



**TOWN OF MANSFIELD
COMMUNITY QUALITY OF LIFE COMMITTEE**

Wednesday, March 2, 2011

7:00 p.m.

**Town Hall, Audrey P. Beck Building
Conference Room B**

MEETING AGENDA

1. Call to Order/Roll Call
2. Appointment of Recording Secretary
3. Approval of February 16, 2011 Minutes
4. Opportunity for Public to Address the Committee
5. Chairperson's Report
6. Communications
7. Old Business
 - a) Staff Update "Large Assembly" Ordinance (latest draft 2/23/11)
 - b) Solidify Stakeholders List
 - c) Reschedule April 7, 2011 Meeting
 - d) Report of Sub-Committee
8. New Business
9. Adjournment

Committee on Community Quality of Life

DRAFT Minutes

Wednesday, February 16, 2011

Members Present: TMoran (Chair), EPaterson, JReisen, JFried, JSaddlemire, CKeuffner (alternate) JFriedman (alternate)

Members Absent: DMorse, DKeane

Staff Present: MNinteanu, JHintz, MHart , D'Obrien (Town Atty.)

1. Call to Order/Roll Call

Meeting was called to order at 7:31pm

2. Appointment of Recording Secretary

Jake Friedman was appointed Recording Secretary

3. Approval of January 6, 2011 minutes

Motion to amend minutes to correct the spelling of "Sikoski" was made and passed unanimously. Motion to approve amended minutes passed unanimously, with 3 abstentions: CKueffner, EPaterson and JFried

4. Opportunity for Public to Address the Committee

No members of the public were present.

5. Chairperson's Report

Chairperson proposed to move meetings to Wednesdays to avoid schedule conflicts for two members of the committee. MNinteanu agreed to find the best week and available room for next meeting.

6. Communications

MNinteanu updated the committee on the contents of the action plan.

MHart updated the committee on a new bill proposed by Greg Haddad and adopted by the State House. The new bill clarifies that UConn Police may enforce town ordinances. Discussion of the impact of this bill on neighborhood issues ensued.

7. Old Business

a) "Large Assembly" Ordinance:

An updated draft of the ordinance was handed out and explained by MNinteanu and DO'Brien. Multiple issues and concerns were raised by committee members. DO'Brien agreed to rework the draft based on the concerns raised. TMoran recommended that committee members note proposed changes/issues and bring them up again after the next draft is completed. MHart suggested soliciting stakeholder comment on the next draft. A list of stakeholders includes:

- UConn administration and police
- ACLU
- Local landlords
- Atty. General's office
- EOSmith administration
- Neighborhood Associations
- Town-gown committees

- Downtown Partnership
- ECSU administration (due to use of sports fields in Mansfield)

b) Reschedule April meeting

April meeting will be rescheduled to a Wednesday per earlier discussion.

8. New Business

JFriedman requested that the landlord "roundtable" be moved to the April meeting. The 3/3 meeting will be rescheduled to 3/2. Agenda will include planning for the April "roundtable" discussion and further review of the Large Assembly Ordinance.

Meeting adjourned at 9:27pm.

Respectfully Submitted,

Jake Friedman
Recording Secretary

Ordinance Regarding Large Group Assembly
(2/23/11 Draft)

Title:

This ordinance shall be known and may be cited as the "Ordinance Regarding Large Group Assembly"

Legislative Authority:

This ordinance is enacted pursuant to the provisions of C.G.S. § 7-148 et seq., as amended

Findings and Purpose:

The Town Council of the Town of Mansfield finds that there have been increasing instances of larger outdoor gatherings of relatively short duration of persons on both public and private property in the town. In many of these situations, calls for assistance have been made to town and state staff, including the police and other service providers, in an effort to protect the public health and safety, and prevent disruption of other regular citizen activities.

The Town Council also finds that a significant number of persons involved in such larger gatherings in the Town have often engaged in conduct that has been a nuisance and a threat to the public health, safety and welfare, as situation in large part due to circumstances present in few if any other towns statewide.

The Council also finds that such large gatherings have at times resulted in public health and safety conditions requiring regulation to ensure adequate sanitation and sewage disposal facilities, law enforcement services, emergency medical personnel, parking, traffic control, crowd control, and other protection and services in the interests of the public health and safety. The Council further finds it necessary to better assure financial accountability for damage and extraordinary town services costs resulting from such events.

The Council is aware of the provisions of Chapter 368S of the Connecticut General Statutes, regulating mass gatherings of an average of two thousand or more people which continue or can be reasonably expected to continue for twelve or more consecutive hours. The Council finds with regard to instances of large gatherings held in the Town of Mansfield to date these statutory provisions could not effectively regulate the particular problems of the Town in that these state laws do not encompass almost all gatherings of 300 persons or more, as no

such previous event has continued or been expected to continue for twelve consecutive hours or more, but rather have been of shorter duration.

The general purpose of this Ordinance is to protect the public health and safety by regulating larger outdoor assemblies. This ordinance is intended to be a content-neutral time, place, and manner regulation of such gatherings. The Town Council confirms the commitment of the Town of Mansfield to ensure and facilitate free exercise of the constitutional rights of free speech and expression and peaceful assembly.

The Council declares the following to be the specific goals and objectives of this article:

- (1) To protect and preserve the safety and comfort of the general public.
- (2) To ensure the safe and orderly use of property;
- (3) To allow the safe and reasonably unrestricted flow of pedestrian traffic on sidewalks and vehicular traffic in the streets;

The provisions of this article shall be administered and construed in a manner so that encourages and permits the free, open and non-violent exchange and expression of ideas and opinions, as much as possible, while still achieving the public health and safety goals and objectives set forth above.

Definitions:

For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

Advertise: The act of publicly announcing or calling public attention to an assembly, which shall include, but not be limited to, a distribution of handbills or mailings, the use of outdoor advertising, or announcements by radio, television, newspaper, the internet, e-mail or other electronic means of communication.

Assembly: Any company of persons gathered together at any primarily out of doors location within the Town of Mansfield at any single time for any purpose.

Building: A permanent or temporary structure enclosed within exterior walls and a roof.

Existing Building: A building erected prior to the date of adoption of the State Building Code, or one for which a legal building permit has been issued.

Notice: The notification to a permit applicant or his agent of any decision made pursuant to this article. Notice may be by first-class mail or hand delivery to the applicant's address as set forth in the permit application. Notice shall be effective, and shall be deemed given to the applicant, on the date it is sent, given or otherwise transmitted or communicated to the applicant, not the date on which it is received by the applicant.

Permittee: The person or persons, association, partnership, corporation or other entity or group in whose favor a permit is sought or obtained, or persons belonging to such association, partnership, corporation, or other entity or group.

Person: Any individual, partnership, corporation, limited liability company, firm, company, association, society or group.

Public right-of-way: Any land in which the state or municipality owns the fee or has an easement devoted to, or required for use as, a transportation facility, including a road, street or highway and associated sidewalks.

Road, street or highway: Any place or way set aside or open to the general public for purposes of vehicular traffic.

Sidewalk: Any area or way within a public right-of-way that is set aside or open to the general public for purposes of pedestrian traffic, whether or not it is improved

Structure: That which is built or constructed.

Applicability:

This Ordinance shall generally apply to all properties in the Town of Mansfield, but is inapplicable to any actual or reasonably anticipated assembly of two thousand or more people which can reasonably be expected to continue for twelve or more consecutive hours on public or private property, in which case the provisions of Chapter 368S of the Connecticut General Statutes Regarding Mass Gatherings will be applied by the Town of Mansfield.

Permit Required:

No person shall permit, maintain, stage, promote, conduct, engage in, act as entrepreneur, undertake, manage, participate in, aid, form, advertise, start, or sell tickets to any assembly primarily outside of any existing building on any public or private property in the Town of Mansfield that is attended at any one time, is calculated to be attended at any one time, or is reasonably expected to be attended at any one time, by three hundred (300) or more people, unless an

assembly permit has been applied for and obtained from the Town of Mansfield pursuant to this ordinance.

A separate permit shall be required for each day and each location in which three hundred or more people assemble or can reasonably be expected to assemble.

Permit Application Process:

The Town shall provide a permit application form to obtain information relating to the date, time and location, as well as any other information relevant to protect the general health, safety and welfare of the public.

No permit may be issued unless an applicant submits a completed application for an assembly permit to the Town.

A non-refundable fee of One Hundred dollars (\$100.00) to defray the administrative costs and expenses incident to processing and reviewing the application shall be paid to the Town by the person applying for the assembly permit at the time of filing the application.

The completed application for a permit shall be filed not less than fifteen (15) calendar days before the proposed date of the assembly. The Town shall have the authority to consider any completed application under this article which is filed less than fifteen (15) calendar days before the proposed date of the assembly, giving due consideration to the urgency of the application, the anticipated size of the assembly, and the apparent need to protect the general health, safety and welfare.

The application for a permit shall be signed by the applicant upon oath or affirmation. It shall set forth the following information and such other information as may, from time to time, be reasonably required:

- (1) If the assembly is proposed to be organized or conducted by an individual person, the name, place of residence, street address, mailing address and telephone number of the person.
- (2) If the assembly is proposed to be organized or conducted for, on behalf of, or by an organization, corporation, partnership, trust, or other entity, the respective names, street addresses, mailing addresses and telephone numbers of the entity and of the authorized responsible head of such organization.
- (3) If the assembly is to be held by, on behalf of, or for any person other than the applicant, the applicant for such permit shall file with the Town a notarized

document from the person proposing to hold the assembly authorizing the applicant to apply for the permit on his or her behalf.

(4) The date the assembly is to be conducted.

(5) The purpose of the assembly.

(6) A good faith and reasonable estimate of the hours when the assembly is expected to begin and end.

(7) A good faith and reasonable estimate of the number of people who are calculated or expected to attend and participate in the assembly.

(8) The exact location or route of the assembly.

(9) For any assembly expected to include a thousand or more people, a basic site plan showing the layout of the assembly area.

(10) A designation of any public facilities or equipment proposed to be utilized.

(11) Whether any roads, streets or highways are requested to be temporarily closed and, if so, which roads, streets or highways are requested to be closed and the times of closing.

(12) Whether any temporary structures, including but not limited to tents, stages, or grandstands, are proposed to be erected, and, if so, a detailed description of those temporary structures. (Temporary structures may require additional Town permits.)

(13) Whether any alcoholic beverages are proposed to be sold or served, and if so, details as to the time and place of such sale or service, and proof that the sale or service of alcoholic beverages would not be unlawful at those times and places.

(14) Whether any fireworks or pyrotechnics are proposed to be set off, and, if so, a detailed description of those fireworks and pyrotechnics, and a detailed plan for the use of such fireworks or pyrotechnics.

(15) Whether any signs are proposed to be erected in conjunction with the assembly, and, if so, a detailed description of those signs, and commitment that the erection of the signs would not be in violation of other codes or ordinances.

(16) Whether any entertainment will be involved, and, if so, giving details as to nature, time and place of such entertainment.

(17) Whether any products, materials, goods or services other than entertainment, will be provided, and if so, who will furnish or provide those products, materials, goods or services, including specifically contracted or regularly licensed vendors.

(18) Whether any rides, mechanical entertainment or amusement devices will be provided, and if so, who will furnish, provide and operate those rides or devices.

(19) A detailed plan to ensure the necessary cleanup, repair and restoration of the assembly area and adjacent property to its condition prior to the assembly, with such cleanup, repair or restoration to be accomplished within twenty-four (24) hours after the assembly is concluded.

(20) The applicant's detailed plan to provide adequate sanitation and sewage disposal facilities.

(21) If the assembly is to be held during hours of darkness, the applicant's detailed lighting plan.

(22) In the case of any such reasonably anticipated assembly of a thousand persons or more, the permit applicant must provide a copy of a written plan for fire protection prepared by the applicant in consultation and cooperation with the Fire Department of the Town of Mansfield.

Permit Action by Town:

Upon receipt of a completed application for a permit, the Town shall issue a permit, unless there is clear and convincing evidence that:

(1) The assembly will unduly disrupt either pedestrian or vehicular traffic;

(2) The assembly will unduly interfere with the movement of fire-fighting equipment from a station or en route to a fire;

(3) The concentration of persons or vehicles, or any combination thereof, will unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly area;

(4) The assembly will unduly interfere with another assembly for which a permit has been issued; or

(5) The public assembly would substantially interfere with or would have an unmitigatable adverse impact upon residential or commercial access and traffic circulation in the area in which it is to be conducted;

(6) The public assembly proposed by the applicant would present an unreasonable danger to the health or safety of the applicant, participants, observers, spectators, or the general public;

(7) The applicant has not complied or cannot comply with all of the conditions, restrictions or requirements found necessary by the reviewing departments, divisions, or office, including any conditions precedent; or

(8) The use or activity proposed by the applicant is prohibited by law, by court order, by this ordinance or by any other ordinances of the Town

The requirement of a permit shall not apply to:

(1) An assembly of fewer than three hundred (300) persons;

(2) A wedding or a funeral procession;

(3) Recreational activities, including running, walking or biking;

(4) Any unit or department of The United States Army, Navy, Air Force, Marines or Coast Guard, the military forces of the state, and the police or fire department of the Town.

(5) An assembly organized by the Town, Mansfield Board of Education, Region 19 or any agency or division thereof, or by the University of Connecticut or Eastern Connecticut State University or any of their units or departments.

(6) Any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum or other similar permanently established place of assembly for assemblies which do not exceed the maximum seating capacity of any structure where the assembly is held.

(7) Government sponsored fairs held on regularly established fairgrounds or assemblies required to be licensed by other provisions of local ordinances or the general statutes of the State of Connecticut.

(8) Any agricultural fair exempted from applicability of Chapter 368S of the Connecticut General Statutes by C.G.S. section 19a-443(c).

The Town shall approve or deny a completed application for a permit, and give written notice to the applicant of the decision, stating specific reason(s) for the decision as soon as possible upon receipt, but in no case any more than seven days after receipt of the completed application which has been endorsed in writing on behalf of all applicable Town departments. A permit shall be issued if all requirements are reasonably satisfied.

A permit may be issued, though not required under the terms of this article, if a person or entity applies for such permit and the issuance of a permit is not in any way contrary to the interests of the Town of Mansfield.

Waiver:

The Town of Mansfield may waive the permitting process prescribed in this ordinance, provided no assembly of 300 or more persons, as further described herein may gather without a permit unless the person undertaking the assembly has provided:

- (1) Prior notice to the Town Manager or his or her agent; and
- (2) A detailed letter to one of said Town officials documenting that the requirements of this ordinance have been met, not less than seven days prior to the date when the assembly is to gather.

Enforcement:

The Town Manager shall designate one or more Enforcement Officers, who, along with the local police, are empowered to take such enforcement actions as are authorized in this ordinance.

If any assembly required to be officially permitted by this ordinance is held without a permit or in material violation of any term or conditions of a permit, such assembly may be immediately terminated and dispersed by any such Enforcement Officers, including the police.

Any permit issued pursuant to this ordinance may be revoked only for the following reasons:

- (1) When by reason of disaster, public calamity, riot or other emergency, either before or during an assembly, the Town Manager determines that the safety of the general public or protection of property requires such revocation;

(2) The holder of the permit or any other person(s) involved in the assembly materially and substantially violate any term or condition of the permit, law or ordinance, while conducting, or participating in the assembly;

(3) The Town determines that information given by the applicant in an application for permit was incorrect when given or becomes incorrect and would clearly and convincingly form the basis for a denial. Oral notice of such revocation shall be given as soon as possible, but in no event later than forty-eight (48) hours from the date on which the Town determines that such revocation is required. Written notice of such revocation shall be given within three (3) calendar days of the date on which it is determined that revocation is required, and such written notice shall set forth the reason or reasons for such revocation and shall be sent by first-class mail to the permit applicant's address as set forth in the application.

(4) A permit shall not affect the authority of any law-enforcement officer to arrest a person engaged in any acts or activities for which the permit was granted, if the conduct of such person violates any state or federal law, code or statute, or any ordinance of the Town of Mansfield, or to eject or forcibly remove such person from the assembly.

Violations and Penalties:

(1) Any person materially violating the provisions of this ordinance shall be deemed to have committed an infraction and may be issued a citation. Said citation shall inform the person named therein of the allegations against him or her, the amount of the fine due, and the date on which payment of the fine is due, which shall be no later than ten (10) days after the date of the citation. Said citation shall be hand delivered, mailed by certified mail, return receipt requested, addressed to the person named therein at his or her last known address. Citations shall be punishable with a fine of \$250 dollars for each violation. Each separate day that a violation exists after the issuance of a citation shall be subject to a separate additional fine without the issuance of a separate citation.

(2) In addition to any other remedy authorized by this ordinance, if any such fine issued pursuant to the provisions of this chapter is unpaid beyond the due date, the Town may initiate proceedings under the authority of C.G.S. § 7-152c and Chapter 129 of The Code of the Town of Mansfield, Hearing Procedure for Citations, to collect such fine.

Public safety at public assemblies.

(1) The applicant shall be financially responsible for providing the necessary safety and security personnel at the assembly, as deemed necessary by the Town in response to the permit application. This protection must be provided by employing off duty sworn police officers or licensed security companies.

(2) The Fire Department shall be the primary provider of fire protection services and emergency medical services at a public assembly, as necessary. All cost for such service shall be paid by the applicant pursuant to Town ordinance and state law.

Duties of Permittee:

(1) The application for an assembly permit, after being approved by the Town shall become the actual permit and shall be kept in the physical possession of the applicant or his agent during the assembly. The assembly permit shall be displayed upon demand to the Town's authorized agent or to any law enforcement officer. The Town shall keep a copy of the permit in an official record maintained in the office of the Town Clerk and shall distribute copies upon request.

(2) The applicant or his agent shall be present at all times during the assembly. The applicant and or his agent shall be jointly and individually responsible for conducting the assembly in a manner that complies with the permit, including its conditions, and with the requirements of all applicable laws, regulations, and ordinances, including this ordinance.

(3) The owner of any property that is rented shall provide the tenant(s) with a copy of this ordinance prior to allowing occupancy of the structure by the tenant.

(4) If any governmental services shall be required to facilitate or serve the public assembly, the reviewing department, division, or office shall estimate the costs and indicate those costs in writing to the Town Manager. That report may also include conditions, restrictions or requirements which the reviewing department, division or office determines are necessary for the permit to be issued. Such conditions, restrictions or requirements may include that the applicant apply for and obtain other necessary permits and licenses, and make a pre-payment for traffic and crowd control protection. However, in determining whether to require a pre-payment, the Town Manager shall consider the applicant's ability to pay and the purpose of the public assembly, and that if the purpose of the public assembly is to engage in speech or activity that is protected by the United States Constitution or the Constitution of the State of Connecticut, no such pre-payment shall be required.

(5) For any assembly expected to include one thousand or more persons, the applicant shall tender a certificate of insurance for the assembly which shall provide that the Town and its agents shall be saved harmless from any claim or claims arising out of negligence of the applicant, his agents or any participant resulting from the assembly because of injury or death to persons or damage to property, including court costs and attorneys' fees, and attorneys' fees on appeal, resulting from the intentional or negligent acts or omissions of the applicant or of any person on applicant's behalf in connection with the holding of an assembly or the issuance of the permit. If the applicant fails to provide such proof of insurance at least three (3) business days before the date of the assembly, the application shall be deemed denied.

(6) A permittee shall not allow the sound of the assembly to carry unreasonably beyond the boundaries of the location of the assembly.

Appeals:

Any person fined pursuant to this chapter may appeal such fine pursuant to the provisions of Chapter 129 of the Code of the Town of Mansfield Hearing Procedure for Citations.

Injunction; Public Nuisance:

The provisions of this Ordinance may be enforced by temporary or permanent injunction in any court of competent jurisdiction.

The holding of an assembly in violation of any provision or condition contained in this ordinance shall be deemed a public nuisance and may be abated as such.

Word Usage:

Whenever used, the singular number shall include the plural, the plural the singular, and the use of either gender shall include both genders.