

Chapter 70: PUBLIC SAFETY

[HISTORY: Adopted by the Town Council of the Town of Mansfield: Art. I, 3-27-1995, effective 4-22-1995. Amendments noted where applicable.]

GENERAL REFERENCES

Emergency preparedness — See Ch. 21.
Code of Ethics — See Ch. 25.
Disposal of property — See Ch. 73.
Fire lanes — See Ch. 125.
Abandoned vehicles — See Ch. 179.
Vehicles and traffic — See Ch. 182.
Traffic regulations — See Ch. A198.

ARTICLE I Special Public Safety Services [Adopted 3-27-1995, effective 4-22-1995]

§ 70-1. Title.

This Article shall be known and may be cited as the "Town of Mansfield Fees for Special Public Safety Services Ordinance." This Article is authorized by C.G.S. §7-148(c)(7)(E), (H)(viii) and (xiii), (10) and (b)(2), C.G.S. Section 7-152c, C.G.S. Section 47a-7(b), and by §C103 of the Mansfield Town Charter.

§ 70-2. Purpose.

It is the purpose of this Article to recover the town's costs, including costs incurred by the town for fire or emergency medical services or local or State Police services, for continued or subsequent responses to the scene of an event when the responding officer determines, based on the totality of the circumstances, that continued activity constitutes or encompasses a "disturbance" as defined herein, "nuisance" as defined in C.G.S. section 47a-32, "serious nuisance" as defined in C.G.S. section 47a-15, or a threat to the health, safety or general welfare of the public, or when any such officer or officers are present at a location where such dangerous activity is ongoing, reasonably determine(s) that the departure or absence of police, fire service or emergency medical services from the site is a risk to health or safety or would constitute or result in a disturbance, nuisance, or serious nuisance, and warns the event organizer or property owner or their agent that the event must be controlled or ended and the participants dispersed within a reasonable time.

Having to remain at any such event to protect health and safety or the general public welfare, or making a return visit to an event to disperse uncooperative participants or to address other event-related activity is an unnecessary drain on personnel and resources, often leaving other areas of the town without adequate levels of police, fire or emergency medical services protection, which creates a hazard to the public, requires resources above and beyond the level of services normally provided and constitutes a public nuisance, the costs of which should be paid by the responsible person(s). Enforcement of this Article shall neither require nor preclude the enforcement of any criminal law.

§ 70-3. Definitions.

For the purpose of this Article, the following definitions shall apply:

COSTS OF CONTINUED OR SUBSEQUENT RESPONSES — Police, fire or emergency services personnel having to stay at an event to discontinue, prevent or contain a disturbance, nuisance or serious nuisance, ensure the health or safety of participants or bystanders, or to protect the general public welfare, after reasonable written warning to control or disperse the event has been given without

a sufficiently satisfactory response shall be considered a continued or subsequent response for the purposes of this article. Costs of continued or subsequent responses include the reasonable costs for public safety personnel, vehicles and other associated expenses incurred by the Town of Mansfield for the time actually spent in responding to or necessarily remaining at any such event, plus the actual cost of any medical treatment to injured town or state employees, or emergency service personnel and the cost of repairing or replacing any damaged town equipment or property.

DISTURBANCE — Activity at an event which appears to constitute a nuisance or serious nuisance, is a danger or threat to health, safety, or general welfare, or unreasonably causes significant annoyance or discomfort to persons not involved in the event.

EVENT — Includes a gathering or party where a group of persons have assembled or are assembling for a social occasion, party, or social activity whose primary purpose and function is not religious, educational, or political in nature.

NUISANCE – As defined in C.G.S. section 47a-32, “nuisance” shall be taken to include, but shall not be limited to, any conduct which interferes substantially with the comfort or safety of other tenants or occupants of the same or adjacent buildings or structures.

RESPONSIBLE PERSON — The person or persons who own the property where the event takes place or the apparent organizer of the event. If the responsible person is a minor, then the minor's parents will also be responsible parties. Any liability under this Article shall be joint and several.

SERIOUS NUISANCE – As defined in C.G.S. section 47a-15, “serious nuisance” means, but shall not be limited to, substantial and willful destruction of part of the dwelling unit or premises, or conduct which presents an immediate and serious danger to the safety of other tenants or the landlord.

§ 70-4. First response; notice and written warning.

- A. During a first response to an event, if the responding police officer determines, in the police officer's sole discretion, that, based on the totality of the circumstances, the event presents a threat to health, safety or the general public welfare, or constitutes an ongoing disturbance, nuisance or serious nuisance, the responding officer may, among other things, deliver to any person who the officer reasonably determines to be a responsible person or to his or her agent a "Notice of Violation and Written Warning: First Response" which shall contain a message substantially as follows:

“This Notice of Violation and Written Warning is given to you as a result of a first response by the Town of Mansfield to a dangerous situation, disturbance, nuisance or serious nuisance during an event organized by you or on your property. You may be charged all personnel and equipment and other costs incurred as a result of any continued or subsequent response by public safety personnel to this location, or if you are warned to disperse or otherwise reasonably control the event within a reasonable time and fail to comply.”

- B. The notice may also contain such other information as deemed necessary by the police officer at the scene of an event at which the officer determines that public safety personnel must remain to address a disturbance, nuisance or serious nuisance, or to protect any person from injury, for example, an order to the responsible property owner or party organizer to end, disperse or otherwise control the event, in order to accomplish the purposes of this section.

§ 70-5. Continued or subsequent response; preparation of bill.

If a continued or subsequent response has occurred due to an event and an officer has reasonably determined that a further disturbance has occurred, or if a property owner or event organizer or his or her agent has been ordered to end, disperse or otherwise control an event and it is determined by the Town Manager, based on the totality of the circumstances, including but not limited to past experience with the

same property and owner or event organizer, that any such person has failed to adequately do so, then a citation and bill for the costs incurred by the town for its continued or subsequent response due to any such failure by such owner or organizer shall be prepared by the Town Manager or his agent or delegate or police officer and promptly delivered to the responsible person by a Town of Mansfield or state police officer designated by the municipality.

§ 70-6. Collection.

The Director of Finance is authorized to enforce any such citation and collect such bill and reasonable costs of collection, including attorney's fees, by resort to the provisions of the Hearing Procedure for Citations Ordinance, set forth in Sections 129-1 through 129-10, inclusive of the Town of Mansfield Code of Ordinances.

§ 70-7. Appeals Procedure.

Any person fined or assessed penalties, costs or fees pursuant to this Article may appeal any such fine or assessment pursuant to the provisions of Chapter 129, Hearing Procedure for Citations.

§ 70-8. Savings Clause.

Should any court of competent jurisdiction declare any section or clause or provision of this Article to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional and shall not affect any other section, clause or provision of this Article.