



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MWH*
CC: Maria Capriola, Assistant Town Manager; Cherie Trahan, Director of Finance;
Christine Gamache, Collector of Revenue
Date: November 14, 2016
Re: Proposed Amendments to Ordinance Concerning Property Tax Relief for
Certain Elderly Homeowners

Subject Matter/Background

The current Ordinance Concerning Property Tax Relief for Certain Elderly Homeowners requires the repayment of frozen taxes upon the taxpayer's death, with interest. The recent passing of a resident enrolled in the program has led staff to discover that the interest rate is not defined in the current Ordinance. A rate of 5% interest is used in the Town's tax deferral program and has been the rate used in verbal explanations made to applicants to the property tax relief program. Staff suggests an amendment to make the 5% interest rate clear within the Ordinance Concerning Property Tax Relief for Certain Elderly Homeowners.

The statutory authority to set the interest rate is C.G.S. Section 12-170w(c).

Legal Review

The Town Attorney has reviewed and approved the proposed amendments.

Recommendation

As the proposed amendment is housekeeping in nature and reflects actual practice, staff recommends the Council send the proposal directly to public hearing without review by a Council Ordinance Development and Review Subcommittee.

If the Council supports this recommendation the following motion is in order:

Move, to schedule a public hearing for 7:05 PM at the Town Council's regular meeting on November 28, 2016 to solicit public comment regarding the proposed amendments to the Ordinance Concerning Property Tax Relief for Certain Elderly Homeowners.

Attachments

- 1) Proposed Amendments to Ordinance Concerning Property Tax Relief for Certain Elderly Homeowners (*with track changes*)

- 2) Ordinance Concerning Property Tax Relief for Certain Elderly Homeowners (*clean copy*)
- 3) C.G.S. Section 12-170w(c)

Chapter 173. Taxation

Article IX. Property Tax Relief for Elderly Homeowners
[Adopted 2-12-2007, effective 3-10-2007]

§ 173-50. Title.

This article shall be known and may be cited as the “Ordinance Concerning Property Tax Relief for Certain Elderly Homeowners.”

§ 173-51. Legislative authority.

This article is enacted pursuant to the provisions of Public Act No. 06-176 of the State of Connecticut.[1]

[1] Editor's Note: See § 12-170v of the Connecticut General Statutes.

§ 173-52. Findings; purpose.

The Town Council of the Town of Mansfield finds that it is fair and equitable and in the best interests of the Town of Mansfield to provide property tax relief to certain eligible elderly homeowners as permitted by state law. Accordingly, pursuant to the authority granted to municipalities by Public Act No. 06-176,[1] the Town of Mansfield seeks to improve the quality of life for its senior residents and encourage continued residence and property ownership in the Town of Mansfield by establishing this Ordinance Concerning Property Tax Relief for Certain Elderly Homeowners.

[1] Editor's Note: See § 12-170v of the Connecticut General Statutes.

§ 173-53. Applicability; benefits.

A. Eligible homeowners.

(1) An owner of real property in the Town of Mansfield or any tenant for life or for a term of years liable for property taxes to the Town of Mansfield under Connecticut General Statutes § 12-48 who meets the qualifications stated in this subsection shall be entitled to pay the tax levied on such property, calculated in accordance with the provisions of Subsection B of this section for the first year the claim for such tax relief is filed and approved in accordance with the provisions of § 173-54, and such person shall be entitled to continue to pay the amount of such tax or such lesser amount as may be levied in any year, during each subsequent year that such person meets such qualifications, and the surviving spouse of such owner or tenant, qualified in accordance with the requirements pertaining to a surviving spouse in this subsection, or any owner or tenant possessing a joint interest in such property with such owner at the time of such owner's death and qualified at such time in accordance with the requirements in this subsection, shall be entitled to continue to pay the amount of such tax or such lesser amount as may be levied in any year, as it becomes due each year following the death of such owner for as long as such surviving spouse or joint owner or joint tenant is qualified in accordance with the requirements in this subsection.

(2) After the first year a claim for such tax relief is filed and approved, application for such tax relief shall be filed biennially on a form prepared for such purpose by the Assessor of the Town of Mansfield.

(3) Any such owner or tenant who is qualified in accordance with this section, and any such surviving spouse or joint owner or joint tenant surviving upon the death of such owner or tenant, shall be entitled to pay such tax in the amount as provided in this section for so long as such owner or tenant or such surviving spouse or joint owner or joint tenant continues to be so qualified.

(4) To qualify for the tax relief provided in this section a taxpayer shall meet all the following requirements:

(a) On December 31 of the calendar year preceding the year in which a claim is filed, be:

[1] Seventy years of age or over;

[2] The spouse of a person 70 years of age or over, provided such spouse is domiciled with such person; or

[3] Sixty-two years of age or over and the surviving spouse of a taxpayer who at the time of such taxpayer's death had qualified and was entitled to tax relief under this section, provided such surviving spouse was domiciled with such taxpayer at the time of the taxpayer's death.

(b) Occupy such real property as his or her home.

(c) Either spouse shall have resided within this state for at least one year before filing the claim under this article and § 173-54.

(d) The taxable and nontaxable income of such taxpayer, the total of which shall hereinafter be called "qualifying income," in the tax year of such homeowner ending immediately preceding the date of application for benefits under the program in this article, was not in excess of limits set forth in § 12-170aa of the 2006 supplement to the General Statutes, as adjusted annually, evidence of which income shall be submitted to the Assessor of the Town of Mansfield in such form and manner as the Assessor may prescribe.

(5) The amount of any Medicaid payments made on behalf of such homeowner or the spouse of such homeowner shall not constitute income.

(6) The income of the spouse of such homeowner shall not be included in the qualifying income of such homeowner for purposes of determining eligibility for tax relief under this article, if such spouse is a resident of a health care or nursing home facility in this state, and such facility receives payment related to such spouse under the Title XIX Medicaid program.

B. Amount of tax.

(1) The tax on the real property for which the benefits under this article are claimed shall be the lower of the tax due with respect to the homeowner's residence for the assessment year commencing October 1 of the year immediately preceding the year in which the initial claim for tax relief is made, or the tax due for any subsequent assessment year.

(2) If title to real property is recorded in the name of the person or the spouse making a claim and qualifying under this article and any other person or persons, the claimant hereunder shall be entitled to pay the claimant's fractional share of the tax on such property calculated in accordance with the provisions of this article, and such other

person or persons shall pay the person's or persons' fractional share of the tax without regard to the provisions of this article.

(3) For the purposes of this article, a "mobile manufactured home," as defined in § 12-63a of the General Statutes, shall be deemed to be real property.

C. Transfer of property.

(1) If any person with respect to whom a claim for tax relief in accordance with this article and § 173-54 has been approved for any assessment year transfers, assigns, grants or otherwise conveys subsequent to the first day of October, but prior to the first day of August in such assessment year, the interest in real property to which such claim for tax relief is related, regardless of whether such transfer, assignment, grant or conveyance is voluntary or involuntary, the amount of such tax relief benefit, determined as the amount by which the tax payable without benefit of this section exceeds the tax payable under the provisions of this article, shall be a pro rata portion of the amount otherwise applicable in such assessment year to be determined by a fraction the numerator of which shall be the number of full months from the first day of October in such assessment year to the date of such conveyance and the denominator of which shall be 12.

(2) If such conveyance occurs in the month of October the grantor shall be disqualified for such tax relief in such assessment year.

(3) The grantee shall be required within a period not exceeding 10 days immediately following the date of such conveyance to notify the Assessor thereof, or in the absence of such notice, upon determination by the Assessor that such transfer, assignment, grant or conveyance has occurred, the Assessor shall determine the amount of tax relief benefit to which the grantor is entitled for such assessment year with respect to the interest in real property conveyed and notify the Tax Collector of the reduced amount of such benefit.

(4) Upon receipt of such notice from the Assessor, the Tax Collector shall, if such notice is received after the tax due date in the municipality, no later than 10 days thereafter, mail or hand a bill to the grantee stating the additional amount of tax due as determined by the Assessor.

(5) Such tax shall be due and payable and collectible as other property taxes and subject to the same liens and processes of collection, provided such tax shall be due and payable in an initial or single installment not sooner than 30 days after the date such bill is mailed or handed to the grantee and in equal amounts in any remaining, regular installments as the same are due and payable.

§ 173-54. Application.

A. Requirements; deadlines for filing.

(1) No claim shall be accepted under § 173-53 of this article unless the taxpayer or authorized agent of such taxpayer files an application with the Assessor of the Town of Mansfield, in such form and manner as the Assessor may prescribe, during the period from February 1 to and including May 15 of any year in which benefits are first claimed, including such information as is necessary to substantiate such claim in accordance with requirements in such application. The responsibilities of the Assessor regarding the processing of applications may be delegated by the Assessor to the Department of Social Services of the Town of Mansfield.

(2) An extension to August 15 may be granted by the Assessor in the case of extenuating circumstance due to illness or incapacitation as evidenced by a physician's certificate to that extent, or if it is determined, there is good cause for doing so.

(3) The taxpayer shall present to the Assessor a copy of such taxpayer's federal income tax return and the federal income tax return of such taxpayer's spouse, if filed separately, for such taxpayer's taxable year ending immediately prior to the submission of the taxpayer's application or, if not required to file a federal income tax return, such other evidence of qualifying income in respect to such taxable year as may be required.

(4) Each such application, together with the federal income tax return and any other information submitted in relation thereto, shall be examined and a determination shall be made as to whether the application is approved.

(5) Upon determination that the applying homeowner is entitled to tax relief in accordance with the provisions of § 173-53 and this section, the homeowner and the municipal Tax Collector shall be notified of the approval of such application.

(6) The municipal Tax Collector shall determine the maximum amount of the tax due with respect to such homeowner's residence and thereafter the property tax with respect to such homeowner's residence shall not exceed such amount.

(7) After a taxpayer's claim for the first year has been filed and approved such taxpayer shall file such an application biennially.

(8) In respect to such application required after the filing and approval for the first year, the Assessor shall notify each such taxpayer concerning application requirements by regular mail not later than February 1 of the assessment year in which such taxpayer is required to reapply, enclosing a copy of the required application form.

(9) Such taxpayer may submit such application by mail provided it is received not later than March 15 in the assessment year with respect to which such tax relief is claimed.

(10) Not later than April 1 of such year the Assessor shall notify, by certified mail, any such taxpayer for whom such application was not received by said March 15 concerning application requirements and such taxpayer shall submit not later than May 15 such application personally or, for reasonable cause, by a person acting in behalf of such taxpayer as approved by the Assessor.

B. Penalties for false applications.

(1) Any person knowingly making a false application for the purpose of claiming property tax relief under § 173-53 and this section shall be fined not more than \$500.

(2) Any person who fails to disclose all matters relating thereto or with intent to defraud makes a false statement shall refund to the municipality all tax relief improperly taken.

C. The Town of Mansfield will establish a lien on such property in the amount of the total tax relief granted, plus interest applicable to the total of unpaid taxes represented by such tax relief, at a rate to be determined by the Town **with a five-percent interest rate per annum that shall not be compounded**. Any such lien shall have a priority in the settlement of such person's estate.

D. Any such property tax relief granted to any such resident in accordance with the provisions of § 173-53 of this article and this section shall not disqualify such resident with respect to any benefits for which such resident shall be eligible under the provisions of §§ 12-129b to 12-129d, inclusive, of the 2006 supplement to the Connecticut General Statutes, § 12-129n and § 12-170aa

of the 2006 supplement to the General Statutes, and any such property tax relief provided under this article shall be in addition to any such benefits for which such resident shall be eligible under said §§ 12-129b to 12-129d, inclusive, and §§ 12-129n and 12-170aa.

§ 173-55. Construal of terms.

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

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§ 173-52. Findings; purpose.

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A. Eligible homeowners.

(1) An owner of real property in the Town of Mansfield or any tenant for life or for a term of years liable for property taxes to the Town of Mansfield under Connecticut General Statutes § 12-48 who meets the qualifications stated in this subsection shall be entitled to pay the tax levied on such property, calculated in accordance with the provisions of Subsection B of this section for the first year the claim for such tax relief is filed and approved in accordance with the provisions of § 173-54, and such person shall be entitled to continue to pay the amount of such tax or such lesser amount as may be levied in any year, during each subsequent year that such person meets such qualifications, and the surviving spouse of such owner or tenant, qualified in accordance with the requirements pertaining to a surviving spouse in this subsection, or any owner or tenant possessing a joint interest in such property with such owner at the time of such owner's death and qualified at such time in accordance with the requirements in this subsection, shall be entitled to continue to pay the amount of such tax or such lesser amount as may be levied in any year, as it becomes due each year following the death of such owner for as long as such surviving spouse or joint owner or joint tenant is qualified in accordance with the requirements in this subsection.

(2) After the first year a claim for such tax relief is filed and approved, application for such tax relief shall be filed biennially on a form prepared for such purpose by the Assessor of the Town of Mansfield.

(3) Any such owner or tenant who is qualified in accordance with this section, and any such surviving spouse or joint owner or joint tenant surviving upon the death of such owner or tenant, shall be entitled to pay such tax in the amount as provided in this section for so long as such owner or tenant or such surviving spouse or joint owner or joint tenant continues to be so qualified.

(4) To qualify for the tax relief provided in this section a taxpayer shall meet all the following requirements:

(a) On December 31 of the calendar year preceding the year in which a claim is filed, be:

[1] Seventy years of age or over;

[2] The spouse of a person 70 years of age or over, provided such spouse is domiciled with such person; or

[3] Sixty-two years of age or over and the surviving spouse of a taxpayer who at the time of such taxpayer's death had qualified and was entitled to tax relief under this section, provided such surviving spouse was domiciled with such taxpayer at the time of the taxpayer's death.

(b) Occupy such real property as his or her home.

(c) Either spouse shall have resided within this state for at least one year before filing the claim under this article and § 173-54.

(d) The taxable and nontaxable income of such taxpayer, the total of which shall hereinafter be called "qualifying income," in the tax year of such homeowner ending immediately preceding the date of application for benefits under the program in this article, was not in excess of limits set forth in § 12-170aa of the 2006 supplement to the General Statutes, as adjusted annually, evidence of which income shall be submitted to the Assessor of the Town of Mansfield in such form and manner as the Assessor may prescribe.

(5) The amount of any Medicaid payments made on behalf of such homeowner or the spouse of such homeowner shall not constitute income.

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B. Amount of tax.

(1) The tax on the real property for which the benefits under this article are claimed shall be the lower of the tax due with respect to the homeowner's residence for the assessment year commencing October 1 of the year immediately preceding the year in which the initial claim for tax relief is made, or the tax due for any subsequent assessment year.

(2) If title to real property is recorded in the name of the person or the spouse making a claim and qualifying under this article and any other person or persons, the claimant hereunder shall be entitled to pay the claimant's fractional share of the tax on such property calculated in accordance with the provisions of this article, and such other

person or persons shall pay the person's or persons' fractional share of the tax without regard to the provisions of this article.

(3) For the purposes of this article, a "mobile manufactured home," as defined in § 12-63a of the General Statutes, shall be deemed to be real property.

C. Transfer of property.

(1) If any person with respect to whom a claim for tax relief in accordance with this article and § 173-54 has been approved for any assessment year transfers, assigns, grants or otherwise conveys subsequent to the first day of October, but prior to the first day of August in such assessment year, the interest in real property to which such claim for tax relief is related, regardless of whether such transfer, assignment, grant or conveyance is voluntary or involuntary, the amount of such tax relief benefit, determined as the amount by which the tax payable without benefit of this section exceeds the tax payable under the provisions of this article, shall be a pro rata portion of the amount otherwise applicable in such assessment year to be determined by a fraction the numerator of which shall be the number of full months from the first day of October in such assessment year to the date of such conveyance and the denominator of which shall be 12.

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§ 173-54. Application.

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(2) An extension to August 15 may be granted by the Assessor in the case of extenuating circumstance due to illness or incapacitation as evidenced by a physician's certificate to that extent, or if it is determined, there is good cause for doing so.

(3) The taxpayer shall present to the Assessor a copy of such taxpayer's federal income tax return and the federal income tax return of such taxpayer's spouse, if filed separately, for such taxpayer's taxable year ending immediately prior to the submission of the taxpayer's application or, if not required to file a federal income tax return, such other evidence of qualifying income in respect to such taxable year as may be required.

(4) Each such application, together with the federal income tax return and any other information submitted in relation thereto, shall be examined and a determination shall be made as to whether the application is approved.

(5) Upon determination that the applying homeowner is entitled to tax relief in accordance with the provisions of § 173-53 and this section, the homeowner and the municipal Tax Collector shall be notified of the approval of such application.

(6) The municipal Tax Collector shall determine the maximum amount of the tax due with respect to such homeowner's residence and thereafter the property tax with respect to such homeowner's residence shall not exceed such amount.

(7) After a taxpayer's claim for the first year has been filed and approved such taxpayer shall file such an application biennially.

(8) In respect to such application required after the filing and approval for the first year, the Assessor shall notify each such taxpayer concerning application requirements by regular mail not later than February 1 of the assessment year in which such taxpayer is required to reapply, enclosing a copy of the required application form.

(9) Such taxpayer may submit such application by mail provided it is received not later than March 15 in the assessment year with respect to which such tax relief is claimed.

(10) Not later than April 1 of such year the Assessor shall notify, by certified mail, any such taxpayer for whom such application was not received by said March 15 concerning application requirements and such taxpayer shall submit not later than May 15 such application personally or, for reasonable cause, by a person acting in behalf of such taxpayer as approved by the Assessor.

B. Penalties for false applications.

(1) Any person knowingly making a false application for the purpose of claiming property tax relief under § 173-53 and this section shall be fined not more than \$500.

(2) Any person who fails to disclose all matters relating thereto or with intent to defraud makes a false statement shall refund to the municipality all tax relief improperly taken.

C. The Town of Mansfield will establish a lien on such property in the amount of the total tax relief granted, plus interest applicable to the total of unpaid taxes represented by such tax relief, with a five-percent interest rate per annum that shall not be compounded. Any such lien shall have a priority in the settlement of such person's estate.

D. Any such property tax relief granted to any such resident in accordance with the provisions of § 173-53 of this article and this section shall not disqualify such resident with respect to any benefits for which such resident shall be eligible under the provisions of §§ 12-129b to 12-129d, inclusive, of the 2006 supplement to the Connecticut General Statutes, § 12-129n and § 12-170aa

of the 2006 supplement to the General Statutes, and any such property tax relief provided under this article shall be in addition to any such benefits for which such resident shall be eligible under said §§ 12-129b to 12-129d, inclusive, and §§ 12-129n and 12-170aa.

§ 173-55. Construal of terms.

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

Sec. 12-170w. Application for real property tax relief to certain elderly homeowners. Biennial requirements. Penalty for false application or false statement. Lien. (a) No claim shall be accepted under section 12-170v unless the taxpayer or authorized agent of such taxpayer files an application with the assessor of the municipality in which the property is located, in such form and manner as the assessor may prescribe, during the period from February first to and including May fifteenth of any year in which benefits are first claimed, including such information as is necessary to substantiate such claim in accordance with requirements in such application. A taxpayer may make application to the assessor prior to August fifteenth of the claim year for an extension of the application period. The assessor may grant such extension in the case of extenuating circumstance due to illness or incapacitation as evidenced by a certificate signed by a physician or an advanced practice registered nurse to that extent, or if the assessor determines there is good cause for doing so. The taxpayer shall present to the assessor a copy of such taxpayer's federal income tax return and the federal income tax return of such taxpayer's spouse, if filed separately, for such taxpayer's taxable year ending immediately prior to the submission of the taxpayer's application, or if not required to file a federal income tax return, such other evidence of qualifying income in respect to such taxable year as the assessor may require. Each such application, together with the federal income tax return and any other information submitted in relation thereto, shall be examined by the assessor and a determination shall be made as to whether the application is approved. Upon determination by the assessor that the applying homeowner is entitled to tax relief in accordance with the provisions of section 12-170v and this section, the assessor shall notify the homeowner and the municipal tax collector of the approval of such application. The municipal tax collector shall determine the maximum amount of the tax due with respect to such homeowner's residence and thereafter the property tax with respect to such homeowner's residence shall not exceed such amount. After a taxpayer's claim for the first year has been filed and approved such taxpayer shall file such an application biennially. In respect to such application required after the filing and approval for the first year the assessor in each municipality shall notify each such taxpayer concerning application requirements by regular mail not later than February first of the assessment year in which such taxpayer is required to reapply, enclosing a copy of the required application form. Such taxpayer may submit such application to the assessor by mail provided it is received by the assessor not later than March fifteenth in the assessment year with respect to which such tax relief is claimed. Not later than April first of such year the assessor shall notify, by certified mail, any such taxpayer for whom such application was not received by said March fifteenth concerning application requirements and such taxpayer shall submit not later than May fifteenth such application personally or for reasonable cause, by a person acting on behalf of such taxpayer as approved by the assessor.

(b) Any person knowingly making a false application for the purpose of claiming property tax relief under section 12-170v and this section shall be fined not more than five hundred dollars. Any person who fails to disclose all matters relating thereto or with intent to defraud makes a false statement shall refund to the municipality all tax relief improperly taken.

(c) Any municipality providing property tax relief under section 12-170v and this section may establish a lien on such property in the amount of the total tax relief granted, plus interest applicable to the total of unpaid taxes represented by such tax relief, at a rate to be determined by such municipality. Any such lien shall have a priority in the settlement of such person's estate.

(d) Any such property tax relief granted to any such resident in accordance with the provisions of section 12-170v and this section shall not disqualify such resident with respect to any benefits for which such resident shall be eligible under the provisions of sections 12-129b to 12-129d, inclusive, 12-129n and 12-170aa and any such property tax relief provided under this section shall be in addition

to any such benefits for which such resident shall be eligible under sections 12-129b to 12-129d, inclusive, 12-129n and 12-170aa.

(P.A. 06-176, S. 2; P.A. 10-32, S. 35; P.A. 12-197, S. 29.)

History: P.A. 06-176 effective October 1, 2006, and applicable to assessment years commencing on or after that date; P.A. 10-32 made a technical change in Subsec. (a), effective May 10, 2010; P.A. 12-197 amended Subsec. (a) by adding provision re certification by an advanced practice registered nurse and making a technical change.



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MH*
CC: Maria Capriola, Assistant Town Manager; Michael Nintean, Director of Building and Housing
Date: November 14, 2016
Re: Proposed Amendments to Motor Vehicle Traffic and Parking Ordinance and Regulation

Subject Matter/Background

Staff is recommending a change to the referenced ordinance and regulations to address an enforcement issue that has come to our attention. Section 182-4 and Regulation A198-5.1 of the Town Code currently require that all parking fines due as well as the cost of towing be paid prior to the release of an impounded motor vehicle to the owner. The towing company that we use will not withhold vehicles due to outstanding Town parking fines and releases vehicles to the owner when the towing fine is paid. Staff has researched other local towing companies and are unable to find one that is willing to impound the vehicles until all outstanding Town parking fines are paid. After lengthy discussion staff believes there are no good alternatives and as a result suggests that ordinance and regulation language be changed to reflect actual practice.

Financial Impact

If enacted, the suggested changes would have minimal financial impact. Staff would continue to work with the Town's ticketing vendor to attempt collection of unpaid parking violations. Pursuant to state law, our ticketing vendor contacts the Connecticut Department of Motor Vehicles to hold registration of the vehicle after five unpaid violations.

Legal Review

The Town Attorney has reviewed and approved the proposed amendments.

Recommendation

As the proposed amendment is housekeeping in nature and reflects actual practice, staff recommends the Council send the proposal directly to public hearing without review by a Council Ordinance Development and Review Subcommittee.

If the Council supports this recommendation the following motion is in order:

Move, to schedule a public hearing for 7:10 PM at the Town Council's regular meeting on November 28, 2016 to solicit public comment regarding the proposed amendments to the Chapter 182 of the Mansfield Code (Motor Vehicle Traffic and Parking).

Attachments

- 4) Proposed Amendments to Chapter 182 of the Mansfield Code of Ordinances and Regulation A198-5.1 (*with track changes*)
- 5) Proposed Amendments to Chapter 182 of the Mansfield Code of Ordinances and Regulation A198-5.1 (*clean copy*)
- 6) Email from C. van Zelm dated November 8, 2016 re: Parking Steering Committee review of proposed amendments

182-4

In addition to any motor vehicle which may be towed under the provisions of Connecticut General Statutes Section 14-145 or 14-150, any motor vehicle parked in violation of § 182-3 of this article on which three or more prior parking fines under Subsection A are due and unpaid, or on which four or more such parking fines have been assessed within the past 12 months, may be towed and released to its owner only upon payment of all towing and/or storage fines and charges. Payment of the towing and/or storage charges does not relieve the violator of the requirement to pay all fines accrued prior to the tow.

A198-9

In addition to any motor vehicle which may be towed under the provisions of Connecticut General Statutes Section 14-145 or 14-150, any motor vehicle parked in violation of § 182-3 of the Code of the Town of Mansfield or of §§ A198-5, A198-5.1, A198-6, A198-7 or A198-8 of these regulations on which three or more prior parking fines under § 182-4 or A198-9B of the Code of the Town of Mansfield are due and unpaid, or on which four or more such parking fines have been assessed within the past 12 months, may be towed and released to its owner only upon payment of all fines and towing and/or storage charges. Payment of the towing and/or storage charges does not relieve the violator of the requirement to pay all fines accrued prior to the tow.

[Added 7-22-2013, effective 7-22-2013[2]]

A198-5.1

Vehicles in violation of any parking regulation herein may be subject to fines and/or towing. Owner/operators of violating vehicles will be responsible for paying both the fine for towing and the actual costs of towing and/or storage. Except in instances where a vehicle is a hazard to pedestrians or vehicular traffic or impedes the delivery of emergency services, tow warning notices in the form of a ticket shall be placed on vehicles prior to towing. Vehicles may be towed for parking in violation of the parking infractions listed in Subsection H, trespass on private property, parking while not being present on the premises or for exceeding the parking limits in designated parking spaces by 50% of the allowable time limit for said space in accordance with §§ 14-307 and 14-145 of the Connecticut General Statutes.

182-4

In addition to any motor vehicle which may be towed under the provisions of Connecticut General Statutes Section 14-145 or 14-150, any motor vehicle parked in violation of § 182-3 of this article on which three or more prior parking fines under Subsection A are due and unpaid, or on which four or more such parking fines have been assessed within the past 12 months, may be towed and released to its owner only upon payment of all towing and/or storage charges. Payment of the towing and/or storage charges does not relieve the violator of the requirement to pay all fines accrued prior to the tow.

A198-9

In addition to any motor vehicle which may be towed under the provisions of Connecticut General Statutes Section 14-145 or 14-150, any motor vehicle parked in violation of § 182-3 of the Code of the Town of Mansfield or of §§ A198-5, A198-5.1, A198-6, A198-7 or A198-8 of these regulations on which three or more prior parking fines under § 182-4 or A198-9B of the Code of the Town of Mansfield are due and unpaid, or on which four or more such parking fines have been assessed within the past 12 months, may be towed and released to its owner only upon payment of all towing and/or storage charges. Payment of the towing and/or storage charges does not relieve the violator of the requirement to pay all fines accrued prior to the tow.

[Added 7-22-2013, effective 7-22-2013[2]]

A198-5.1

Vehicles in violation of any parking regulation herein may be subject to fines and/or towing. Owner/operators of violating vehicles will be responsible for paying both the fine for towing and the actual costs of towing and/or storage. Except in instances where a vehicle is a hazard to pedestrians or vehicular traffic or impedes the delivery of emergency services, tow warning notices in the form of a ticket shall be placed on vehicles prior to towing. Vehicles may be towed for parking in violation of the parking infractions listed in Subsection H, trespass on private property, parking while not being present on the premises or for exceeding the parking limits in designated parking spaces by 50% of the allowable time limit for said space in accordance with §§ 14-307 and 14-145 of the Connecticut General Statutes.

Sara-Ann Chaine

From: Cynthia A. vanZelm
Sent: Tuesday, November 08, 2016 10:05 AM
To: Matthew W. Hart
Subject: ordinance

Hi Matt- On October 25, 2016, the Town Parking Steering Committee, with a motion by member Karla Fox, and a second by member Mike Taylor, endorsed recommended changes by Town Attorney Kevin Dineen to Town of Mansfield ordinances 182 and A198 to remove language requiring that parking fines be paid prior to a towing company releasing a car that has been towed.

Cynthia

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**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MWH*
CC: Maria Capriola, Assistant Town Manager; Michael Nintean, Director of Building and Housing Inspection
Date: November 14, 2016
Re: Proposed Amendment to Building Construction Ordinance

Subject Matter/Background

As of October 1, 2016, the State of Connecticut adopted a revised State Building Code. Pursuant to the new State Code, section 109.4 "Work Commencing Before Permit Issuance" has been deleted without substitution. This section stated "Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees."

With this deletion, the Town of Mansfield is no longer allowed to fine a person for commencing work without a building permit. Instead, penalties will be handled via the State judicial system.

In order to comply with the new State Building Code, the Town needs to amend the Town Building Construction Ordinance section 107-4 "Penalties for Offenses" by deleting subsection C, sections 1 and 2 without substitution.

Financial Impact

It is anticipated that this change will have a negligible negative effect on revenue received by the Building Department.

Legal Review

The Town is legally required to use the state adopted Building Code. Therefore, based on the Building Code change, this ordinance amendment would be appropriate. Staff reviewed this matter with the Town Attorney.

Recommendation

As the proposed amendment is housekeeping in nature and reflects a change in state law, staff recommends the Council send the proposal directly to public hearing without review by a Council Ordinance Development and Review Subcommittee.

DEPARTMENT OF ADMINISTRATIVE SERVICES

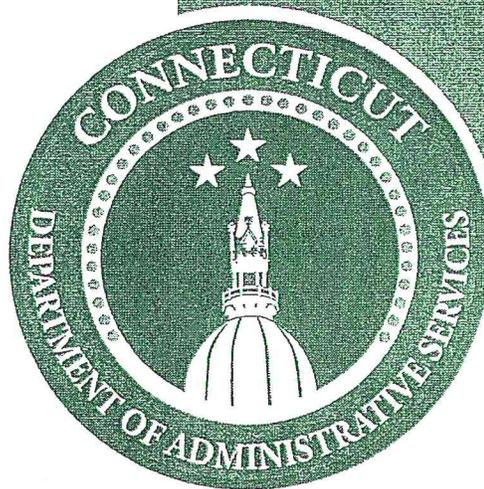
2016 Connecticut State Building Code

DIVISION OF
CONSTRUCTION SERVICES
Office of the State Building Inspector

165 Capitol Avenue
Hartford, CT 06106

MELODY A. CURREY
Commissioner

JOSEPH V. CASSIDY, P.E.
State Building Inspector



EFFECTIVE
OCTOBER 1, 2016

the requirements of this code to the extent necessary to assure the stability and integrity of the primary structural support systems of such structure or addition. Any modifications of approved structural plans or design specifications shall require shop drawings to the extent necessary to determine compliance with the requirements of this code and shall be reviewed by such consultant. Any fees relative to such review requirements shall be paid by the owner of the proposed building project.

If a structure or addition exceeds the threshold limit, the architect of record, professional engineer of record responsible for the design of the structure or addition and the general contractor shall sign a statement of professional opinion affirming that the completed construction is in substantial compliance with the approved plans and design specifications. If fabricated structural load-bearing members or assemblies are used in the construction, the professional engineer responsible for the design of such members or assemblies shall sign a statement of professional opinion affirming that the completed fabrication is in substantial compliance with the approved design specifications.

The building official of the municipality in which the structure or addition will be located shall satisfy himself that each architect, professional engineer, including each professional engineer responsible for the design of fabricated structural load-bearing members or assemblies, general contractor and major subcontractor involved in the project holds a license to engage in the work or occupation for which the appropriate building permit has been issued.

(Add) **107.8 Lift slab construction.** Pursuant to subsection (b) of section 29-276a of the Connecticut General Statutes, any building designed to be constructed utilizing the lift-slab method of construction shall be classified as exceeding the "threshold limit" and shall be subject to the provisions of Sections 107.7.1 and 107.8.1 of this code.

(Add) **107.8.1 Lift slab operations.** All buildings and structures utilizing the lift slab method of construction shall comply with the provisions of 29 CFR 1926 and section 31-372-107-1926 of the Regulations of Connecticut State Agencies.

(Amd) **108.1 General.** The building official may issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official may grant a single 180-day extension for demonstrated cause.

Exception: Tents, canopies and other membrane structures erected for a period of fewer than 180 days shall comply with Section 3103 of this code.

(Amd) **108.3 Temporary power.** The building official may give permission to temporarily supply and use power in part of an electrical installation before such installation has been fully completed and the final certificate of approval has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in this code and in NFPA 70, National Electrical Code.

(Amd) **109.2 Schedule of permit fees.** Each municipality shall establish a schedule of fees for each construction document review, building permit, certificate of approval and certificate of occupancy. A schedule of adopted fees shall be posted in the building department for public view.

* (Del) **109.4 Work commencing before permit issuance.** Delete without substitution.

(Add) **110.1.1 Posting of required inspections.** A schedule of required inspections shall be compiled by the building official. The schedule shall be posted in the building department for public view.

Chapter 107. Building Construction

§ 107-4. Penalties for offenses.

- A. Any person who violates any provision of the State Building Code shall be fined not less than \$200 nor more than \$1,000 or imprisoned not more than six months, or both, as provided in C.G.S. § 29-254a.
- B. Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not less than \$200 nor more than \$1,000 or imprisoned not more than six months, or both, as provided in C.G.S. § 29-254a.
- C. ~~Starting work prior to obtaining a building permit.~~
 - (1) ~~A penalty of b\$250 will be added to a permit fee for starting work without a permit.~~
 - (2) ~~A penalty will not be assessed to emergency repair work.~~

Chapter 107. Building Construction

§ 107-4. Penalties for offenses.

- A. Any person who violates any provision of the State Building Code shall be fined not less than \$200 nor more than \$1,000 or imprisoned not more than six months, or both, as provided in C.G.S. § 29-254a.
- B. Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not less than \$200 nor more than \$1,000 or imprisoned not more than six months, or both, as provided in C.G.S. § 29-254a.

Sec. 29-254a. Penalty for violation of State Building Code. Any person who violates any provision of the State Building Code shall be fined not less than two hundred dollars or more than one thousand dollars or imprisoned not more than six months, or both.

(P.A. 88-359, S. 9, 12; P.A. 07-217, S. 137.)

History: P.A. 07-217 made technical changes, effective July 12, 2007.

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