

Mary Ann Jacob, Chair  
Mitch Bolinsky, Vice Chair  
Joe Girgasky, Recording Secretary  
A. Jeffrey Capeci  
Phil Carroll  
Robert Merola



## TOWN OF NEWTOWN

### Minutes of the Legislative Council Ordinance Committee DRAFT-DRAFT-DRAFT

The Ordinance Committee met November 14, 2012 at the Newtown High School cafetorium. Ordinance Committee Chairman Jacob called the meeting to order at 7:00 pm.

Present: Ms. Jacob, Mr. Carroll, Mr. Capeci, Mr. Girgasky, Mr. Ferguson (Legislative Council), Mr. Lundquist (Legislative Council)

Not Present: Mr. Merola, Mr. Bolinsky.

**PUBLIC PARTICIPATION:** none

**REVIEW AND APPROVAL OF MINUTES FOR 10-10-12:** Mr. Girgasky noted that his name appeared in error in two locations; Mr. Capeci offered correction by replacing with Mr. Carroll's name.

#### DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING:

**Firearms Ordinance** – Atty. Dobin offered modification suggestions to § 128-1. Ms. Jacob suggested CGS § 26-66-1 (hunting reference) be added and that references to citations & appeals be removed and the “Code of Newtown” § 132-10 be added to address citations & appeals. (see attachments)

#### PUBLIC PARTICIPATION:

Andy Buzzi – Obtuse Rd

Thanked Committee and asked if proposed changes could be provided in advance of meetings for review.

Bruce ? – Great Ring Rd

Asked if target shooting will continue on owned property and for clarification on 500' rule.

**Anti-Blight Ordinance** – After suggestions and concerns expressed by Mr. Ferguson, Mr. Lundquist and Mr. Gaston, Ms. Jacob suggested inviting Mr. Benson to next meeting in an effort to address those items. (see attachments)

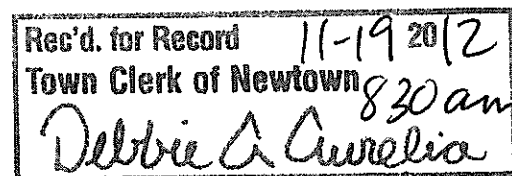
The Committee agreed to meet on January 9, 2013, 7:00 pm, Newtown HS cafetorium.

**PUBLIC PARTICIPATION:** none

A motion to adjourn was made by Mr. Girgasky, seconded by Mr. Carroll.

Respectfully Submitted,  
Joe Girgasky

Attachments:  
suggestions/concerns/emails compiled-pdf  
CGS 26.71-rtf  
CGS 26.66.1-rtf



(email from George Ferguson)  
Mary Ann and Jeff,

The Anti-Blight Ordinance has evolved very nicely over time.

My one concern is recent language linking property taxes and vehicle registration to the Ordinance.

The attached memo outlines my thinking in this regard.

I'm sending it to the two of you for your review and consideration to see if you share my concerns and understand the reasonings for them.

Thanks

George

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(attachment)

To: Ordinance Committee

From: George Ferguson

Date: November 12, 2012

Re: Anti-blight Ordinance

Recent versions of the Anti-Blight ordinance couples tax collection and motor vehicle registration to the Exclusions section. I propose that this language be either removed, or if it is the intent to include, that this be done in a separate section.

The Exclusions Section empowers the Anti-Blight Officer to make judgment calls about specific properties and property owners. (Good)

It then imposes restrictions that may preclude such judgments. (i.e. property taxes and registration). (Not so good)

The Ordinance may also, (following the law of unintended consequences), create a role for the Blight Enforcement Officer in the collection of taxes. (Definitely not good)

I recommend that the language about taxes and registration be separated from this section or eliminated.

If it is the intent of the Ordinance Committee, to create a vehicle that can be used to motivate or leverage (nice word) the payment of property taxes and or vehicle registrations, then I would ask that specific sections pertaining thereto be crafted.

If that is not the intent, then I would suggest removing the language.

In support of the above, I assert that the Tax collector, Assessor and the normal channels more appropriately handle the areas of vehicle registration and property taxes. I believe there is ample legislation and processes around property tax collection, but if not, they should be revised.

Furthermore, I believe that coupling of the language with regard to taxes and blight may preclude the Blight Enforcement Officer from considering other provisions enabling him and the Town to ameliorate blight where, elderly, infirm or indigent individuals are involved.

My specific concerns are that the proposed language:

- Enables an exclusion on property based on whether they are:

B. 4. a:  
"registered to the subject property's owner"  
(Assume this means with CT DMV)

B. 4. b:  
"appropriately registered properties that are or brought current on all applicable property tax liabilities."

Likely creates a hurdle that will not allow the Town to assist elderly or indigent property owners in abating their blight conditions because of an inability to become current on their real estate taxes.

Puts the blight enforcement officer in the position of having to determine the "appropriateness" of ones vehicle registration.

Placing restrictions on one type of property would also seem to place said restriction on all types of property (i.e. in arrears on taxes precludes consideration of exclusions). I don't think you can apply it to one type of property but not another.

For convenience the language of concern is highlighted below:

4) Exclusions a. and b.

- a. Notwithstanding the foregoing, the Anti-Blight Ordinance shall exclude such temporary conditions not to exceed six (6) months in duration, as may be reasonably related to repair or restoration of building(s) and/or motor vehicles, boats or recreational vehicles registered to the subject property's owner(s) or tenants(s), as determined by the Zoning Enforcement Officer or duly authorized agent.
- b. Exclusion status will only apply to appropriately registered properties that are or brought current on all applicable property tax liabilities.

Sec 3. Definitions: B. **Blight or Blighted:**

- c. The property is in the public view and, as determined by the Anti-Blight Enforcement Officer or duly authorized agent, is neglected or abandoned.
- 

(memo from Paul Lundquist)

For what its worth, I think the ordinance is good in that it reflects the group's collective intentions of what

\*should\* be covered. My main question is, do we actually need this ordinance in Newtown? I want to

be sure we're not legislating for a hypothetical problem.

Who is this ordinance intending to target? Business properties seem to make sense. But this also is

targeting residential properties... our neighbors.

As just one example .. I drive by a house that literally has a couple of rusted out, very old pickup trucks and tractors in their side yard. I like it and would say it has real charm and supports Newtown's "rural character."

Someone else may not agree, so by the definitions laid out here, it might be in violation.

. Language says any individual can file a complaint... warning first (which is good), but the infractions

are fined at \$100 per day + admin costs and potentially atty fees.

o This seems excessive, and in my opinion, not necessary.

I'd like to better understand why we're doing this (in general). What is the grassroots motivation or

inspiration for this? Is there a perception that this is an existing and ongoing problem in Newtown?

I think there may be unintended consequences of neighbors going after neighbors, resulting in local gov't

stepping in to dictate to me whether I'm allowed to park an unregistered car in my driveway, or whether my

farm equipment is offensive to someone.

Seems like there could really be unintended consequences that lead us on a path toward elitist, exclusive,

and potentially divisive attitudes and actions. I feel uncomfortable that this ordinance is being created to

address a real issue versus a hypothetical scenario. Again, I'm focusing primarily on the residential

component of the ordinance here.

On the business side, it could be construed as yet one more step in a direction that is anti-business. But

that's a more minor concern. But again, are there real examples of need? Maybe now is not the time?

Lastly, I see that we try to exclude municipal properties. While necessary, it sets a tone of "do as I say, not

as I do." Consider Fairfield Hills - language defining blight describes buildings on FFH campus to a T:

o "structures that are in significant partial ruin, decay or disrepair such that it would not qualify for a

certificate of use and occupancy."

. "Vacant, in public view, representing an attractive nuisance. Pose a threat to the safety, health, general welfare of community members. And attract, harbor or conceal illegal activity."

The language is -- at least in spirit - hypocritical when we consider that the NeMown gov't has municipal

"blight" and will have it for a considerably long time (IMO). Do we think businesses and residents will accept

blight infractions from our town when we are conveniently exempting our own blatant examples?

Again, just

my opinion.

So at the end of the day, I'd say that the ordinance as it's written is solid. I just have concerns whether we

need it now, or will have in the immediate future. If there's not a laundry list of offenders around our town,

maybe now is not the time.

Thanks for your consideration. I think given your charge, the cmt is promoting a good ordinance... my

question is, should we as a council, vote to endorse it?

Paul

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(email from Jim Gaston)

Hi Mary Ann:

Please find the attached the Anti-Blight Ordinance, as well as comments and explanations below. I'm not certain I will be able to attend the meeting tomorrow evening.

1) The Board of Burgesses suggests the addition to Section 3.B(4)(a) Exclusions:

"...The Ant-Blight enforcement officer, for good cause, may extend the six (6) month duration an additional six (6) months."

The purpose for said inclusion is to recognize that some repairs and restorations take longer than six months, particularly when dealing with historic structures and limited artisans. The addition provides the Anti-Blight Enforcement Officer "good cause" discretionary authority to extend the six month period for reasons that would include same.

2) The Board of Burgesses suggests the addition to Section 5. D. Special Considerations:

*"Notwithstanding the laws and authority of applicable historic districts pursuant to Section 7-147a, et seq. of the Connecticut General Statutes, Historic Structures shall not be exempted from this Ordinances but, .... "*

I also discussed this with Will Rodgers who also agrees that the addition is important to rectify the potential conflict between the Ordinance and Statutory authority of Historic Districts and their Commissions. For example, an Historic District Commission has the statutory authority to defer demolition of Historic District properties. The way Section 5.D and 5.E are written, the Section could conflict with the CT General Statutory authority of Historic Districts, i.e., a Town Historian could reject a 90 day hold on a historic property demolition, however, the Historic District Commission could order a stay on the demolition. Since the Statutory authority of the Historic District comes from the State statute, the Historic District authority should prevail.

3) The Board of Burgesses suggests the addition to Section 5. E. Special Considerations:

*"Notwithstanding the laws and authority of applicable historic districts pursuant to Section 7-147a, et seq. of the Connecticut General Statutes, Historic Structures determined to be a Nuisance or Blight by definition of this Ordinance .... "*

Same reasons as expressed above: (I also discussed this with Will Rodgers who also agrees that the addition is important to rectify the potential conflict between the Ordinance and Statutory authority of Historic Districts and

their Commissions. For example, an Historic District Commission has the statutory authority to defer demolition of Historic District properties. The way Section 5.D and 5.E are written, the Section could conflict with the CT General Statutory authority of Historic Districts, i.e., a Town Historian could reject a 90 day hold on a historic property demolition, however, the Historic District Commission could order a stay on the demolition. Since the Statutory authority of the Historic District comes from the State statute, the Historic District authority should prevail.)

4) The Board of Burgesses also wished to express the thought that the Anti-Blight Enforcement Officer should use the Ordinance as just one tool in a tool box to assist in the manner of resolving Blight. In essence, it is thought more of a fine shaping tool rather than hammer. The question should be "how can we resolve this Blight issue as efficiently and amiably as possible, not how fast can we impose fines and penalties." Potential solutions such as using volunteer high school community service hours are the impression.

5. One question that did arise was who the Anti-Blight Enforcement Officer would respond to throughout the year, and what elected Board or Town Department would be reviewing and recording the alleged Blights, Warnings and Citations.

I hope these are helpful to your discussions. Good luck, and thanks for taking on this subject.

Regards,

Jim G

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(email from Dave Dobin)

Mary Ann –

As I mentioned I am currently on trial this week. The trial was originally scheduled for earlier in October but was delayed and I was hoping that I would be free tomorrow for the meeting. Unfortunately it will not be possible for me to attend. I apologize for the inconvenience.

In connection with the firearms issue, I have attached a revised draft ordinance, which is based on our discussion at the last meeting and Conn. Reg. s. 26-66-1(d), which regulates hunting. A copy of the revised draft ordinance is attached. Please note that a violation of that regulation is a misdemeanor pursuant to Conn. Gen. Stat. s. 26-71 and can be enforced accordingly. I have not found any authority, however, allowing for enforcement of the regulation as an infraction.

Finally, the following are attached to this email:

Proposed Draft Revised Ordinance 11-13A CLEAN.docx x

Proposed Draft Revised Ordinance 11-13A showing revisions.pdf x

CGS 26-71 penalty for violating Conn Reg 26-66-1.rtf (could not open file to add here)

CGS\_53-203\_Unlawful\_discharge\_of\_firearms.rtf x

Conn Reg\_26-66-1\_Behavior\_and\_actions\_of\_hunters.rtf (could not open file to add here)

David

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(attachment)

Connecticut General Statutes Annotated  
Title 53. Crimes (Refs & Annos)  
Chapter 943. Offenses Against Public Peace and Safety

C.G.S.A. § 53-203

§ 53-203. Unlawful discharge of firearms

Effective: October 1, 2012

Currentness

Any person who intentionally, negligently or carelessly discharges any firearm in such a manner as to be likely to cause bodily injury or death to persons or domestic animals, or the wanton destruction of property, shall be guilty of a class C misdemeanor.

**Credits**

(1949 Rev., § 8521; 1973, P.A. 73-457; 2012, P.A. 12-80, § 103.)

C. G. S. A. § 53-203, CT ST § 53-203

Current with enactments from the 2012  
February Regular Session and June 12 Special  
SessionEnd of Document

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Chapter 128. FIREARMS

**[HISTORY: Adopted by the Legislative Council of the Town of Newtown 8-7-1991 (Ord. No. 71). Amendments noted where applicable.]**

§ 128-1. Discharge near buildings prohibited.

No person shall, at any time of the year, discharge a firearm within 500 feet of a building which is occupied by persons or domesticated animals, unless he has within his possession the prior written permission of the owner or occupier thereof. The provisions of this section shall not apply to landowners, their spouses or lineal descendants when discharging a firearm within five hundred feet of buildings owned by them, but shall apply when said persons are discharging a firearm within said distances of buildings not so-owned. For the purposes of this chapter, a building is presumed to be occupied unless it appears from a reasonable inspection of the interior portions of the building that it is in fact unoccupied.

Deleted: or unless he is on property which he owns or leases

§ 128-2. Discharge on land posted against hunting prohibited.

No person shall, at any time of the year, carry, possess or discharge a firearm within the boundaries of land the owner or occupier of which has posted the land against hunting unless he has within his possession the prior written permission of the person so posting the land. Any such written permission must be dated within 12 months of the date on which such firearm is carried, possessed or discharged.

§ 128-3. Exceptions.

The provisions of this chapter shall not apply to a peace officer, as that term is defined in Connecticut General Statutes § 53a-3(9), when acting within the scope of his/her duties.

§ 128-4. Penalties for offenses.



- A. Any person violating this chapter shall be subject to the maximum fine allowed by law.
- B. Notwithstanding any language above to the contrary, the maximum fine for each violation under this chapter shall be \$90 or the amount set forth above, whichever is less. Each violation subject to a fine shall be considered an infraction which, in the discretion of the issuing violation, may be enforceable by citation. The fine(s) imposed shall be payable to the Town of Newtown. Any individual fined for a violation of this chapter may appeal that fine to the Town Hearing Officer following the procedures set forth in the ordinance authorizing said officer and herein setting forth the appeals process.

**[Added 9-17-2003]**

§ 128-5. Citation hearing officer.

**[Added 9-17-2003]**

The First Selectman, with the approval of the Board of Selectmen, shall appoint one citation hearing officer, other than police officers or employees or persons who issue citations, to conduct the hearing authorized by § 128-6.

§ 128-6. Appeals procedure.

**[Added 9-17-2003]**

- A. Newtown, at any time within 12 months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to C.G.S. § 7-148 or 22a-226d, for an alleged violation thereof, shall send notice to the person cited. Such notice shall inform the person cited:
- (1) Of the allegations against him and the amount of the fines, penalties, costs or fees due;
  - (2) That he may contest his liability before a citation hearing officer by delivering in person or by mail written notice within 10 days of the date thereof;
  - (3) That if he does not demand such a hearing an assessment and judgment shall be entered against him; and
  - (4) That such judgment may issue without further notice.

- B. If the person who is sent notice pursuant to Subsection **A** of this section 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 admitted to in person or by mail to an official designated by such municipality. 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 mail written demand for a hearing within 10 days of the date of the first notice provided for in Subsection **A** of this section shall be deemed to have admitted liability, and the designated municipal official 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 the applicable ordinances and shall follow the procedures set forth in Subsection **D** of this section.
- C. 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 notice, provided the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing official or policeman shall be filed and retained by the municipality, and 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 issuing official or policeman shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence on behalf of the municipality. If such person 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 statutes or ordinances. The hearing officer may accept from such person copies of police reports, investigatory and citation reports, 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. The hearing officer shall announce his decision at the end of the hearing. If he determines that the person 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 applicable ordinances of the municipality.

- D. 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 a superior court facility designated by the Chief Court Administrator together with an entry fee of \$8. 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 shall enter judgment, in the amount of such record of assessment and court costs of \$8, against such person in favor of the municipality. Notwithstanding any 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.
- E. A 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 any entry fee in an amount equal to the entry fee for a small claims case pursuant to C.G.S. § 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.
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(attachment)

#### Chapter 128. FIREARMS

[HISTORY: Adopted by the Legislative Council of the Town of Newtown 8-7-1991 (Ord. No. 71). Amendments noted where applicable.]

##### § 128-1. Discharge near buildings prohibited.

No person shall, at any time of the year, discharge a firearm within 500 feet of a building which is occupied by persons or domesticated animals, unless he has within his possession the prior written permission of the owner or occupier thereof or unless he is on property which he owns or leases. The provisions of this section shall not apply to landowners, their spouses or lineal descendants when discharging a firearm within five hundred feet of buildings owned by them, but shall apply when said persons are discharging a firearm within said distances of buildings not so-owned. For the purposes of this chapter, a building

is presumed to be occupied unless it appears from a reasonable inspection of the interior portions of the building that it is in fact unoccupied.

§ 128-2. Discharge on land posted against hunting prohibited.

No person shall, at any time of the year, carry, possess or discharge a firearm within the boundaries of land the owner or occupier of which has posted the land against hunting unless he has within his possession the prior written permission of the person so posting the land. Any such written permission must be dated within 12 months of the date on which such firearm is carried, possessed or discharged.

§ 128-3. Exceptions.

The provisions of this chapter shall not apply to a peace officer, as that term is defined in Connecticut General Statutes § 53a-3(9), when acting within the scope of his/her duties.

§ 128-4. Penalties for offenses.

- A. Any person violating this chapter shall be subject to the maximum fine allowed by law.
- B. Notwithstanding any language above to the contrary, the maximum fine for each violation under this chapter shall be \$90 or the amount set forth above, whichever is less. Each violation subject to a fine shall be considered an infraction which, in the discretion of the issuing violation, may be enforceable by citation. The fine(s) imposed shall be payable to the Town of Newtown. Any individual fined for a violation of this chapter may appeal that fine to the Town Hearing Officer following the procedures set forth in the ordinance authorizing said officer and herein setting forth the appeals process.

[Added 9-17-2003]

§ 128-5. Citation hearing officer.

[Added 9-17-2003]

The First Selectman, with the approval of the Board of Selectmen, shall appoint one citation hearing officer, other than police officers or employees or persons who issue citations, to conduct the hearing authorized by § 128-6.

§ 128-6. Appeals procedure.

[Added 9-17-2003]

A. Newtown, at any time within 12 months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to C.G.S. § 7-148 or 22a-226d, for an alleged violation thereof, shall send notice to the person cited. Such notice shall inform the person cited:

- (1) Of the allegations against him and the amount of the fines, penalties, costs or fees due;
- (2) That he may contest his liability before a citation hearing officer by delivering in person or by mail written notice within 10 days of the date thereof;
- (3) That if he does not demand such a hearing an assessment and judgment shall be entered against him; and
- (4) That such judgment may issue without further notice.

B. If the person who is sent notice pursuant to Subsection A of this section 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 admitted to in person or by mail to an official designated by such municipality. 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 mail written demand for a hearing within 10 days of the date of the first notice provided for in Subsection A of this section shall be deemed to have admitted liability, and the designated municipal official 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 the applicable ordinances and shall follow the procedures set forth in Subsection D of this section.

C. 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 notice, provided the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing official or policeman shall be

filed and retained by the municipality, and 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 issuing official or policeman shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence on behalf of the municipality. If such person 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 statutes or ordinances. The hearing officer may accept from such person copies of police reports, investigatory and citation reports, 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. The hearing officer shall announce his decision at the end of the hearing. If he determines that the person 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 applicable ordinances of the municipality.

D. 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 a superior court facility designated by the Chief Court Administrator together with an entry fee of \$8. 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 shall enter judgment, in the amount of such record of assessment and court costs of \$8, against such person in favor of the municipality. Notwithstanding any 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.

E. A 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 any

assessment and court costs of \$8, against such person in favor of the municipality. Notwithstanding any 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.

E. A 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 any entry fee in an amount equal to the entry fee for a small claims case pursuant to C.G.S. § 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.

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(attachment from D. Dobin) (CGS 26-71)

Connecticut General Statutes Annotated  
Title 26. Fisheries and Game  
Chapter 490. Fisheries and Game (Refs & Annos)  
Part IV. Hunting and Fishing (Refs & Annos)

C.G.S.A. § 26-71

§ 26-71. Penalty  
Effective: October 1, 2012  
Currentness

Any person who violates any provision of sections 26-65 to 26-70, inclusive, or any regulation issued by the commissioner pursuant thereto shall be guilty of a class D misdemeanor.

**Credits**

(1955, Supp. § 2482d; 1971, P.A. 872, § 266; 2012, P.A. 12-80, § 134.)

C. G. S. A. § 26-71, CT ST § 26-71

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Current with enactments from the 2012 February  
Regular Session and June 12 Special Session  
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(attachment from D. Dobin) (CGS 26-66-1)

Regulations of Connecticut State Agencies

Title 26. Fisheries and Game

Department of Energy and Environmental Protection (1)

Hunting and Trapping (2)

Regs. Conn. State Agencies § 26-66-1

Sec. 26-66-1. Behavior and actions of hunters

Currentness

(a) The method of taking wild birds and wild quadrupeds by hunting shall be restricted to firearms, high velocity air guns using a single ball or pellet type projectile, and compound, long, or recurved bow. In designated areas, by special permit, the commissioner may allow the use of modified versions of air guns or archery implements to achieve wildlife management objectives. No arrow or projectile which is coated with or contains any drugs, poison or known tranquilizing substance may be used or possessed while engaged in archery hunting.

(b) Use of crossbows is prohibited, except during the January bow and arrow season on private land in deer management zones described pursuant to section 26-86a-6(b) of the Regulations of Connecticut State Agencies or except that a person who has a permanent physical disability to the degree that he or she cannot operate a long, recurve or compound bow may obtain a permit to take deer or turkey with a crossbow. A person applying for a crossbow permit under the disability provision of this section shall show proof that he or she has successfully completed the Connecticut conservation education/firearms safety advanced bowhunter education course or its equivalent and present a certificate from a licensed physician that he or she is so disabled. Upon satisfactory proof of disability, the commissioner may issue such a permit under this section which shall be carried at all times while hunting. Such permit shall not be a replacement for and is valid only with any license or permit required for archery hunting under the provisions of chapter 490 of the Connecticut General Statutes or regulations promulgated thereunder. Any crossbow and bolt combination to be used for hunting as permitted under this subsection shall meet the following specifications: (1) The draw weight of the crossbow shall be not less than 125 pounds nor more than 200 pounds; (2) The crossbow shall have a permanent fixed rifle type stock, and a functional and/or fully operational mechanical safety device; (3) The bolt (arrow) length shall be not less than eighteen inches, excluding the broadhead; (4) The bolt weight shall be not less than 450 grains, including the broadhead; (5) the broad head shall have two or more blades with a width not less than seven-eighths of an inch at the widest point. In addition, any crossbow in a drawn and cocked position shall be considered a loaded weapon, whether or not a bolt is loaded on the crossbow.

(c) There shall be no hunting from one-half hour after sunset to one-half hour before sunrise, except that raccoon and opossum hunting is permitted after sunset on state-owned lands which are open to hunting and on privately owned lands where landowners do not object, and provided the open season for hunting migratory game birds shall be governed by the provisions of Section 26-66-4, and provided further that on the third Saturday in October, hunting shall commence at 7:00 a.m. e.d.t. (eastern daylight time) except for waterfowl, turkey and archery deer hunting.



(d) There shall be no hunting with firearms, discharging of firearms or carrying of loaded firearms within five hundred feet of any building occupied by people or domestic animals or used for storage of flammable or combustible materials, unless written permission of owner of such buildings is obtained and carried while hunting to allow closer shooting distances, except that the above referred to distance shall be not less than two hundred fifty feet unless written permission of owner of such buildings is obtained and carried while hunting to allow closer shooting distances when waterfowl is hunted in tidal water areas from land shooting positions or from floating blinds anchored adjacent to land or from rock formations. The provisions of this subsection shall not apply to landowners, their spouses or lineal descendants when hunting within five hundred feet of buildings owned by them or, when hunting waterfowl, within two hundred fifty feet of such buildings, but shall apply when said persons are hunting within said distances of buildings not so-owned.

(e) No hunting weapon shall be discharged toward any person, building or domestic animal when the same is within range or from or across the traveled portion of any public roadway.

(f) Domestic animals, agricultural crops, signs, fences, installations and facilities of utility companies and other property shall not be damaged.

(g) No dogs shall be trained, run or exercised or be permitted to run at large during the period from June first to the opening of the upland hunting season on any land posted by the Department or its agents against such activity.

(h) Hunting, trapping, fishing and/or trespassing is prohibited on any wildlife refuge, closed area or safety zone posted by the Department or its agents against such activity.

(i) Hunting is prohibited from the traveled portion of a public road or on any road adjacent to any premises used for the breeding, rearing, or holding in captivity of wildlife, or premises used for zoological purposes, or posted by the Department or its agents against such activity.

(j) No animals, except a dog or bird of prey where permitted by law or regulation shall be used in hunting or pursuing any wild bird or wild quadruped. Permits to use of birds of prey may be issued at the discretion of the commissioner to those persons who are engaged in federal, state or university cooperative research programs for the reestablishment of wild populations of raptors.

(k) No motor vehicle shall be operated or parked upon any public or private road, parking area, lane, passageway, right-of-way, field or lot posted by the Department or its agents against such activity.

(l) Discarding of bottles, glass, cans, paper, junk, litter or trash is prohibited on lands and waters open to hunting or otherwise under the jurisdiction of the Department of Environmental Protection.

(m) Vehicles using department-controlled parking areas shall be parked only in authorized places.

(n) At department-controlled boat launching sites, no boat shall be moored or anchored in a manner that will obstruct or interfere with the launching of other boats, and no boat shall be left unattended in the water or beached on shore unless such boat has, in an exposed area, the name and address of the owner of such boat painted or branded thereon or in any legible manner attached thereto. Any boat anchored, moored, beached or stored in violation of this subsection, and not removed within forty-eight hours after notice has been served on the owner thereof, shall be subject to impoundment at the expense of the owner, and such owner shall be subject to the penalties provided for violations of the provisions of this subsection. For the purpose of this subsection, notice shall be considered to have been served on the owner when a warning card has been affixed to his boat by a representative of the Department.

(o) At department-controlled boat launching areas on inland lakes and ponds, unattended boats left moored, anchored, beached or stored after December fifteenth and before March first shall be subject to impoundment at the expense of the owner and such owner shall be subject to the penalties provided for violations of the provisions of this subsection.

(p) Subject to the provisions of subsection (c), no person shall hunt raccoons or opossums from 1/2 hour after sunset to 1/2 hour before sunrise by the use of a rifle, revolver, or pistol that uses centerfire ammunition or rim fire ammunition having a cartridge case longer than that of a .22 caliber long rifle cartridge case and the projectile of which is heavier than 20 grains or by use of shotgun shells larger or heavier than number two shot. No person shall take or attempt to take raccoons or opossums by the use of a light from a motor vehicle.

(q) Rifles and handguns using centerfire ammunition or rim fire ammunition having a cartridge case longer than that of a .22 rim fire long rifle cartridge case and the projectile of which is heavier than 20 grains and shotgun ammunition of loads larger or heavier than number two shot shall not be possessed or used for the purposes of hunting as defined in section 26-1 of the Connecticut General Statutes on any private land during the private land shotgun/rifle deer season as specified in section 26-86a-6(d) of the Regulations of Connecticut State Agencies. This provision relating to rifle and shotgun ammunition shall not apply to persons holding valid private land shotgun and/or rifle deer permits. Waterfowlers hunting from a boat, blind or stationary position may only use the ammunition specified in section 26-66-4(t) of the Regulations of Connecticut State Agencies.

(r) No person shall hunt, pursue, wound or kill any wildlife from September 1 through the last day of February without wearing above the waist at least a total of four hundred square inches of fluorescent orange clothing visible from all sides. This provision does not apply to: (1) archery deer hunting during the open season for hunting deer with bow and arrow; (2) archery deer hunting during the private land muzzleloader or shotgun/rifle deer seasons while hunting from an elevated tree stand more than 10 feet from the ground in zones designated by the commissioner; (3) archery and firearms turkey hunting; (4) waterfowl hunting from blinds or boats or from a stationary position; (5) crow hunting from a blind or a stationary position; (6) hunting raccoon and opossum from one-half hour after sunset to one-half hour before sunrise;

(7) deer hunting by a landowner on his own property; or (8) archery hunting on state lands designated by the commissioner and listed in his applicable annual Connecticut Hunting and Trapping Guide as open to bowhunting only while hunting from an elevated stand more than ten feet from the ground.

**Credits**

(Added effective January 1, 1993; Amended effective February 16, 1994; October 18, 1995; May 16, 1996; May 29, 1998; August 30, 1999; December 18, 2002; April 27, 2005; August 3, 2009.)

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