

TOWN OF WILTON DISORDERLY PROPERTY ORDINANCE

Section I. Title.

This chapter shall be known and may be cited as the "Disorderly Property Ordinance of the Town of Wilton."

Section II. Purpose and Findings.

A. The purpose of this chapter is to protect the health, safety and welfare of the residents of the Town of Wilton by eliminating the proliferation of residences harboring occupants who disturb the peace and tranquility of their neighborhoods.

B. The Town of Wilton finds that:

- (1) Chronic unlawful or nuisance activity of various kinds on and near disorderly properties adversely affects the health, safety and welfare of citizens and diminishes the quality of life in neighborhoods where this chronic activity occurs. Chronic unlawful or nuisance activity constitutes a public nuisance and should be subject to abatement.
- (2) The Town has a substantial and compelling interest in protecting the health, safety and welfare of its citizens and the neighborhoods affected by chronic unlawful or nuisance activity.
- (3) The processes presently available do not adequately control chronic unlawful or nuisance activity or its detrimental effects on citizens and neighborhoods where such chronic activity occurs.
- (4) Establishing the proposed regulatory scheme will alleviate the problems created by chronic unlawful or nuisance activity through early intervention by the Chief of Police.

Section III. Definitions.

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

PROPERTY

Any building, dwelling, dwelling unit, rooming house, rooming unit, tent, camping trailer, camping site or other structure or place occupied either temporarily or permanently by human beings.

CHIEF

The Chief of Police of the Town of Wilton or his/her designee.

DISORDERLY ACTIVITIES

Situations created within or in the immediate vicinity of a property by a property's owner, occupants, or tenants, or the invitees of an owner, tenant or occupant, which would have a tendency to disturb unreasonably the community, the neighborhood or an ordinary individual occupying property in the vicinity of the disorderly activity, including but not limited to loud music; boisterous parties; excessive loud noises; fights within the property or in its vicinity involving occupants of the building or their invitees; occupants of the property or their invitees being intoxicated outdoors in the vicinity of the property; the arrest of occupants or their invitees for activities which constitute either a crime or civil infraction under either state or local law; and other similar activities in the property or outside the property itself.

DISORDERLY EVENT

A complaint of a disorderly activity to which the Police Department responds and which the Police Department determines to be substantiated. Multiple responses to a single property which occur within a twelve-hour period shall be counted as a single disorderly event. A subsequent disorderly event shall not be deemed to occur until the Police Department notifies or makes a good faith attempt to notify the owner, by telephone or as provided below, of the previous complaint and response.

DISORDERLY PROPERTY

Any property at which the Police Department has substantiated four or more disorderly events in a thirty day time frame.

OWNER

The person or persons having the right of legal title to or the beneficial interest in a building or parcel of land, as their interest is recorded in the tax records of the Town of Wilton.

POLICE DEPARTMENT

The Police Department of the Town of Wilton.

Section IV. Prohibition.

No person shall occupy as owner-occupant or allow another to occupy, as tenant, guest or invitee, a disorderly house or property.

Section V. Documentation of Complaints.

The Police Department shall document all responses to complaints of disorderly activities and classify each as either a substantiated disorderly event or unfounded complaint at the sole discretion of the Police Department.

Section VI. Notice Of Disorderly Property Designation.

- (a) Whenever a property has been identified as a disorderly property by the Town, it shall cause written notification of the events which form the basis for that designation to be given to the owner. If the owner has not registered with the Town in accordance with local ordinance, the police may send notice to the address listed on the Town's tax rolls. Such notice shall be sufficient for all legal purposes. The notice shall require the owner to meet with representatives of the Town (including the Police Department) within five business days from the date of the written notification, or such other time as is agreed upon by the Police Chief or his or her designee, to identify ways in which the problems which have been identified will be eliminated.

- (b) At the time of said meeting, the owner shall be obligated to provide to the Town the following documentation:
 - (1) A copy of the names of all tenants or other persons authorized to reside or presently residing in the property and the units they occupy.
 - (2) Copies of all leases with tenants residing in the property.
 - (3) Contracts with any property manager or other person responsible for the orderly operation of the property.

- (c) The owner shall agree to take effective measures to address the disorderly property, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the Town and shall be implemented within one week of said meeting unless another date is agreed upon by the Police Department. Failure to enter into such an agreement at the conclusion of the meeting will be deemed a violation of this division, and the Town may file a complaint in the district court seeking all compensatory and equitable relief permitted by law.

Section VII. Enforcement.

If the owner a) refuses to agree to take effective measures to address the disorderly property, b) takes ineffective measures to address the disorderly property as determined by the Town, or c) fails to implement the agreement reached with the Town to address the disorderly property, the Town may file a legal action against the owner seeking any and all damages and remedies to which it is entitled pursuant to state and local laws.

Section VIII. Cost Of Service For Responses To Disorderly Properties.

- (a) Whenever the Police Department is required to respond to a situation at a disorderly property, which constitutes the fourth or greater response in any thirty-day period, the owner of the disorderly property shall pay the cost of service for each such response as follows:

For each such response for service the owner shall pay \$50, which shall be in addition to any penalty to which the owner may be subject.

- (b) Failure to pay the cost of service within 30 days after demand therefore shall subject the owner to the penalties provided by state and local laws.
- (c) Charges which become payable hereunder shall be treated as liens on the property in question and shall be enforced in accordance with the provisions of state and local laws.

Section IX. Violations.

Any person violating any of the provisions of this chapter or failing or neglecting or refusing to obey any order or notice of the Police Department issued hereunder shall be subject to penalties as provided by state and local laws.

Effective on the date of adoption by the Town of Wilton

Enacted: June 10, 2013

Signed



Diane Dunham, Town Clerk