in enforcing the provisions of this ordinance.

Sec. 19. Special consideration.

(a) Notwithstanding anything herein to the contrary, in evaluating whether to issue a Warning Notice, Citation, or Notice of Violation and Hearing, the Anti-Blight Commission may give special consideration to individuals who are elderly, disabled, hospitalized, or on active military duty and who demonstrate that the violation results from an inability to maintain an owner-occupied residence and no person with that ability resides therein.

(b) Such special consideration shall be limited to the reduction or elimination of civil penalties and/or an agreement that the Town or its agents may perform the necessary

TOWN OF PROSPECT, CONNECTICUT -- BLIGHT ORDINANCE

work and place a lien against the premises for the cost thereof in accordance with the provisions of this ordinance.

Sec. 20. Severability.

In the event that any part or portion of this ordinance is declared invalid for any reason, all other provisions of this ordinance shall remain in full force and effect.

Sec. 21. Construal of terms and provisions.

(a) Where terms are specifically defined or the meanings of such terms are clearly indicated by their context, that meaning is to be used in the interpretation of this ordinance.

(b) Where terms are not specifically defined and such terms are defined in the Charter and Town Ordinances, such terms shall have the same meaning for the interpretation and enforcement of this ordinance.

(c) Where terms are not specifically defined in this ordinance, they shall have their ordinarily accepted meaning or such meaning as the context may imply.

(d) The provisions of this ordinance shall not be construed to prevent the enforcement of other codes, ordinances or regulations of the Town.

(e) In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other provision of the Town Charter and/or Town Ordinances or the laws of State of Connecticut, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people of the Town of Prospect shall prevail.


Adopted February 17, 2015

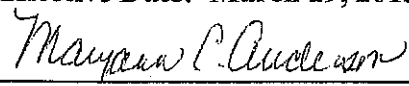
Thomas Galvin, Chairman
Prospect Town Council

Received for record: February 19, 2015

Adopted Date: February 17, 2015

Publication Date: February 27, 2015

Effective Date: March 29, 2015



Maryann C. Anderson, Town Clerk

PROSPECT TOWN
TOWN CLERK'S OFFICE
RECEIVED FEB 19 2015
2015 FEB 19 AM 11:51
Maryann C. Anderson
TOWN CLERK

TOWN OF PROSPECT, CONNECTICUT

SNOW DISPOSAL AND PROPERTY DAMAGE ORDINANCE

BE IT ORDAINED, by the Prospect Town Council, in a meeting duly assembled on December 15, 2015, that the following ordinance is adopted:

SNOW DISPOSAL AND PROPERTY DAMAGE

ORDINANCE # 84-12-15-15

of the Code of Ordinances, Town of Prospect, Connecticut is hereby as follows:

Sec. 1. Snow Disposal

No person or property owner, contractor, or resident shall throw, place, plow or in any other manner dispose of ice or snow into any street, road or highway in the town so as to obstruct or otherwise interfere with safe passage upon, or in any other manner interfere with the regular and proper maintenance or drainage of any street, road, public highway, sidewalk or other public property in the town.

Sec. 2. Damage to Property

The Town of Prospect is not responsible for damage to private or personal property located within the public right of way caused by the Town, its agents or employees during or as a result of snow removal activities. The right of way (ROW) is typically 50 feet wide and extends approximately 10-15 feet to either side of the paved roadway surface (but may vary street to street throughout the Town).

Sec. 3. Penalties

Violations of this ordinance shall be subject to penalties in the amount of \$100 per violation or the maximum amount allowed by statute if such amount is less than \$100. Each day that a violation continues shall constitute a separate violation.

Sec. 4. Enforcement.

Any police officer shall be authorized to issue citations for violations of this ordinance, provided that before doing so, such officer issues a written warning providing notice of the specific violation.

Adopted: December 15, 2015



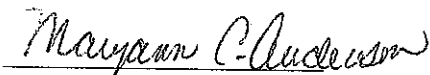
Thomas J. Galvin, Chairman
Prospect Town Council

Received for record: December 16, 2015

Adopted Date: December 15, 2015

Publication Date: December 25, 2015

Effective Date: January 25, 2016



Maryann C. Anderson, Town Clerk

PROSPECT, CONN.
TOWN CLERKS OFFICE
RECEIVED FOR RECORD
2015 DEC 16 AM 10:37
Maryann C. Anderson
TOWN CLERK

TOWN OF PROSPECT, CONNECTICUT

ORDINANCE TO PROHIBIT THE BLOCKING OF INTERSECTIONS

BE IT ORDAINED, by the Prospect Town Council, in a meeting duly assembled on December 15, 2015, that the following ordinance is adopted:

PROHIBITION ON BLOCKING INTERSECTIONS

ORDINANCE # 85-12-15-15

of the Code of Ordinances, Town of Prospect, Connecticut is hereby as follows:

Sec. 1. General Provisions. No operator of a motor vehicle, as defined in Section 14-1 of the Connecticut General Statutes, shall proceed into an intersection that has been designated in Section 2.a, except when making a turn, unless there is a sufficient space on the opposite side of the intersection to accommodate such motor vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding the indication of a traffic control signal that would permit such operator to proceed into the intersection.

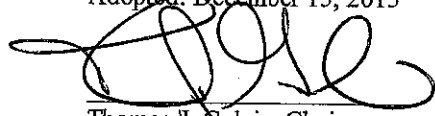
Sec. 2. Specific Elements of the Ordinance.

- a) The provisions of Sec. 1. Shall apply to the following intersections within the Town of Prospect:

(1) Waterbury Road (Route 69) and Chandler Drive.

- b) The Town of Prospect shall post traffic control signs at each designated intersection indicating that blocking the intersection is prohibited and violators are subject to a fine.
- c) The Town of Prospect shall mark, in white paint, the boundary of such designated intersections with a line not less than one foot in width and the area within such boundary line with parallel diagonal lines not less than one foot in width.
- d) Any person in violation of the provisions of said ordinance shall have committed an infraction and shall be subject to penalties established by the State of Connecticut for such offense.

Adopted: December 15, 2015




Thomas J. Galvin, Chairman
Prospect Town Council


Received for record: December 16, 2015

Adopted Date: December 15, 2015

Publication Date: December 25, 2015

Effective Date: January 25, 2016


Maryann C. Anderson, Town Clerk

PROSPECT, CONN.
TOWN CLERKS OFFICE
RECEIVED FOR RECORD
2015 DEC 16 AM 10:37

TOWN CLERK

Ordinance # 86-11-15-16
(Amended #71-04-20-04)

Town Ordinance for Property Tax Relief for Certain Elderly and/or Totally Disabled Homeowners

1.) Purpose

The purpose of this ordinance is to assist elderly or disabled homeowners with their real property taxes. Pursuant to Section 12-129n of the Connecticut General Statutes, the town grants a tax credit for eligible residents of the town on the terms and conditions hereinafter provided.

2.) Effective Date of Tax Credit

The tax credit shall commence with the taxes due on the Grand List of October 1, 2016 and yearly thereafter until this Ordinance shall be repealed or modified by action of the Town Council. All tax credits granted under this Ordinance shall be subject to the availability of funding by the Town Council.

3.) Eligibility

A.) Any person who owns real property in the Town of Prospect or is liable for the payment of taxes thereon under Connecticut General Statutes 12-48 and who occupies that property as his or her principal residence or held in trust for and occupied by such residents as their principal residence, shall be eligible for real property tax relief pursuant to Connecticut General Statutes 12-129n in the form of a tax credit, provided that all the following conditions 1-4 below are met:

1.) Applicant is:

A.) Sixty five (65) years of age or over at the close of the calendar year preceding the period in which a claim for relief is filed;

Or whose spouse living with him or her is sixty five (65) years of age or over at the close of the calendar year preceding the period in which the claim for relief is filed;

Or applicant is sixty (60) years of age or over and the surviving spouse of a taxpayer qualified in Prospect under this Ordinance at the time of applicant's death;

Or with respect to real property on which such applicant or his or her spouse is liable for taxes under Connecticut General Statutes 12-48

Or Applicant under age sixty five (65) years of age and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security;

Or have not been engaged in employment covered by Social Security and accordingly has not qualified for benefits thereunder but has become qualified for permanent total disability benefits under any federal, state, or local government retirement disability plan, including the Railroad Retirement Act and any government-related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under Social Security;

2.) The applicant and/or his or her spouse under Sec.3 (a) (1) above must have been a tax payer of the Town of Prospect for one (1) year immediately preceding their receipt for tax benefits under this Ordinance and meet the requirements with respect to maximum income allowance during the calendar year preceding the year in which the application is made for the tax credit provided in this Ordinance;

3.) The applicant and/or his or her spouse must own and occupy the real property in the Town of Prospect for which this tax credit is claimed as their principal residence. Principal residence shall be defined as residency of at least six months and one day in each Grand List year for which the exemption is claimed;

4.) The applicant's qualifying income must not exceed 1.5 times the requirement as set forth in the Connecticut General Statute's 12-129b and 12-170aa.

4.) Applications

In Order to be eligible for this tax credit, all applicants must submit an application on a form approved by the Town Council together with all required supporting documents, including all financial information necessary to confirm eligibility.

5.) Income Limits

Income eligibility limits for participation in the tax credit provided for by this ordinance shall be 1.5 times those limits set forth for eligibility under Connecticut General Statutes 12-129b and 12-170aa and regulations promulgated thereunder, as such may be amended from time to time.

6.) Amount of Relief

1.) Applicants who meet the eligibility requirements shall be provided with a maximum flat tax credit in the amount of four hundred dollars (\$400.00) per tax year, provided, in no event, shall the total amount of the local tax relief any applicant receives from all available programs exceed seventy-five percent (75%) of the real property taxes assessed against the applicant. The Town Council may change the amount of such flat tax credit annually. Regardless of the number of eligible owners of a property, no real property shall be eligible for more than one tax credit as provided hereunder.

2.) The flat tax credit provided for in this Ordinance shall be prorated, however, according to the period of residency as follows:

Period of Residency	Percentage of Tax Credits to be applied
1-5 years	50%
6 or more years	100%

3.) The total tax relief of property tax revenue that may be granted by the Town of Prospect pursuant to the provisions of this Ordinance shall not exceed an amount equal to five percent (5%) of the total real property tax assessed in the Town of Prospect in the preceding tax year.

4.) In any case where the title to real property is recorded in the name of a taxpayer or in the name of his or her spouse, who is eligible for tax relief hereunder, and in the name of any other persons, the tax relief under this article shall be prorated to allow a tax credit equivalent to the financial share in the property of such taxpayer or spouse, and the persons not otherwise eligible for tax relief shall not receive any tax credit.

5.) Only one tax credit, as heretofore set forth, shall be allowed for each parcel of land eligible for the tax relief under this Ordinance.

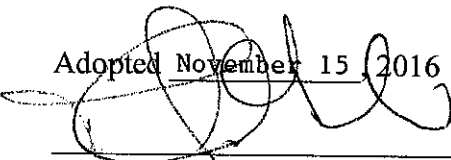
6.) In the event the real property of a qualified applicant is sold, assigned, granted, or conveyed during the fiscal year when a credit is applicable, regardless of whether such transfer, assignment, grant or conveyance was voluntary or involuntary, the amount of the tax credit shall be prorated by the office of the Tax Assessor.

7.) Additional Benefits

Tax relief pursuant to this article shall not disqualify an eligible taxpayer from any other benefits to which he or she may be entitled by law.

This Ordinance supersedes the April 20th, 2004 passage of Ordinance # 71-04-20-04

Adopted November 15, 2016

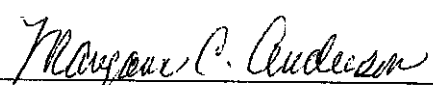

Thomas Galvin, Chairman
Prospect Town Council

Received for record: November 18, 2016

Adopted Date: November 15, 2016

Publication Date: November 23, 2016

Effective Date: December 15, 2016


Maryann C. Anderson
Town Clerk

TOWN OF PROSPECT, CONNECTICUT – BLIGHT ORDINANCE

BE IT ORDAINED, by the Prospect Town Council, in a meeting duly assembled on December 6, 2016, that the following ordinance is adopted:

**BLIGHT ORDINANCE #87-12-06-16
(Amended #83-02-17-15)**

of the Code of Ordinances, Town of Prospect, Connecticut is hereby as follows:

Sec. 1. Purpose. The purpose of this ordinance is to define, prohibit and abate blights and nuisances and to protect, preserve, promote public health, safety and welfare, and to preserve and protect property values.

Sec. 2. Scope of provisions.

This ordinance shall apply uniformly to the maintenance of all residential, nonresidential, and undeveloped premises now in existence or hereafter constructed, maintained, or modified.

Sec. 3. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance:

Abandoned Premises: Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured; which have been occupied by unauthorized persons or for illegal purposes; or which present a danger of structural collapse or fire that may spread to adjacent properties.

Abandoned vehicles: More than two (2) unregistered, inoperable cars, trucks, aircrafts, campers, motorcycles or mopeds, recreational vehicles (e.g. golf carts, snowmobiles, water sleds, all-terrain vehicles, etc.) boats or other watercrafts, tractors, carts, trailers, riding mowers, or farming or construction equipment whether self-propelled or towed stored on the exterior of the premises, unless such exterior storage is permitted under the terms of a permit or approval issued by a local or state commission or agency. It shall be a defense that the vehicle is not abandoned if it is currently registered with a state or federal licensing agency such as a department of motor vehicles, or other agency that licenses the particular type of vehicle. Inoperable shall mean that the vehicle is no longer being used for its intended purpose evidenced by two (2) or more of the following conditions:

- (1) Engine no longer starts or is missing;
- (2) Flat tires or missing tires, wheels, or other parts necessary for locomotion;
- (3) Missing doors or windows;
- (4) Close proximity of grass or other vegetation or debris, indicating immobility;

TOWN OF PROSPECT, CONNECTICUT – BLIGHT ORDINANCE

(5) Holes, rust, or other evidence of obvious physical decay or neglect, lack of maintenance or excessive use; or

(6) Use for another purpose (e.g. storage).

Accumulating Refuse: Waste, garbage, trash, litter, junk or rubbish that accumulates on any private premises, business, lot, or abandoned property, and is not completely contained within trash or refuse storage bins, racks or enclosures, or other containers as approved by the Town for such use, all or part of which has remained in such location for at least 60 days.

Anti-Blight Commission: A five (5) member Board, appointed by the Prospect Town Council, empowered to identify, receive and investigate complaints and enforce procedures of this ordinance.

Capable individual: A person that can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children above sixteen (16) years of age without physical or mental disability as defined herein.

Connecticut General Statutes: Laws of the State of Connecticut, including any applicable amendments.

Debris: Material which is incapable of immediately performing the function for which it was designed including, but not limited to, abandoned, discarded, or unused objects; plastics, glass, papers, equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, or garbage which is in public view.

Disabled individual: In the case of an owner-occupied residence, an individual who has a disability meeting the definitions for the mental or physical disability as defined under the Americans with Disabilities Act of 1990, and does not have other household members capable of providing the necessary maintenance.

Dilapidated: In a physically deteriorating condition which, if left unabated, would cause an unsafe or unsanitary condition or a nuisance to the general public.

Disrepair: In poor working order, dilapidated, decrepit or in an imminent state of collapse.

Infestation: The presence of insects, rodents, vermin or other pests on the premises, which constitute a health hazard.

Owner/Occupant: Any person, institution, foundation, entity or authority which owns, leases, rents, possesses, or is responsible for property within the Town.

Persistent: Existing or remaining in the same state for a period of least 60 days.

TOWN OF PROSPECT, CONNECTICUT – BLIGHT ORDINANCE

erson: Any individual, civic organization, municipal agency, town employee, corporation, partnership, limited liability company, limited liability partnership, association, trust or unincorporated organization.

Premises: A tract of land including its buildings or structures either occupied or unoccupied.

Public view: Visible from any public right-of-way or neighboring property, at grade level.

Reasonable: Exercising the degree of caution and concern an ordinarily prudent and rational person would use in similar circumstances.

Rubbish, Garbage, Refuse: Solid waste consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, leaves, wood, plastics, glass, bedding, crockery, unused and scrap building materials, and similar materials.

Sanitary Conditions: Free from filth and pathogens.

Structure: Anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground.

Vacant: Buildings, structures, premises or portions thereof, including tenant spaces, which have been unoccupied for a period of ninety (90) days or longer.

Vacant Parcel: A parcel of land with no structure thereon.

Sec. 4. Blighted Premises. No owner/occupant of real property within the Town of Prospect shall cause or allow blighted premises to be created, nor shall any owner/occupant allow the continued existence of blighted premises.

A blighted premises is identified as any building or structure, any part of a structure that is a separate unit, or a parcel of land, or any accessory structure, or a fence, in which at least one of the following conditions exists:

1. It has been determined by the Town Building Official, Chesprocott Health District, Town Engineer, Zoning Enforcement Officer, or other appropriate official as designated by the Mayor acting within the scope of his or her authority, that a condition exists that poses a serious or immediate threat to the health, safety or general welfare of the occupants or other persons in the Town; or
2. The Fire Marshal has determined that a building or structure is a fire hazard; or
3. The property is in a state of disrepair or is dilapidated; or
4. The property is attracting illegal activity due to its state of disrepair or dilapidation; or
5. Persistent occurrences of any of the following: violations of building, fire, zoning, housing or health codes; or

TOWN OF PROSPECT, CONNECTICUT – BLIGHT ORDINANCE

6. The property is not being adequately maintained. The following factors shall be considered in determining whether it is not being adequately maintained:
- (a) Missing, broken or boarded up windows, doors or the existence of graffiti; or
 - (b) Collapsing or missing walls and/or roof; or
 - (c) Seriously damaged or missing siding; or
 - (d) Unrepaired water or fire damage; or
 - (e) Rodent harborage and/or infestation; or
 - (f) Persistent debris, rubbish, garbage or accumulating refuse on the property; or
 - (g) More than two (2) abandoned or unregistered vehicles as defined in Section 3; or
 - (h) Overgrown brush, shrubs, weeds and /or grass as prohibited by Section 5.

Sec. 5. Mowing, removal of weeds and similar vegetation; control of vegetation.

For the period from May 1st and continuing through the end of October of each year, it shall be unlawful for any owner/occupant of property upon which a structure exists, or who is in possession of a vacant lot in an approved subdivision which fronts on a paved public road to allow grass to grow more than one (1) foot in height, unless such grass is harvested as hay or is maintained at such height for ornamental purposes, within six (6) feet of the street line of any paved public highway and within six (6) feet of any side yard property line adjoining a property on which a building or dwelling exists, or to allow any weeds of similar growth in such locations to grow more than one (1) foot in height. Every owner/occupant of property shall keep his property free from vegetation of any type, which, in the opinion of the Chesprocott Health District and/or a designated public official, is overgrown or injurious to public health or safety.

TOWN OF PROSPECT, CONNECTICUT - BLIGHT ORDINANCE

BE IT ORDAINED, by the Prospect Town Council, in a meeting duly assembled on December 6, 2016, that the following ordinance is adopted:

BLIGHT ORDINANCE #87-12-06-16 (Amended #83-02-17-15)

of the Code of Ordinances, Town of Prospect, Connecticut is hereby as follows:

Sec. 1. Purpose. The purpose of this ordinance is to define, prohibit and abate blights and nuisances and to protect, preserve, promote public health, safety and welfare, and to preserve and protect property values.

Sec. 2. Scope of provisions.

This ordinance shall apply uniformly to the maintenance of all residential, nonresidential, and undeveloped premises now in existence or hereafter constructed, maintained, or modified.

Sec. 3. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance:

Abandoned Premises: Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured; which have been occupied by unauthorized persons or for illegal purposes; or which present a danger of structural collapse or fire that may spread to adjacent properties.

Abandoned vehicles: More than two (2) unregistered, inoperable cars, trucks, aircrafts, campers, motorcycles or mopeds, recreational vehicles (e.g. golf carts, snowmobiles, water sleds, all-terrain vehicles, etc.) boats or other watercrafts, tractors, carts, trailers, riding mowers, or farming or construction equipment whether self-propelled or towed stored on the exterior of the premises, unless such exterior storage is permitted under the terms of a permit or approval issued by a local or state commission or agency. It shall be a defense that the vehicle is not abandoned if it is currently registered with a state or federal licensing agency such as a department of motor vehicles, or other agency that licenses the particular type of vehicle. Inoperable shall mean that the vehicle is no longer being used for its intended purpose evidenced by two (2) or more of the following conditions:

- (1) Engine no longer starts or is missing;
- (2) Flat tires or missing tires, wheels, or other parts necessary for locomotion;
- (3) Missing doors or windows;
- (4) Close proximity of grass or other vegetation or debris, indicating immobility;

TOWN OF PROSPECT, CONNECTICUT – BLIGHT ORDINANCE

(5) Holes, rust, or other evidence of obvious physical decay or neglect, lack of maintenance or excessive use; or

(6) Use for another purpose (e.g. storage).

Accumulating Refuse: Waste, garbage, trash, litter, junk or rubbish that accumulates on any private premises, business, lot, or abandoned property, and is not completely contained within trash or refuse storage bins, racks or enclosures, or other containers as approved by the Town for such use, all or part of which has remained in such location for at least 60 days.

Anti-Blight Commission: A five (5) member Board, appointed by the Prospect Town Council, empowered to identify, receive and investigate complaints and enforce procedures of this ordinance.

Capable individual: A person that can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children above sixteen (16) years of age without physical or mental disability as defined herein.

Connecticut General Statutes: Laws of the State of Connecticut, including any applicable amendments.

Debris: Material which is incapable of immediately performing the function for which it was designed including, but not limited to, abandoned, discarded, or unused objects; plastics, glass, papers, equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, or garbage which is in public view.

Disabled individual: In the case of an owner-occupied residence, an individual who has a disability meeting the definitions for the mental or physical disability as defined under the Americans with Disabilities Act of 1990, and does not have other household members capable of providing the necessary maintenance.

Dilapidated: In a physically deteriorating condition which, if left unabated, would cause an unsafe or unsanitary condition or a nuisance to the general public.

Disrepair: In poor working order, dilapidated, decrepit or in an imminent state of collapse.

Infestation: The presence of insects, rodents, vermin or other pests on the premises, which constitute a health hazard.

Owner/Occupant: Any person, institution, foundation, entity or authority which owns, leases, rents, possesses, or is responsible for property within the Town.

Persistent: Existing or remaining in the same state for a period of least 60 days.

TOWN OF PROSPECT, CONNECTICUT – BLIGHT ORDINANCE

Person: Any individual, civic organization, municipal agency, town employee, corporation, partnership, limited liability company, limited liability partnership, association, trust or unincorporated organization.

Premises: A tract of land including its buildings or structures either occupied or unoccupied.

Public view: Visible from any public right-of-way or neighboring property, at grade level.

Reasonable: Exercising the degree of caution and concern an ordinarily prudent and rational person would use in similar circumstances.

Rubbish, Garbage, Refuse: Solid waste consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, leaves, wood, plastics, glass, bedding, crockery, unused and scrap building materials, and similar materials.

Sanitary Conditions: Free from filth and pathogens.

Structure: Anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground.

Vacant: Buildings, structures, premises or portions thereof, including tenant spaces, which have been unoccupied for a period of ninety (90) days or longer.

Vacant Parcel: A parcel of land with no structure thereon.

Sec. 4. Blighted Premises. No owner/occupant of real property within the Town of Prospect shall cause or allow blighted premises to be created, nor shall any owner/occupant allow the continued existence of blighted premises.

A blighted premises is identified as any building or structure, any part of a structure that is a separate unit, or a parcel of land, or any accessory structure, or a fence, in which at least one of the following conditions exists:

1. It has been determined by the Town Building Official, Chesprocott Health District, Town Engineer, Zoning Enforcement Officer, or other appropriate official as designated by the Mayor acting within the scope of his or her authority, that a condition exists that poses a serious or immediate threat to the health, safety or general welfare of the occupants or other persons in the Town; or
2. The Fire Marshal has determined that a building or structure is a fire hazard; or
3. The property is in a state of disrepair or is dilapidated; or
4. The property is attracting illegal activity due to its state of disrepair or dilapidation; or
5. Persistent occurrences of any of the following: violations of building, fire, zoning, housing or health codes; or

TOWN OF PROSPECT, CONNECTICUT – BLIGHT ORDINANCE

6. The property is not being adequately maintained. The following factors shall be considered in determining whether it is not being adequately maintained:
- (a) Missing, broken or boarded up windows, doors or the existence of graffiti; or
 - (b) Collapsing or missing walls and/or roof; or
 - (c) Seriously damaged or missing siding; or
 - (d) Unrepaired water or fire damage; or
 - (e) Rodent harborage and/or infestation; or
 - (f) Persistent debris, rubbish, garbage or accumulating refuse on the property; or
 - (g) More than two (2) abandoned or unregistered vehicles as defined in Section 3;
or
 - (h) Overgrown brush, shrubs, weeds and /or grass as prohibited by Section 5.

Sec. 5. Mowing, removal of weeds and similar vegetation; control of vegetation.

For the period from May 1st and continuing through the end of October of each year, it shall be unlawful for any owner/occupant of property upon which a structure exists, or who is in possession of a vacant lot in an approved subdivision which fronts on a paved public road to allow grass to grow more than one (1) foot in height, unless such grass is harvested as hay or is maintained at such height for ornamental purposes, within six (6) feet of the street line of any paved public highway and within six (6) feet of any side yard property line adjoining a property on which a building or dwelling exists, or to allow any weeds of similar growth in such locations to grow more than one (1) foot in height. Every owner/occupant of property shall keep his property free from vegetation of any type, which, in the opinion of the Chesprocott Health District and/or a designated public official, is overgrown or injurious to public health or safety.

Sec. 6. Establishment of Anti-Blight Commission.

This ordinance provides for the establishment of an Anti-Blight Commission consisting of five members appointed by the Prospect Town Council. The Anti-Blight Commission will meet regularly and/or as needed to identify potentially blighted properties, and receive, review, evaluate and address complaints of blight. The Anti-Blight Commission will have the power to issue Warning Notices and Citations and, with the approval of the Town Council, to authorize the remediation of blighted conditions, according to the processes set forth in this ordinance.

Sec. 7. Complaints, Warning Notice.

(a) Any person may file a written complaint of violation of this ordinance with the Anti-Blight Commission for review. If it appears to the Anti-Blight Commission that a violation of this ordinance exists, the Anti-Blight Commission shall forward a Warning Notice to the owner/occupant and a copy of such notice to each individual or entity with a recorded lien on the real property at the time such determination has been made.

(b) Such a Warning Notice from the Anti-Blight Commission shall be issued prior to issuing a Citation.

(c) Such Warning Notice shall:

(1) Provide a description of the real estate sufficient for identification, and specify the violation that is alleged to exist and the remedial action required;

(2) Provide a period of not more than thirty (30) days for the performance of any act required; however, the Anti-Blight Commission may allow for a longer period for abatement depending on the nature of the violation. Requests for extension of the time period established for abatement shall be submitted in writing to the Anti-Blight Commission. Approval of an extension request shall require a majority vote of the Anti-Blight Commission;

(3) State that if the required remedial actions are not completed with the time frame in (2) above, the amount of civil penalties that may be imposed for noncompliance shall apply to each violation in the amount of twenty five dollars (\$25) per day for days 1-30, then increase to fifty dollars (\$50.00) for days 31- 60, then increase to one hundred (\$100.00) dollars per day for each day that the violation continues beyond sixty days from the date of the notice;

(4) State that if the required remedial actions are not completed within the time frame in (2) above, the Town may remediate the property and assess the costs against the property owner in accordance with Sections 16 and 18 of this ordinance;

TOWN OF PROSPECT, CONNECTICUT – BLIGHT ORDINANCE

- (5) State that in the process of remediation, the Town may remove and dispose of items constituting and/or contributing to the blighted condition of the property; and
 - (6) Advise that the owner/occupant may respond to a Warning Notice in writing or in person at the next Anti-Blight Commission meeting to express concerns or provide information regarding special considerations, as described in Section 19 of this ordinance.
- (d) Delivery of a Warning Notice to the owner/occupant and the copy to any lien holders shall be by the following methods:
- (1) By personal delivery to the owner/occupant; or
 - (2) By certified mail, return receipt requested, addressed to the owner/occupant at his last known address with postage prepaid thereon. Should Warning Notice served via certified mail be refused, it may be resent by regular United States first class mail.
 - (3) By first class mail to any lien holder addressed to such lien holder's current or last-known address; however, the failure to send a copy of the notice to any lien holder shall not relieve the owner/occupant from remediating the violation(s) or from paying any civil penalties.

Sec. 8. Enforcement by Citation.

- (a) If the corrective actions specified in the Warning Notice are not taken within thirty (30) days of the date that the Warning Notice is personally delivered or mailed unless the Anti Blight Commission receives information sufficient to determine that no violation exists or that the violation has been corrected, the Anti-Blight Commission shall issue a written Citation to the owner/occupant, with a copy to any lien holder; however, the failure to send a copy to any lien holder shall not relieve the owner/occupant from remediating the violation(s) or from paying any civil penalties.
- (b) A Citation shall be in writing and include:
 - (1) A description of the real estate sufficient for identification, specifying the violation that is alleged to exist and the remedial action required;
 - (2) Detailed information regarding the contents of the initial Warning Notice (which may be in the form of a copy of such Warning Notice) and the failure of the owner/occupant to take the corrective actions specified therein within the time prescribed in the Warning Notice;

TOWN OF PROSPECT, CONNECTICUT – BLIGHT ORDINANCE

(3) The amount of the civil penalties due for noncompliance and a statement that the owner/occupant has ten 10 days from receipt of the Citation within which to make uncontested payment;

(4) Notice that it is the owner/occupant's obligation to inform the Anti-Blight Commission in writing that the violation has been brought into compliance;

(5) A statement that the owner/occupant may contest his/her/its liability and request a hearing before a Citation Hearing Officer in accordance with Section 10 of this ordinance; and

(6) A statement that if the owner/occupant does not pay the civil penalties or request a hearing, an assessment and judgment shall be entered against such owner/occupant.

(c) The Citation shall be delivered to the owner/occupant, and a copy to any lien holder, in the same manner as set forth in Section 7 (d) above.

Sec. 9. Uncontested Payment Period

Uncontested payment to the Town of Prospect of the civil penalties specified in the Citation shall be allowed for a period of ten (10) calendar days from receipt of the Citation. If the Citation was sent by regular mail as set forth in Section 7 (d)(2) above, the day of receipt of the Citation shall be deemed to be four (4) days after the date of its mailing.

Such payment shall not preclude the Town from pursuing any and all options for addressing the blighted condition, including but not limited to remediation under Section 16 hereof

Sec. 10. Notice of Violation and Hearing

(a) If uncontested payment of the civil penalties specified in the Citation is not made within the ten (10) day period set forth in Section 9 above, at any time within twelve (12) months from the expiration of the 10-day period, the Anti-Blight Commission shall send notice to the person(s) cited, informing such person:

(1) Of the allegations against him/her/it and the amount of the civil penalties, costs, or fees due;

(2) That the cited person may contest his/her/its liability before a Citation Hearing

Officer by delivering, in person or by mail, within ten (10) days of the date of the notice (the date of delivery if hand delivered or the date of mailing if mailed), a written request for a hearing;

TOWN OF PROSPECT, CONNECTICUT – BLIGHT ORDINANCE

(3) That filing a request for a hearing shall cause the daily accrual of civil penalties to cease from the date such filing is hand-delivered or mailed to the Anti-Blight Commission until the date the hearing officer renders a decision unless, during such period, the violation of this ordinance is expanded or increased.

(4) That if the cited person does not request such a hearing, an assessment and judgment shall be entered against such person; and

(5) That such judgment may issue without further notice.

(b) The Notice shall be delivered to the owner/occupant, and a copy to any lien holder, in the same manner as set forth in Section 7 (d) above.

Sec. 11. Admission of Liability and Payment of Civil Penalty

Any cited person who wishes to admit liability without requesting a hearing may pay the full amount of the civil penalties admitted to in person or by mail to the Town of Prospect. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Such payment shall not preclude the Town from pursuing any and all options for addressing the blighted condition, including but not limited to remediation under Section 16 hereof.

Any person who does not deliver or postmark written request for a hearing within ten (10) days of the date of the notice described in Section 10 above (the date of delivery if hand delivered or the date of mailing if mailed) shall be deemed to have admitted liability, and the Anti-Blight Commission or its designee shall certify such person's failure to respond to the Citation Hearing Officer. The Citation Hearing Officer shall thereupon enter and assess the civil penalties provided for by this ordinance and shall follow the procedures set forth in Section 14 of this ordinance.

Sec. 12. Hearing.

(a) An owner/occupant may request a hearing after receiving a Citation or within ten (10) days of the date of the notice described in Section 10 above. Said request shall be made in writing to the following: Town of Prospect Anti-Blight Commission, 36 Center St., Prospect, CT, 06712.

(b) Any person who requests a hearing shall be given written notice of the date, time and place for a hearing to be held not less than fifteen (15) days nor more than thirty (30) calendar days from the date of the notice of hearing. The Citation Hearing Officer shall

TOWN OF PROSPECT, CONNECTICUT – BLIGHT ORDINANCE

grant, upon good cause shown, any reasonable request by any interested party for a postponement or continuance. An original or certified copy of the Citation shall be filed and retained by the Anti-Blight Commission and shall be deemed to be a business record within the scope of Connecticut General Statutes, Section 52-180 and evidence of the facts contained therein. Upon request of the person appealing the Citation, the presence of a member of the Anti-Blight Commission shall be required at the hearing. A person wishing to contest his/her/its liability shall appear at the hearing and may present evidence in his/her/its behalf and may appear with an attorney. A designated municipal official, other than the Citation Hearing Officer, may present evidence on behalf of the municipality. If the person who received the Citation fails to appear, the Citation Hearing Officer may enter an assessment by default against him/her/it or her upon a finding of proper notice and liability under the applicable provision(s) of this ordinance. The Citation Hearing Officer may accept written information by mail from the person who received the Citation and may determine thereby that the appearance of such person is unnecessary. The Citation Hearing Officer shall conduct the hearing in the order and form and with such methods of proof, as he/she deems fair and appropriate.

The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.

(c) Pending the hearing before a Citation Hearing Officer, no further enforcement activity as contemplated by Sections 16 and 18 shall occur until either a hearing is held or the Citation Hearing Officer assesses civil penalties or until the petitioner fails to appear for a scheduled hearing and the Citation Hearing Officer assesses civil penalties.

Sec. 13. Decision.

The Citation Hearing Officer shall announce the decision at the end of the hearing. If the Citation Hearing Officer determines that the person who received the citation is not liable, the Citation Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Citation Hearing Officer determines that the person is liable for the violation, he shall forthwith enter and assess the civil penalties against such person as provided by this ordinance, which penalties shall be immediately due and payable. The amount thereof shall be stated by the hearing officer in his/her decision.

If the Citation Hearing Officer determines that the person who received the citation is liable for the violation, such person shall have 30 days from the date of the hearing within which to correct the violation before the Town may take further action to correct the blighted condition including but not limited to remediation under Section 16 hereof. If, however, the person found liable for the violation did not attend the hearing or has previously been found liable for the same or similar blighted condition, the Town may proceed immediately with further action to correct the violation.

Sec. 14. Pursuit of Assessment and Judgment

If such assessment is not paid on the date of its entry, the Citation Hearing Officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the Notice of Assessment with the Clerk of a Superior Court facility designated by the Chief Court Administrator together with the required entry fee. The certified copy of the Notice of Assessment shall constitute a record of assessment. Within such twelve (12) month period, assessments against the same person may be accrued and filed as one record of assessment. The Clerk shall enter judgment, in the amount of such record of assessment and requisite court costs, against such person in favor of the municipality. Notwithstanding any provision of the Connecticut General Statutes, the Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

Sec. 15. Appeal of Assessment

A person against whom an assessment has been entered pursuant to this ordinance is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to Connecticut General Statutes, Section 52-259, at a Superior Court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the Judges of the Superior Court.

Sec. 16. Enforcement by Town Remediation

When an owner/occupant has been found liable for a violation of this ordinance through his/her/its failure to timely seek a hearing to contest liability before a Citation Hearing Officer or due to the determination of the owner/occupant's liability by the Citation Hearing Officer, or when an owner/occupant has failed to contest liability or admitted liability through payment of civil penalties pursuant to Sections 9 and 11 hereof, respectively, the Anti-Blight Commission, subject to the approval of the Town Council, may authorize a remediation company or the Public Works Department to enter the property during reasonable hours for the purpose of remediating the blighted conditions. In performing such remediation, however, the Town and/or its designated agents may not enter any dwelling, house or structure on such property without the written permission of the owner and any occupants.

Sec. 17. Appointment of Citation Hearing Officers.

The Mayor shall appoint three Town of Prospect residents to serve as Citation Hearing Officers. Although the Mayor may ask the Town Council to recommend candidates, the Mayor shall not be required to select from among the recommended candidates. Such officers shall serve staggered terms of three (3) years each. No member of the Anti-Blight Commission, zoning enforcement officer, police officer, building inspector or employee of the Town may be appointed as a Citation Hearing Officer under this ordinance.

Sec. 18. Penalties for offenses; lien.

(a) The owner/occupant of premises where a violation of any of the provisions of this ordinance shall exist or who shall maintain any building or premises in which such violations exist may:

(1) Be assessed civil penalties of not more than one hundred dollars (\$100.00) for each day that a violation continues after a Warning Notice described in Section 7 is given to the owner/occupant; and/or

(2) Be required to abate the violation at the owner/occupant's expense; and or

(3) Be subject to the Town's remediation of the blighted condition(s) and assessing the costs of said remediation against the subject property by levying a lien on the subject real estate.

(b) Any unpaid civil penalty imposed pursuant to this ordinance, shall constitute a lien upon the real estate against which the civil penalty was imposed from the date of such civil penalty. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after July 1, 1997, except for taxes. Each such lien may be enforced in the same manner as property tax liens, including foreclosure of the real property.

(c) If the Town remediates blighted conditions on property pursuant to Section 16 above, the costs of such remediation may be assessed against the property in the form of a lien which shall take precedence over any other encumbrance except municipal tax assessments on such property. The Town shall, not later than the date thirty (30) days after the date on which such work has ceased, file a certificate of such lien and give notice to the owner of the property in the same manner as provided in Section 49-34 of the Connecticut General Statutes. Simultaneous with the filing, the Town shall make reasonable efforts to mail a copy of the certificate by first class mail to any recorded lien holder's current or last-known address.

(d) In addition to all other remedies and any civil penalties imposed herein, the provisions of this ordinance may be enforced by injunctive proceedings in Superior Court. The Town may recover from such owner/occupant or other responsible person any and all costs and fees, including reasonable attorneys' fees, expended by the Town in enforcing the provisions of this ordinance.

Sec. 19. Special consideration.

(a) Notwithstanding anything herein to the contrary, in evaluating whether to issue a Warning Notice, Citation, or Notice of Violation and Hearing, the Anti-Blight Commission may give special consideration to individuals who are elderly, disabled, hospitalized, or on active military duty and who demonstrate that the violation results from an inability to maintain an owner-occupied residence and no person with that ability resides therein.

(b) Such special consideration shall be limited to the reduction or elimination of civil penalties and/or an agreement that the Town or its agents may perform the necessary work and place a lien against the premises for the cost thereof in accordance with the provisions of this ordinance.

Sec. 20. Severability.

In the event that any part or portion of this ordinance is declared invalid for any reason, all the other provisions of this ordinance shall remain in full force and effect.

Sec. 21. Construal of terms and provisions.

(a) Where terms are specifically defined or the meanings of such terms are clearly indicated by their context, that meaning is to be used in the interpretation of this ordinance.

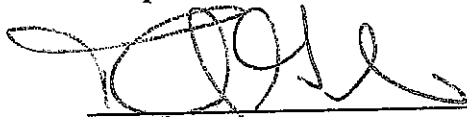
(b) Where terms are not specifically defined and such terms are defined in the Charter and Town Ordinances, such terms shall have the same meaning for the interpretation and enforcement of this ordinance.

(c) Where terms are not specifically defined in this ordinance, they shall have their ordinarily accepted meaning or such meaning as the context may imply.

(d) The provisions of this ordinance shall not be construed to prevent the enforcement of other codes, ordinances or regulations of the Town.

(e) In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other provision of the Town Charter and/or Town Ordinances or the State of Connecticut, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people of the Prospect shall prevail.

Adopted December 6, 2016



Thomas Galvin, Chairman
Prospect Town Council

TOWN OF PROSPECT, CONNECTICUT - BLIGHT ORDINANCE

Received for record: December 7, 2016

Adopted Date: December 6, 2016

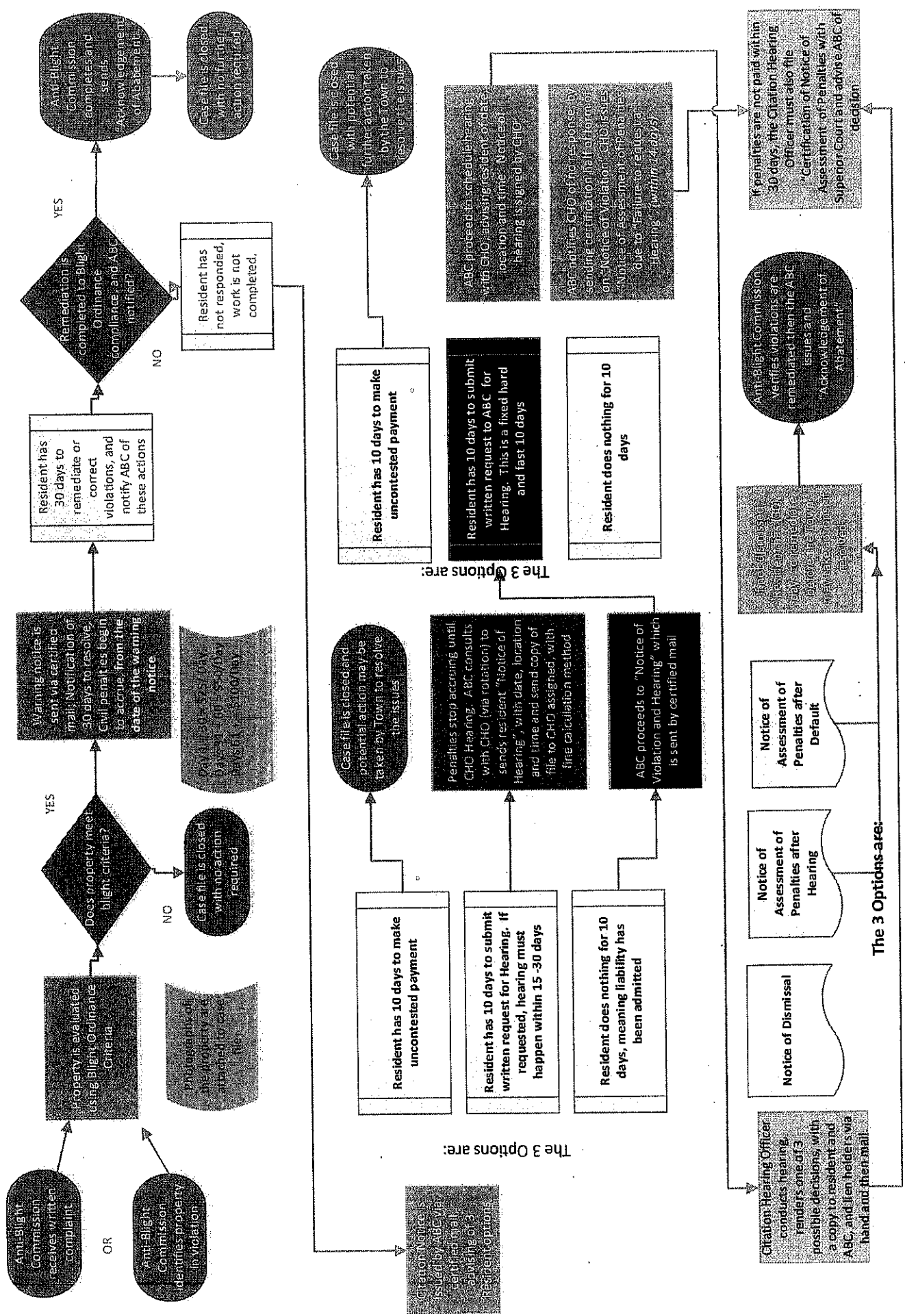
Publication Date: December 9, 2016

Effective Date: January 8, 2017

Maryann C. Anderson

Maryann C. Anderson, Town Clerk

PROSPECT, CONN
TOWN CLERK'S OFFICE
RECEIVED FOR RECORD
2016 DEC -7 PM 1:58
Maryann C. Anderson
TOWN CLERK



TOWN OF PROSPECT, CONNECTICUT – BLIGHT ORDINANCE

Sec. 6. Establishment of Anti-Blight Commission.

This ordinance provides for the establishment of an Anti-Blight Commission consisting of five members appointed by the Prospect Town Council. The Anti-Blight Commission will meet regularly and/or as needed to identify potentially blighted properties, and receive, review, evaluate and address complaints of blight. The Anti-Blight Commission will have the power to issue Warning Notices and Citations and, with the approval of the Town Council, to authorize the remediation of blighted conditions, according to the processes set forth in this ordinance.

Sec. 7. Complaints, Warning Notice.

(a) Any person may file a written complaint of violation of this ordinance with the Anti-Blight Commission for review. If it appears to the Anti-Blight Commission that a violation of this ordinance exists, the Anti-Blight Commission shall forward a Warning Notice to the owner/occupant and a copy of such notice to each individual or entity with a recorded lien on the real property at the time such determination has been made.

(b) Such a Warning Notice from the Anti-Blight Commission shall be issued prior to issuing a Citation.

(c) Such Warning Notice shall:

(1) Provide a description of the real estate sufficient for identification, and specify the violation that is alleged to exist and the remedial action required;

(2) Provide a period of not more than thirty (30) days for the performance of any act required; however, the Anti-Blight Commission may allow for a longer period for abatement depending on the nature of the violation. Requests for extension of the time period established for abatement shall be submitted in writing to the Anti-Blight Commission. Approval of an extension request shall require a majority vote of the Anti-Blight Commission;

(3) State that if the required remedial actions are not completed with the time frame in (2) above, the amount of civil penalties that may be imposed for noncompliance shall apply to each violation in the amount of twenty five dollars (\$25) per day for days 1-30, then increase to fifty dollars (\$50.00) for days 31- 60, then increase to one hundred (\$100.00) dollars per day for each day that the violation continues beyond sixty days from the date of the notice;

(4) State that if the required remedial actions are not completed within the time frame in (2) above, the Town may remediate the property and assess the costs against the property owner in accordance with Sections 16 and 18 of this ordinance;

TOWN OF PROSPECT, CONNECTICUT – BLIGHT ORDINANCE

- (5) State that in the process of remediation, the Town may remove and dispose of items constituting and/or contributing to the blighted condition of the property; and
 - (6) Advise that the owner/occupant may respond to a Warning Notice in writing or in person at the next Anti-Blight Commission meeting to express concerns or provide information regarding special considerations, as described in Section 19 of this ordinance.
- (d) Delivery of a Warning Notice to the owner/occupant and the copy to any lien holders shall be by the following methods:
- (1) By personal delivery to the owner/occupant; or
 - (2) By certified mail, return receipt requested, addressed to the owner/occupant at his last known address with postage prepaid thereon. Should Warning Notice served via certified mail be refused, it may be resent by regular United States first class mail.
 - (3) By first class mail to any lien holder addressed to such lien holder's current or last-known address; however, the failure to send a copy of the notice to any lien holder shall not relieve the owner/occupant from remediating the violation(s) or from paying any civil penalties.

Sec. 8. Enforcement by Citation.

- (a) If the corrective actions specified in the Warning Notice are not taken within thirty (30) days of the date that the Warning Notice is personally delivered or mailed unless the Anti Blight Commission receives information sufficient to determine that no violation exists or that the violation has been corrected, the Anti-Blight Commission shall issue a written Citation to the owner/occupant, with a copy to any lien holder; however, the failure to send a copy to any lien holder shall not relieve the owner/occupant from remediating the violation(s) or from paying any civil penalties.
- (b) A Citation shall be in writing and include:
 - (1) A description of the real estate sufficient for identification, specifying the violation that is alleged to exist and the remedial action required;
 - (2) Detailed information regarding the contents of the initial Warning Notice (which may be in the form of a copy of such Warning Notice) and the failure of the owner/occupant to take the corrective actions specified therein within the time prescribed in the Warning Notice;

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(3) The amount of the civil penalties due for noncompliance and a statement that the owner/occupant has ten 10 days from receipt of the Citation within which to make uncontested payment;

(4) Notice that it is the owner/occupant's obligation to inform the Anti-Blight Commission in writing that the violation has been brought into compliance;

(5) A statement that the owner/occupant may contest his/her/its liability and request a hearing before a Citation Hearing Officer in accordance with Section 10 of this ordinance; and

(6) A statement that if the owner/occupant does not pay the civil penalties or request a hearing, an assessment and judgment shall be entered against such owner/occupant.

(c) The Citation shall be delivered to the owner/occupant, and a copy to any lien holder, in the same manner as set forth in Section 7 (d) above.

Sec. 9. Uncontested Payment Period

Uncontested payment to the Town of Prospect of the civil penalties specified in the Citation shall be allowed for a period of ten (10) calendar days from receipt of the Citation. If the Citation was sent by regular mail as set forth in Section 7 (d)(2) above, the day of receipt of the Citation shall be deemed to be four (4) days after the date of its mailing.

Such payment shall not preclude the Town from pursuing any and all options for addressing the blighted condition, including but not limited to remediation under Section 16 hereof

Sec. 10. Notice of Violation and Hearing

(a) If uncontested payment of the civil penalties specified in the Citation is not made within the ten (10) day period set forth in Section 9 above, at any time within twelve (12) months from the expiration of the 10-day period, the Anti-Blight Commission shall send notice to the person(s) cited, informing such person:

(1) Of the allegations against him/her/it and the amount of the civil penalties, costs, or fees due;

(2) That the cited person may contest his/her/its liability before a Citation Hearing

Officer by delivering, in person or by mail, within ten (10) days of the date of the notice (the date of delivery if hand delivered or the date of mailing if mailed), a written request for a hearing;

TOWN OF PROSPECT, CONNECTICUT – BLIGHT ORDINANCE

(3) That filing a request for a hearing shall cause the daily accrual of civil penalties to cease from the date such filing is hand-delivered or mailed to the Anti-Blight Commission until the date the hearing officer renders a decision unless, during such period, the violation of this ordinance is expanded or increased.

(4) That if the cited person does not request such a hearing, an assessment and judgment shall be entered against such person; and

(5) That such judgment may issue without further notice.

(b) The Notice shall be delivered to the owner/occupant, and a copy to any lien holder, in the same manner as set forth in Section 7 (d) above.

Sec. 11. Admission of Liability and Payment of Civil Penalty

Any cited person who wishes to admit liability without requesting a hearing may pay the full amount of the civil penalties admitted to in person or by mail to the Town of Prospect. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Such payment shall not preclude the Town from pursuing any and all options for addressing the blighted condition, including but not limited to remediation under Section 16 hereof.

Any person who does not deliver or postmark written request for a hearing within ten (10) days of the date of the notice described in Section 10 above (the date of delivery if hand delivered or the date of mailing if mailed) shall be deemed to have admitted liability, and the Anti-Blight Commission or its designee shall certify such person's failure to respond to the Citation Hearing Officer. The Citation Hearing Officer shall thereupon enter and assess the civil penalties provided for by this ordinance and shall follow the procedures set forth in Section 14 of this ordinance.

Sec. 12. Hearing.

(a) An owner/occupant may request a hearing after receiving a Citation or within ten (10) days of the date of the notice described in Section 10 above. Said request shall be made in writing to the following: Town of Prospect Anti-Blight Commission, 36 Center St., Prospect, CT, 06712.

(b) Any person who requests a hearing shall be given written notice of the date, time and place for a hearing to be held not less than fifteen (15) days nor more than thirty (30) calendar days from the date of the notice of hearing. The Citation Hearing Officer shall

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grant, upon good cause shown, any reasonable request by any interested party for a postponement or continuance. An original or certified copy of the Citation shall be filed and retained by the Anti-Blight Commission and shall be deemed to be a business record within the scope of Connecticut General Statutes, Section 52-180 and evidence of the facts contained therein. Upon request of the person appealing the Citation, the presence of a member of the Anti-Blight Commission shall be required at the hearing. A person wishing to contest his/her/its liability shall appear at the hearing and may present evidence in his/her/its behalf and may appear with an attorney. A designated municipal official, other than the Citation Hearing Officer, may present evidence on behalf of the municipality. If the person who received the Citation fails to appear, the Citation Hearing Officer may enter an assessment by default against him/her/it or her upon a finding of proper notice and liability under the applicable provision(s) of this ordinance. The Citation Hearing Officer may accept written information by mail from the person who received the Citation and may determine thereby that the appearance of such person is unnecessary. The Citation Hearing Officer shall conduct the hearing in the order and form and with such methods of proof, as he/she deems fair and appropriate.

The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.

(c) Pending the hearing before a Citation Hearing Officer, no further enforcement activity as contemplated by Sections 16 and 18 shall occur until either a hearing is held or the Citation Hearing Officer assesses civil penalties or until the petitioner fails to appear for a scheduled hearing and the Citation Hearing Officer assesses civil penalties.

Sec. 13. Decision.

The Citation Hearing Officer shall announce the decision at the end of the hearing. If the Citation Hearing Officer determines that the person who received the citation is not liable, the Citation Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Citation Hearing Officer determines that the person is liable for the violation, he shall forthwith enter and assess the civil penalties against such person as provided by this ordinance, which penalties shall be immediately due and payable. The amount thereof shall be stated by the hearing officer in his/her decision.

If the Citation Hearing Officer determines that the person who received the citation is liable for the violation, such person shall have 30 days from the date of the hearing within which to correct the violation before the Town may take further action to correct the blighted condition including but not limited to remediation under Section 16 hereof. If, however, the person found liable for the violation did not attend the hearing or has previously been found liable for the same or similar blighted condition, the Town may proceed immediately with further action to correct the violation.

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Sec. 14. Pursuit of Assessment and Judgment

If such assessment is not paid on the date of its entry, the Citation Hearing Officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the Notice of Assessment with the Clerk of a Superior Court facility designated by the Chief Court Administrator together with the required entry fee. The certified copy of the Notice of Assessment shall constitute a record of assessment. Within such twelve (12) month period, assessments against the same person may be accrued and filed as one record of assessment. The Clerk shall enter judgment, in the amount of such record of assessment and requisite court costs, against such person in favor of the municipality. Notwithstanding any provision of the Connecticut General Statutes, the Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

Sec. 15. Appeal of Assessment

A person against whom an assessment has been entered pursuant to this ordinance is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to Connecticut General Statutes, Section 52-259, at a Superior Court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the Judges of the Superior Court.

Sec. 16. Enforcement by Town Remediation

When an owner/occupant has been found liable for a violation of this ordinance through his/her/its failure to timely seek a hearing to contest liability before a Citation Hearing Officer or due to the determination of the owner/occupant's liability by the Citation Hearing Officer, or when an owner/occupant has failed to contest liability or admitted liability through payment of civil penalties pursuant to Sections 9 and 11 hereof, respectively, the Anti-Blight Commission, subject to the approval of the Town Council, may authorize a remediation company or the Public Works Department to enter the property during reasonable hours for the purpose of remediating the blighted conditions. In performing such remediation, however, the Town and/or its designated agents may not enter any dwelling, house or structure on such property without the written permission of the owner and any occupants.

Sec. 17. Appointment of Citation Hearing Officers.

TOWN OF PROSPECT, CONNECTICUT – BLIGHT ORDINANCE

The Mayor shall appoint three Town of Prospect residents to serve as Citation Hearing Officers. Although the Mayor may ask the Town Council to recommend candidates, the Mayor shall not be required to select from among the recommended candidates. Such officers shall serve staggered terms of three (3) years each. No member of the Anti-Blight Commission, zoning enforcement officer, police officer, building inspector or employee of the Town may be appointed as a Citation Hearing Officer under this ordinance.

Sec. 18. Penalties for offenses; lien.

(a) The owner/occupant of premises where a violation of any of the provisions of this ordinance shall exist or who shall maintain any building or premises in which such violations exist may:

(1) Be assessed civil penalties of not more than one hundred dollars (\$100.00) for each day that a violation continues after a Warning Notice described in Section 7 is given to the owner/occupant; and/or

(2) Be required to abate the violation at the owner/occupant's expense; and or

(3) Be subject to the Town's remediation of the blighted condition(s) and assessing the costs of said remediation against the subject property by levying a lien on the subject real estate.

(b) Any unpaid civil penalty imposed pursuant to this ordinance, shall constitute a lien upon the real estate against which the civil penalty was imposed from the date of such civil penalty. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after July 1, 1997, except for taxes. Each such lien may be enforced in the same manner as property tax liens, including foreclosure of the real property.

(c) If the Town remediates blighted conditions on property pursuant to Section 16 above, the costs of such remediation may be assessed against the property in the form of a lien which shall take precedence over any other encumbrance except municipal tax assessments on such property. The Town shall, not later than the date thirty (30) days after the date on which such work has ceased, file a certificate of such lien and give notice to the owner of the property in the same manner as provided in Section 49-34 of the Connecticut General Statutes. Simultaneous with the filing, the Town shall make reasonable efforts to mail a copy of the certificate by first class mail to any recorded lien holder's current or last-known address.

(d) In addition to all other remedies and any civil penalties imposed herein, the provisions of this ordinance may be enforced by injunctive proceedings in Superior Court. The Town may recover from such owner/occupant or other responsible person any and all costs and fees, including reasonable attorneys' fees, expended by the Town in enforcing the provisions of this ordinance.

TOWN OF PROSPECT, CONNECTICUT – BLIGHT ORDINANCE

Sec. 19. Special consideration.

(a) Notwithstanding anything herein to the contrary, in evaluating whether to issue a Warning Notice, Citation, or Notice of Violation and Hearing, the Anti-Blight Commission may give special consideration to individuals who are elderly, disabled, hospitalized, or on active military duty and who demonstrate that the violation results from an inability to maintain an owner-occupied residence and no person with that ability resides therein.

(b) Such special consideration shall be limited to the reduction or elimination of civil penalties and/or an agreement that the Town or its agents may perform the necessary work and place a lien against the premises for the cost thereof in accordance with the provisions of this ordinance.

Sec. 20. Severability.

In the event that any part or portion of this ordinance is declared invalid for any reason, all the other provisions of this ordinance shall remain in full force and effect.

Sec. 21. Construal of terms and provisions.

(a) Where terms are specifically defined or the meanings of such terms are clearly indicated by their context, that meaning is to be used in the interpretation of this ordinance.


(b) Where terms are not specifically defined and such terms are defined in the Charter and Town Ordinances, such terms shall have the same meaning for the interpretation and enforcement of this ordinance.

(c) Where terms are not specifically defined in this ordinance, they shall have their ordinarily accepted meaning or such meaning as the context may imply.

(d) The provisions of this ordinance shall not be construed to prevent the enforcement of other codes, ordinances or regulations of the Town.

(e) In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other provision of the Town Charter and/or Town Ordinances or the State of Connecticut, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people of the Prospect shall prevail.

Adopted December 6, 2016



**Thomas Galvin, Chairman
Prospect Town Council**

TOWN OF PROSPECT, CONNECTICUT – BLIGHT ORDINANCE

Received for record: December 7, 2016

Adopted Date: December 6, 2016

Publication Date: December 9, 2016

Effective Date: January 8, 2017

Maryann C. Anderson
Maryann C. Anderson, Town Clerk

PROSPECT, CONN
TOWN CLERKS OFFICE
RECEIVED FOR RECORD
2016 DEC -7 PM 1:58
Maryann C. Anderson
TOWN CLERK

TOWN OF PROSPECT
Ordinance # 88-10-16-18
Ordinance Prohibiting Waste Associated with Natural Gas and Oil Extraction

RESOLVED,
WHEREAS,

It is in the interests of the Town of Prospect, acting by the members of the Town Council, to protect and preserve public health and safety, property and the natural resources of the Town of Prospect, including but not limited to water and land, now and for generations of citizens in the future;

Natural gas and oil extraction activities involve the use of chemical and hazardous materials during a multi-phase process including drilling, hydraulic fracturing, production, well maintenance, workover operations, and storage; and

Liquid and solid wastes associated with such activities are contaminated with chemicals and naturally-occurring toxins that come from the ground, including but not limited to radioactive materials; and

These wastes can contain radioactive elements and other toxins, and may threaten the public health and safety, and economic well-being of communities, as businesses, consumers, and residents depend on clean drinking water, surface water, property, and natural resources; and

Toxins present in these wastes can contaminate waters, soils and natural resources of Prospect and impact public health and safety where use, leaching, spills, leaks, run-off and discharge into waterways after treatment effort occurs; and

The Town of Prospect is and should be a leader in protecting public health and safety, and our natural resources, including water supplies and water resources for generations to come; and

Protection of public health and safety, ground and surface waters, property, and natural resources in the Town of Prospect is better accomplished by prevention of contamination and environmental degradation, instead of costly remediation of degraded environments after contamination; and

In order to protect public health and safety, and the quality of natural resources and property within the Town of Prospect, it is necessary to adopt an ordinance prohibiting storage, handling, treatment, disposal and use of all waste associated with natural gas and oil extraction, as defined in the ordinance, the text of which is set forth below.

Now, therefore, the Town Council hereby adopts An Ordinance Prohibiting Waste Associated with Natural Gas and Oil Extraction within the Town of Prospect, as set forth below:

Section 1. Definitions: For the purpose of this ordinance, the following terms, phrases, and words shall have the meanings given here, unless otherwise clearly indicated by the context:

- 1) *Hydraulic Fracturing*” shall mean the fracturing of underground rock formations, including shale and non-shale formations, by manmade fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.
- 2) *“Natural gas extraction activities”* shall mean all geologic or geophysical activities related to the exploration for or extraction of natural gas, including but not limited to, core and rotary drilling and hydraulic fracturing;
- 3) *“Oil extraction activities”* shall mean all geologic or geophysical activities related to the exploration for or extraction of oil, including but not limited to, core and rotary drilling and hydraulic fracturing;
- 4) *“Natural gas waste”* shall mean: a) any liquid or solid waste or its constituents that is generated as a result of natural gas extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b) leachate from solid wastes associated with natural gas extraction activities; c) any waste that is generated as a result of or in association with the underground storage of natural gas; d) any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and e) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
- 5) *“Oil waste”* shall mean (a) any liquid or solid waste or its constituents that is generated as a result of oil extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b) leachate from solid wastes associated with oil extraction activities; and c) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
- 6) *“Application”* shall mean the physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the Town of Prospect.

Section 2. Prohibitions

- 1) The application of natural gas waste or oil waste, whether or not such waste has received Beneficial Use Determination or other approval for use by the Department of Energy & Environmental Protection (“DEEP”) or any other regulatory body, on any road or real property located within the Town for any purpose is prohibited.
- 2) The introduction of natural gas waste or oil waste into any wastewater treatment facility within or operated by the Town or into any pipes or other conduits operated by or for the Town that connect to a wastewater treatment facility that accepts waste from the Town is prohibited.
- 3) The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the Town, or into any municipal or residential solid waste disposal container within the Town, is prohibited.

- 4) The storage, disposal, sale, acquisition, transfer, handling, treatment and/or processing of waste from natural gas or oil extraction is prohibited within the Town of Prospect.

Section 3. Municipal bid and contract provisions

- 1) All bids and contracts related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas or oil waste shall be utilized in providing such a service.
- 2) All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the Town of Prospect.
- 3) The following statement, which shall be a sworn statement under penalty of false statement, shall be included in all bids related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town and all bids related to the retention of services to construct or maintain any such road or real property within the Town of Prospect: *"We _____ hereby submit a bid for materials, equipment and/or labor for the Town of Prospect. The bid is for bid documents titled _____. We hereby certify under penalty of false statement that no natural gas waste or oil waste will be used by the undersigned bidder or any contractor, sub-contractor, agent or vendor agent in connection with the bid; nor will the undersigned bidder or any sub-contractor, agent or vendor agent thereof apply any natural gas waste or oil waste to any road or real property within the Town as a result of the submittal of this bid if selected."*

Section 4. Penalties

Any person or entity who violates this ordinance shall be liable for a civil penalty of \$250 per day for each day the violation or any condition or damage caused by the violation continues or is not fully remediated or repaired. Town may also pursue, or may request that DEEP pursue, such other penalties as may be authorized or permitted by the Connecticut General Statutes or DEEP regulations (as the same may be adopted or amended from time to time), or under other applicable law.

Section 5. Enforcement

- 1) This ordinance is specifically designated for enforcement by citations issued by Town of Prospect police officers and the citation hearing procedure established by Ordinance 89-10-16-18 of the Prospect Code of Ordinances, as it may be amended from time to time, shall be followed.
- 2) In response to a violation of this ordinance, the Town is also empowered to a) seek any appropriate legal relief, including immediate injunctive relief and any relief provided by the Connecticut General Statutes (as the same may be adopted or amended from time to time); and/or b) file a complaint with any other proper authority.

- 3) The Mayor, or any Town official designated by the Mayor, may engage the assistance of DEEP or third-party testing facilities to determine the chemical contents of any waste products suspected to violate the terms of this ordinance.
- 4) All remedies and penalties hereunder shall be cumulative, such that two or more remedies may be pursued or imposed for the same violation.

Section 6. Severability

The provisions of this ordinance are severable, such that, if any clause, sentence, paragraph, subdivision, section or part of this ordinance or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or its application to the person, entity, or circumstance identified in such order or judgment.

Section 7. Transportation

Nothing in this ordinance shall be interpreted to ban the transportation of any product or by-product described herein on any roadway or real property within the Town.

Adopted: October 16, 2018

 Chairman
 Jeffrey B. Slapikas, Chairman
 Prospect Town Council

Received for Record: October 17, 2018

Adopted Date: October 16, 2018

Publication Date: October 25, 2018

Effective Date: November 25, 2018

TOWN OF PROSPECT
ORDINANCE NO 89-10-16-18
CITATION HEARING PROCEDURE

Section 1 Purpose.

The purpose of this chapter is to establish a citation hearing procedure in accordance with C.G.S. §§ 7-148(c)(10)(A), 7-152b and 7-152c to be followed in all instances when citations are issued by Town of Prospect police officers.

Section 2 Hearing procedure.

A. Ordinances of the Town may be enforced by citations issued by Town of Prospect police officers, provided that the ordinances have been designated specifically by the Town for enforcement by citation in the same manner in which they were adopted, and, subject to Section 3 below, the police officer issues a written warning providing notice of the specific violation before issuing the citation.

B. The Mayor shall appoint one or more citation hearing officers, who shall be other than police officers or employees or persons who issue citations, to conduct the hearings authorized by this section.

C. After a citation has been issued and the fine or penalty has not been paid, the Town shall send notice to the alleged violator no later than 12 months after the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance of the Town for an alleged violation. Such notice shall inform the violator of the following:

(1) The allegations against the violator and the amount of the fines, penalties, costs or fees due.

(2) That the alleged violator may contest his liability by delivering in person or by mail written notice within 10 days of the date of the original notice to said violator that he desires to contest his liability before a citation hearing officer.

(3) That filing a request for a hearing shall cause the daily accrual of civil penalties to cease from the date such filing is hand-delivered or mailed to the Town of Prospect Police Department until the date the hearing officer renders a decision, unless, during such period, the violation of the ordinance for which the citation was issued is expanded or increased.

(4) That if the alleged violator does not demand such a hearing, an assessment and judgment shall be entered against him.

(5) That such judgment may issue without further notice.

D. If the alleged violator wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees in person or by mail

to the Prospect Police Department by check made out to the "Town of Prospect". Any alleged violator who does not deliver or mail a written demand for a hearing within 10 days of the date of the first notice provided in Subsection C above shall be deemed to have admitted liability, and the police officer shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by law and shall follow the procedures set forth in Subsection E below.

E. Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of such notice, provided that the hearing officer shall grant, upon good cause shown, any reasonable request by an interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by a police officer shall be filed and retained by the Town, shall be deemed to be a business record within the scope of C.G.S. § 52-180 and evidence of the facts contained therein. The presence of the police officer shall be required at the hearing if such person so requests. The alleged violator shall appear at the hearing and may present evidence in his behalf. A designated Town official, other than the hearing officer, may present evidence on behalf of the Town. If the alleged violator fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable ordinance. The hearing officer may accept from such alleged violator copies of police reports, motor vehicle department documents and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. If the offense consists of a motor vehicle parking violation, proof of the registration number of the motor vehicle involved shall be prima facie evidence in all proceedings that the owner of such vehicle was the operator thereof, provided that in the case of a leased or rented motor vehicle, such proof shall be prima facie evidence in any proceeding that the lessee was the operator thereof. The hearing officer shall announce his decision at the end of the hearing. If he determines that the alleged violator is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the ordinance.

F. If such assessment is not paid on the date of its entry, the hearing officer shall send by first-class mail a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the superior court for the geographical area in which the Town is located, together with the appropriate entry fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The Clerk of the court shall enter judgment in the amount of such record of assessment and court costs of \$8 against such person in favor of the Town. Notwithstanding any other provision of the General Statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

G. The person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to C.G.S. § 52-259, in the superior court for the geographical area in which the Town is located, which shall entitle such person to a hearing in accordance with the rules of the judges of the superior court.

Section 3 Issuance of written warning.

In those instances where there is time to do so and where a continuing violation is not causing immediate or significant harm, a written warning providing notice of the specific violation shall be sent by first-class mail or hand-delivered prior to issuing the citation.

Section 4 Amount of penalty.

Notwithstanding any provisions pertaining to fines, penalties, fees, etc. to the contrary in any of the ordinances to which this process shall apply as listed in Section 6 hereof, if such ordinance is enforced through the citation process herein, the penalty imposed for any single violation of such ordinances shall be \$150 per violation, unless otherwise specifically provided by the General Statutes or in section 6 below. For ordinances not listed in Section 6 hereof that include provisions specifically allowing for enforcement through the citation process herein, the penalty imposed for any single violation shall be as set forth in such ordinance if a penalty is included, and if not, it shall be \$150 per violation unless otherwise specifically provided by the General Statutes. For any violation enforced through the citation process herein, each day that a violation continues from the date of the Citation shall constitute a separate violation.

Section 5 Disposition of money received.

All moneys received pursuant to the procedure set forth above shall be remitted to the Town of Prospect Mayor's Office.

Section 6 Applicability; amended ordinances.

Each of the following ordinances is amended to add the following section:

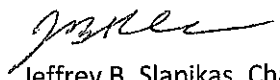
Section__ Enforcement and penalties.

In addition to any other methods of enforcement provided for in this ordinance, this ordinance has been specifically designated for enforcement by citations issued by Town of Prospect police officers and the citation hearing procedure established by Ordinance 89-10-16-18 of the Town of Prospect Code of Ordinances shall be followed.

Ordinance Number	Ordinance Subject	Number of Section or Paragraph to be Added
4-07-08-52	DRAINING OF PRIVATE PROPERTY ONTO TOWN HIGHWAYS	(A)
16-05-19-60	TRAILERS	V.C.
36-03-18-75	LITTERING	3.
46-12-17-85	LANDFILL ORDINANCE	9
48-03-03-87	DOG CONTROL*	5
51-12-15-87	COLLECTION AND DISPOSAL OF SOLID WASTE	5-1
53-12-04-90	RECYCLING	12-1
55-09-01-92	HOUSE NUMBERING	6
57-02-24-93	SOLICITATION	6-1
60-10-05-93	ALARM SYSTEMS*	(d)(1)
68-07-01-03B	USE OF TOWN PARKS	V.B.
74-03-01-05	FIRE PREVENTION/ OPEN BURNING	5.(d)
76-03-21-06	STREET EXCAVATION AND OBSTRUCTION	IV.C.(i)
79-09-01-09	POLICE PROTECTION AT CONSTRUCTION SITES	3.
84-12-15-15	SNOW DISPOSAL AND PROPERTY DAMAGE	5.
85-12-15-15	BLOCKING INTERSECTIONS	3.

*The penalty for these ordinances shall not be \$150 per violation, but instead shall be as set forth in such ordinances.

Adopted: October 16, 2018

 chairman
Jeffrey B. Slapikas, Chairman
Prospect Town Council

Received for Record: October 17, 2018

Adopted Date: October 16, 2018

Publication Date: October 25, 2018

Effective Date: November 25, 2018

AN ORDINANCE PROVIDING FOR THE REDUCTION OR ELIMINATION OF
EXCESSIVE NOISE AND THE ADMINISTRATION THEREOF

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPECT that Ordinance #47-03-03-87 entitled "An Ordinance Providing for the Reduction or Elimination of Excessive Noise and the Administration Thereof" is hereby repealed and the following ordinance is substituted in lieu thereof:

Section 1: Declaration of Policy.

Excessive noise must be controlled by the Town of Prospect to protect, preserve, and promote the public health, safety, and welfare.

The Town Council recognizes the fact that people have the right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety and welfare.

Section 2: Definitions.

1. "Background noise" shall mean noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable.
2. "Business Zone" shall mean those areas designated as "B" or "CP" under the Zoning Regulations of the Town of Prospect. Any use which is nonconforming shall be deemed to be in the zone which corresponds to the actual use.
3. "Chief of police" shall mean the chief of police of the Town of Prospect or a duly authorized officer subject to his/her orders.
4. "Construction" shall mean the assembly, erection, substantial repair, alteration, demolition, or site-preparation for or of public or private rights of way, buildings or other structures, utilities, or property.
5. "Construction equipment" shall mean any equipment or device operated by fuel or electric power, used in construction or demolition work.
6. "Day-Time Hours" shall mean the hours between 7 A.M. and 10 P.M., Monday through Saturday, and hours between 9 A.M. and 10 P.M. on Sunday.
7. "Decibel" shall mean a unit of measurement of the sound level, the symbol for which is dB.

8. "Demolition" shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.
9. "Emergency" shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
10. "Emergency Work" shall mean work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.
11. "Excessive noise" shall mean any sound, the intensity of which exceeds the standards set forth in Section 6 of this Article.
12. "Impulse noise" shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decrease.
13. "Infrasonic sound" shall mean sound pressure variations having frequencies below the audible range for humans, generally below 20 Hz.
14. "Intrusion alarm" shall mean a device with an audible signal which, when activated, indicates intrusion by an unauthorized person.
15. "Industrial Zone" shall mean those areas designated as "IND-1", "IND-2" or "EE" in the Zoning Regulations of the Town of Prospect.
16. "Mayor" shall mean the duly elected Mayor of the Town of Prospect or his/her designee.
17. "Motor Vehicle" shall mean a vehicle as defined in the Connecticut General Statutes.
18. "Muffler" shall mean a device for abating sounds such as escaping gases.
19. "Night-Time Hours" shall be the hours between 10:00 P.M. and 7:00 A.M. Sunday evening through Saturday morning, except that Night shall mean the hours between 10:00 P.M. Saturday and 9:00 A.M. Sunday.
20. "Noise level" shall mean a frequently weighted sound pressure level as measured with a sound meter using the A-weighting network. The level so read is designated dBA.
21. "Person" shall mean any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the State or other legal entity of any kind.
22. "Premises" shall mean any building, structure, land, or portion thereof, including all appurtenances, owned or controlled by a person.

23. "Property line" shall mean that real or imaginary line along the ground surface and its vertical extension which:
- (1) Separates real property owned or controlled by any Person from contiguous real property owned or controlled by another Person; and
 - (2) Separates real property from a public right-of-way.
24. "Property maintenance equipment" shall mean all engine or motor-powered tools and equipment used occasionally in the repair and upkeep of exterior property and including, but not limited to, lawn mowers, riding tractors, wood chippers, power saws, leaf blowers, snow removal equipment.
25. "Public emergency sound signals" shall mean a device either stationary or mobile, producing audible signal associated with a set of circumstances involving actual or imminent danger to persons or damage to property which demands immediate action, or involving the testing of such signals.
26. "Public facility maintenance" shall mean all activity related to the clearing, cleaning, repair, and upkeep of public roads, side-walks, sewers, water mains, utilities, and publicly-owned property
27. "Public right-of-way" shall mean any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.
28. "Recreational vehicle" shall mean any non-registered internal combustion engine powered vehicle which is being used for recreational purposes.
29. "Residential zone" shall mean those areas designated as "RA-1" or "RA-2" in the Zoning Regulations of the Town of Prospect. Any use which is nonconforming shall be deemed to be in the zone which corresponds to the actual use.
30. "Sound" shall mean a transmission of energy through solid, liquid, or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.
31. "Sound amplification device or similar equipment" shall include, but not be limited to, a radio, television, phonograph, stereo, record player, tape player, cassette player, compact disc player, loud speaker or sound amplifier which is operated in such manner that it creates noise.
32. "Sound Level Meter" shall mean an instrument used to measure sound levels. A sound level meter shall conform, as a minimum, to the American National Standards Institute's operational specifications for Sound Level Meters S1.4-1971 (Type S2A).

33. "Sound pressure level" shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of sound to the reference pressure of twenty micronewtons per square meter (20×10^{-6} Newtons/M²) and is expressed in decibels (dB).
34. "Ultrasonic sound" shall mean sound pressure variations having frequencies above the audible sound spectrum for humans, generally higher than 20,000 Hz.

Section 3: Exclusions.

This article shall not apply to noise emitted by or related to:

- (a) Natural phenomena
- (b) The unamplified sound made by a wild animal
- (c) A bell or chime from any building clock, school or church
- (d) A public emergency sound signal
- (e) Farming equipment or farming activity
- (f) An emergency
- (g) Warning devices required by OSHA or other state or federal safety regulations

Section 4: Exceptions.

The following shall be exempt from this article subject to the special conditions noted:

- (a) Noise created by the operation of property maintenance equipment during between the hours of 7:00 A.M. and 9:00 P.M. Monday through Saturday, and between the hours of 9:00 A.M. and 8:00 P.M. on Sundays, provided that noise discharge from exhaust is adequately muffled.
- (b) Noise generated by snow removal equipment provided such equipment is maintained in good repair and noise discharged from exhausts is adequately muffled.
- (c) Noise generated by any construction equipment operated during the hours of 7:00 A.M. and 6:00 P.M. on weekdays and Saturdays.
- (d) Noise from demolition work conducted between the hours of 8:00 A.M. and 6:00 P.M. provided that when considered emergency work, demolition shall be exempted at all times from the noise level limits in this ordinance.
- (e) Noise created by recreational activities which are sanctioned by the Town including, but not limited to parades, sporting events, concerts, and firework displays.
- (f) Noise created by aircraft, or aircraft propulsion components designed for or utilized in the development of aircraft, under test conditions.
- (g) Noise created by blasting provided that the blasting is conducted between 8 A.M. and 5 P.M. and providing that a permit for such blasting has been obtained from state or local authorities.

- (h) Noise created by refuse and solid waste collection, provided that such activity is conducted between 6 A.M. and 10 P.M.
- (i) Noise created by a fire or intrusion alarm which, from time of activation of the audible signal, emits noise for a period of time not exceeding ten minutes when such alarm is attached to a vehicle or thirty minutes when attached to any building or structure.
- (j) Noise created by public facility maintenance during Day-Time Hours.
- (k) Noise generated by transmission facilities, distribution facilities and substations of public utilities providing electrical power, telephone, cable television or other similar services and located on property which is not owned by the public utility and which may or may not be within utility easements.

Section 5: Noise Level Measurement Procedures.

For the purpose of determining noise levels as set forth in this article, the following guidelines shall be applicable:

- (1) Where and when a sound level meter is used:
 - (a) All personnel conducting sound measurements shall be trained, including but not limited to training in the current techniques and principles of sound measuring equipment and instrumentation;
 - (b) Instruments used to determine sound level measurements shall be sound level meters, as defined by this article;
 - (c) The general steps listed below shall be followed when preparing to take sound level measurements:
 1. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed;
 2. The sound level meter shall be calibrated before and after each set of measurements;
 3. When measurements are taken out-of-doors, a wind screen shall be placed over the microphone of the sound level meter, as per the manufacturer's instructions;
 4. The sound level meter shall be placed at an angle to the sound source, as specified by the manufacturer's instructions, and at least four (4) feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements; and,
 5. Measurements to determine compliance with Section 6 shall be taken at a point that is located more or less one foot beyond the boundary of the emitter's premises and within the receptor's premises. The emitter's premises includes /her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

- (2) In the absence of a sound meter, noise will be plainly audible when noise can be heard at a distance of one hundred (100) feet from its source, by a person with normal hearing.

Section 6: Noise levels.

- (a) Noise levels:

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in this article.

- (b) Noise level standards:

1. No person shall emit noise exceeding the levels stated herein:

Zone in which EMITTER is located	Zone in which RECEPTOR is located			
	Industrial	Business	Residential Day-Time Hours	Residential Night-Time Hours
Industrial	70 dBA	66 dBA	61dBA	51dBA
Business	62 dBA	62 dBA	55 dBA	45 dBA
Residential	62 dBA	55 dBA	55 dBA	45 dBA

2. Any property use which is nonconforming shall be deemed to be in the zone which corresponds to actual use.

- (c) Background noise and impulse noise:

1. In those individual cases where the background noise levels caused by sources not subject to this article exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by 5 dBA, provided that no source subject to the provisions of this ordinance shall emit noise in excess of 80 dBA at any time and provided that this Section shall not be interpreted as decreasing the permissible noise level standards of other sections of this ordinance.
2. No person shall cause or allow the emission of impulse noise in excess of 80 dBA peak sound pressure level during Night-Time Hours to any residential noise zone.

3. No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure level at any time to any zone.
4. Continuous noise measured beyond the boundary of the zone of the noise emitter in any other zone which possesses one or more audible discrete tones shall be considered excessive noise when a level of 5 dBA below the levels specified in Section 6 of this ordinance are exceeded.
5. No person shall emit beyond his/her property infrasonic or ultrasonic sound in excess of 100 dB at any time.

(d) Motor vehicle and snowmobile noise:

1. All motor vehicles and snowmobiles operated within the limits of the Town of Prospect shall be subject to the noise standards and decibel levels as set forth in the regulations of the State of Connecticut Department of Motor Vehicles, Section 14-80a-4A entitled "Allowable Noise Levels."
2. No sound amplifying device or similar equipment on or within motor vehicles shall emit noise that is plainly audible at a distance of one hundred (100) feet from such vehicles by a person of normal hearing, except that loud speakers or public address systems are allowed provided prior to use thereof a permit has been obtained from the Prospect Police Department.

(e) Non-Registered Recreational Vehicle Noise:

1. No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a non-registered recreational vehicle. A noise shall be deemed to be unreasonably loud and in violation of this Ordinance when the noise so generated exceeds the noise level standards of Section 6.

Section 7: Inspections

- (a) For the purpose of determining compliance with the provisions of this ordinance, the chief of police or his/her designated representative is hereby authorized to make inspections of all noise sources and to take measurements and make tests, whenever necessary, to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a Premises, or refuses inspection, testing or noise measurement of any activity, device, facility, or process where inspection is sought, the chief of police or his/her designated representative may seek from the appropriate court a search warrant, without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.
- (b) It shall be unlawful for any Person to refuse to allow or permit the chief of police or his/her designated representative free access to any Premises, when the chief of police or his/her designated representative is acting in compliance with a warrant for inspection or order issued by the appropriate court.

- (c) It shall be unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise sources.

Section 8: Penalties and Enforcement

- (a) Any person in violation of any provision of this Ordinance shall be subject to a civil penalty in the amount of \$150 per violation. Each day that the violation continues shall constitute a separate violation.
- (b) This ordinance is specifically designated for enforcement by citations issued by Town of Prospect police officers and the citation hearing procedure established by Ordinance 89-10-16-18 of the Prospect Code of Ordinances, as it may be amended from time to time, shall be followed.
- (c) Any Person aggrieved by any act constituting a violation of this ordinance may complain to the police department who shall enforce this ordinance.
- (d) The police are also authorized to enforce this Ordinance without any such complaint.

Section 9. Variance.

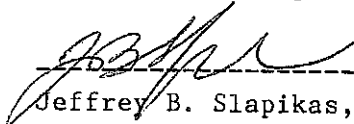
- (a) Any person residing or doing business in Prospect may apply to the Mayor for a variance from one or more of the provisions of this article which are more stringent than the Connecticut Department of Energy and Environmental Protection's regulations for the control of noise, provided that the Applicant supplies all of the following information to the Mayor at least twenty (20) days prior to the start of said activity:
1. The location and nature of the activity;
 2. The reason for which the variance is required, including the economic and technical justifications;
 3. The time period and hours of operation of said activity;
 4. The nature and intensity of the noise that will be generated;
 5. A description of noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom; and
 6. Any other information required by the Mayor.
- (b) No variance from these regulations shall be issued unless it has been demonstrated that:
1. The proposed activity will not violate any provisions of the Connecticut Department of Energy and Environmental Protection regulations;
 2. The noise levels generated by the proposed activity will not constitute a danger to public health; and
 3. Compliance with this ordinance constitutes an unreasonable hardship on the applicant without equal or greater benefits to the public.

- (c) In making a determination on granting a variance, the Mayor shall consider, among other things:
1. The character and degree of injury to, or interference with, the health and welfare or the reasonable use of property which is caused or threatened to be caused; and
 2. The social and economic value of the activity for which the variance is sought.
- (d) The Mayor may, at his/her discretion, limit the duration of any variance granted under this ordinance. Any person holding a variance and needing an extension of time may apply for a new variance under the provisions of this ordinance. Any such application shall include a certification of compliance with any condition(s) imposed under the previous variance.
- (e) The Mayor may attach to any variance any reasonable conditions he/she deems necessary and desirable, including, but not limited to requirements for periodic reports submitted by the applicant relating to noise, to compliance with any other conditions under which the variance was granted or to any other information the Mayor deems necessary.
- (f) A variance may include a compliance schedule and requirements for periodic reporting of increments of achievement of compliance.
- (g) The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.
- (h) Failure to rule on the application in the designated time shall constitute approval of the variance

Section 10: Severability

If, for any reason, any word, clause, paragraph, or section of this article shall be held to make the same unconstitutional or superseded by any State Law or Regulation this article shall not thereby be invalidated and the remainder of the article shall remain in effect.

Adopted Date: April 23, 2019


 Jeffrey B. Slapikas, Chairman
 Prospect Town Council

Received for Record: April 24, 2019
 Adopted Date : April 23, 2019
 Publication Date: May 1, 2019
 Effective Date: May 31, 2019

M. Carrie Anderson, Prospect Town Clerk

PROSPECT, CONN.
 TOWN CLERKS OFFICE
 RECEIVED FOR RECORD
 2019 APR 24 AM 8:50
 Margaret L. Anderson
 TOWN CLERK

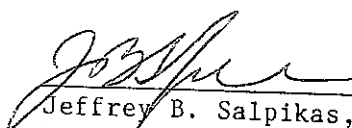
TOWN OF PROSPECT, CONNECTICUT

ORDINANCE NO 91-04-23-19Amendment to Ordinance Concerning Prohibition on Blocking of Intersections
(Ordinance # 85-12-15-15)

It is hereby resolved that the Town of Prospect amend Section 2.a) of the Town of Prospect Ordinance, "PROHIBITION ON BLOCKING OF INTERSECTIONS", so as to add the following:

"(2) the northbound lane of Waterbury Road (Route 69) and the public driveway at 26 New Haven Road."

Adopted Date: April 23, 2019


Jeffrey B. Salpikas, Chairman
Prospect Town Council

Received for Record: April 24, 2019
Adopted Date: April 23, 2019
Publication Date: May 1, 2019
Effective Date: May 31, 2019

M. Carrie Anderson
Prospect Town Clerk

PROSPECT, CONN.
TOWN CLERKS OFFICE
RECEIVED FOR RECORD
2019 APR 24 AM 8:50
M. Carrie Anderson
TOWN CLERK

TOWN OF PROSPECT

ORDINANCE NO. 92-06-28-22

PROHIBITION ON SMOKING AND TOBACCO/MARIJUANA USE

Section 1 Findings; legislative intent.

The Town Council of the Town of Prospect recognizes that smoking and the use of tobacco and marijuana, including through electronic nicotine delivery systems and vapor products, in the Town of Prospect's public buildings and parks, playgrounds and recreational areas, have the potential for creating a serious health hazard for all who visit and utilize such public spaces. The Town Council has determined that, in order to protect and promote the public health, safety and welfare of the employees and citizens of the Town of Prospect, it is necessary to restrict the acts of smoking and use of tobacco and marijuana in and around such public spaces.

Section 2 Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

ELECTRONIC NICOTINE DELIVERY SYSTEM. An electronic device used in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid.

MARIJUANA. All parts of any plant, or species of the genus cannabis or any infra specific taxon thereof, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Marijuana does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil, or cake, the sterilized seed of such plant which is incapable of germination, or hemp, as defined in 7 United States Code ("USC") Section 1639o, as amended from time to time. Included are cannabimon, cannabimol or cannabidiol and chemical compounds which are similar to cannabimon, cannabimol or cannabidiol in chemical structure or which are similar thereto in physiological effect, and which show a like potential for abuse, which are controlled substances under this chapter unless derived from hemp, as defined in section 22-617 of the Connecticut General Statutes.

MARIJUANA USE. Ingestion of marijuana through methods including but not limited to smoking, eating, and use of electronic nicotine delivery systems or vapor products.

SMOKING. 1) To inhale or exhale the smoke of burning tobacco or marijuana; 2) to carry burning tobacco or marijuana in the form of a cigarette, cigar, or any other smoke-producing

product or device, including pipes; 3) to use any electronic nicotine delivery system; and 4) to use any vapor product.

TOBACCO USE. Ingestion of tobacco through methods including but not limited to smoking, chewing, and use of electronic nicotine delivery systems or vapor products.

TOWN BUILDING. Any building, structure or enclosed outdoor area owned, leased, used or operated by the Town of Prospect or any of its departments and used for the conduct of public business, including, but not limited to, the Town Hall, Highway Department buildings, the police building, and any buildings, structures or enclosed areas located at any Town park, playground or recreation area.

TOWN PARKS, PLAYGROUNDS, AND RECREATION AREAS. All parks, playgrounds, and recreation areas owned, leased, used, operated or maintained by the Town of Prospect or the Town of Prospect Recreation Committee, including, but not limited to Canfield Park, Hotchkiss Field, Caplan Park and McGrath Park.

VAPOR PRODUCT. Any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may include nicotine and is inhaled by the user of such product. "Vapor product" does not include a medicinal or therapeutic product that is (A) used by a licensed health care provider to treat a patient in a health care setting, (B) used by a patient, as prescribed or directed by a licensed health care provider in any setting, or (C) any drug or device, as defined in the federal Food, Drug and Cosmetic Act, 21 USC 321, as amended from time to time, any combination product, as described in said act, 21 USC 353(g), as amended from time to time, or any biological product, as described in 42 USC 262, as amended from time to time, and 21 Code of Federal Regulations Section 600.3, as amended from time to time, authorized for sale by the United States Food and Drug Administration.

Section 3. Smoking, Tobacco Use, and Marijuana Use, prohibited.

A. Smoking, Tobacco Use, and Marijuana Use, shall be prohibited in all Town Buildings.

B. Smoking, Tobacco Use, and Marijuana Use, shall also be prohibited on any property owned, leased, used, operated or maintained by the Town of Prospect, including but not limited to roads and sidewalks located within 30 feet of any Town Building.

C. Smoking, Tobacco Use, and Marijuana Use, shall be prohibited in all Town Parks, Playgrounds, and Recreational Areas.

Section 4 Penalties and Enforcement.

A. It shall be a violation of this ordinance for any person to smoke or use tobacco or marijuana in any area where such activities are prohibited by the provisions of this ordinance.

B. Any person in violation of any provision of this Ordinance shall be subject to a civil penalty in the amount of \$200 per violation.

C. This ordinance is specifically designated for enforcement through citations issued by Town of Prospect police officers or any state police officer serving in Prospect as a Resident Trooper. The citation hearing procedure established by Ordinance 89-10-16-18 of the Prospect Code of Ordinances, as it may be amended from time to time, shall be followed.

2022 JUN 30 PM 1:33
TOWN CLERK

Adopted: June 28, 2022

A handwritten signature in black ink, appearing to read "Jeffrey B. Slapikas", followed by the letters "cc" in a smaller, cursive script.

Jeffrey B. Slapikas, Chairman
Prospect Town Council

Received for record: June 30, 2022

Adopted Date: June 28, 2022

Publication Date: July 5, 2022

Effective Date: August 5, 2022

Michelle Lisowski, Town Clerk

TOWN OF PROSPECT

ORDINANCE NO. 93-06-28-22

PROHIBITION AND ELIMINATION OF ILLICIT DISCHARGE AND CONNECTION
STORMWATER ORDINANCE**SECTION 1. PURPOSE/INTENT.**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Prospect through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system ("MS4") in order for the Town of Prospect to comply with requirements of the National Pollutant Discharge Elimination System ("NPDES") permit process. The objectives of this ordinance are:

- (1) To prohibit and eliminate illicit connections and discharges to the municipal separate storm sewer system; and
- (2) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

SECTION 2. APPLICABILITY.

This ordinance shall apply to all water entering the MS4 generated on any developed or undeveloped lands unless explicitly exempted.

SECTION 3. DEFINITIONS.

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency. Employees or designees of the director of the municipal agency designated in Section 4 hereof to enforce this ordinance.

Best Management Practices ("BMPs"). Schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state consistent with state, federal or other equivalent and technically supported guidance. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from material storage.

Clean Water Act. The federal Water Pollution Control Act (33 United States Code ("USC") § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Any activity associated with construction at a site including, but not limited to, clearing and grubbing, grading, excavation, and dewatering.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-stormwater discharge to the storm drainage system, except as exempted in Section 7 of this ordinance.

Illicit Connections. Either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4 including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the MA4 and any connections to the MS4 from indoor drains and sinks, or, any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 Code of Federal Regulations ("CFR"), § 122.26 (b)(14).

Municipal Separate Storm Sewer System ("MS4"). Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

National Pollutant Discharge Elimination System ("NPDES") Storm Water Discharge Permit. A permit issued by the United States Environmental Protection Agency ("EPA") (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge. Any discharge to the MS4 that is not composed entirely of storm- water.

Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Stormwater. Waters consisting of rainfall runoff, including snow or ice melt, during a rain event.

Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.

The Town of Prospect Public Works Department ("DPW") shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the DPW as the authorized enforcement agency for this ordinance may be delegated in writing by the Director of the DPW to persons or entities acting in the beneficial interest of or in the employ of the DPW, including but not limited to the Town of Prospect Land Use Inspector and the Director of the Chesprocott Health District.

SECTION 5. SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

SECTION 6. MINIMUM STANDARDS.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

SECTION 7. PROHIBITIONS.

Illegal Discharges. No person shall discharge or cause to be discharged into the MS4 any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this ordinance: uncontaminated groundwater discharges including, but not limited to, pumped groundwater, foundation drains, water from crawl space pumps and footing drains; irrigation water including, but not limited to, landscape irrigation and lawn watering runoff; residual street wash water associated with sweeping; discharges or flows from firefighting activities (except training); and naturally occurring discharges such as rising groundwaters, uncontaminated groundwater infiltration (as defined at 40 CFR § 35.2005(20)), springs, diverted stream flows and flows from riparian habitats and wetlands.

(b) Any non-stormwater discharge to the MS4 authorized by a permit issued pursuant to § 22a-430 or § 22a-430b of the Connecticut General Statutes is also authorized under this ordinance.

Illicit Connections.

(a) The construction, use, maintenance or continued existence of illicit connections to the Town of Prospect MS4 is prohibited, except as otherwise permitted by state or federal law.

(b) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

SECTION 8. SUSPENSION OF MS4 ACCESS.

Suspension due to Illicit Discharges in Emergency Situations

The DPW may, without prior notice, suspend MS4 discharge access to a person when such suspension is

necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or "Waters of the United States" as defined in 40 CFR § 230.3. If the violator fails to comply with a suspension order issued in an emergency, the DPW may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to Illicit Discharge in Non-Emergency Situations

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. No person shall reinstate MS4 access to premises terminated pursuant to this ordinance, without the prior approval of the DPW.

SECTION 9. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person in the Town of Prospect subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit and this ordinance prior to discharging into the MS4.

SECTION 10. MONITORING OF DISCHARGES.

A. Applicability. This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Monitoring.

(a) The DPW shall be permitted to monitor, from a location on Town of Prospect property or rights-of-way, or from private property with the prior written permission of the property owner, any discharge exiting a facility subject to regulation under this ordinance and entering the Town's MS4, as often as may be necessary to determine compliance with this ordinance.

(b) The DPW shall have the right to set up on Town of Prospect property or rights-of-way, or on private property with the prior written permission of the property owner, such devices as are necessary in the opinion of the DPW to conduct monitoring and/or sampling of the facility's discharge into the MS4.

SECTION 11. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The Town of Prospect Planning and Zoning Commission shall adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. If necessary, the owner or operator of a commercial or industrial establishment shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses through the use of these structural and non-structural BMPs. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

SECTION 12. NOTIFICATION OF SPILLS.

As soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, who has information of any known or suspected release of materials from such facility or operation that are resulting or may result in illegal discharges or pollutants discharging into the MS4, shall

materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 13. PENALTY AMOUNT

Any person or entity that violates this ordinance shall be liable for a civil penalty of \$250 per day for each day that the violation, or any condition or damage caused by the violation that is not fully remediated or repaired, continues.

SECTION 14. ENFORCEMENT.

A. Notice of Violation. Whenever the DPW finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the DPW may provide written notice of such violation to the responsible person. Such notice may provide that if the violations do not cease, further enforcement action may be taken to, without limitation:

- (a) Eliminate illicit connections or discharges;
- (b) Terminate the violating discharges, practices, or operations; and/or
- (c) Suspend any discharge to the MS4 system consistent with Section 8 of this ordinance.

Such notice shall constitute the issuance of a warning pursuant to Section 3 of the Citation Ordinance referred to in Section 14.B hereof.

B. In addition to any other methods of enforcement provided for in this ordinance or by law, this ordinance has been specifically designated for enforcement by citations issued by Town of Prospect police officers upon notification of a violation from the DPW or its agent, and the citation hearing procedure established by Ordinance #89-10-16-18 of the Town of Prospect Code of Ordinances shall be followed. Any penalties imposed pursuant to the citation process are in addition to and do not supersede any penalties resulting from simultaneous violations of state or federal laws, to the extent permitted by law.

SECTION 15. INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, DPW may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation or conditions or damage caused by the violation.

SECTION 16. REMEDIES NOT EXCLUSIVE.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the DPW to seek cumulative remedies.

2022 JUN 30 PM 1:33
 TOWN CLERK

Adopted: June 28, 2022

A handwritten signature in black ink, appearing to read "jslapikas", written in a cursive style.

Jeffrey B. Slapikas, Chairman
Prospect Town Council

Received for record: June 30, 2022

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Michelle Lisowski, Town Clerk