



**BOARD OF ALDERMEN
SHELTON, CONNECTICUT
Public Hearing on Ordinances
May 22, 2007**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Aldermanic President John Anglace opened the Public Hearing at 7:21 p.m.

ROLL CALL

Aldermanic President John F. Anglace, Jr. - present
Alderman John "Jack" Finn - present
Alderman Stanley Kudej - present
Alderman Kenneth Olin - present
Alderman Christopher Panek - present
Alderman John P. Papa - absent
Alderman Jason Perillo - absent
Alderman Randy York - present

**Legal Notice
City of Shelton**

NOTICE IS GIVEN THAT THE BOARD OF ALDERMEN WILL CONDUCT A
PUBLIC HEARING ON THE FOLLOWING:

- IDENTIFICATION OF LANDLORD

SAID PUBLIC HEARING SHALL BE CONDUCTED ON TUESDAY,
MAY 22, 2007 IMMEDIATELY FOLLOWING THE PUBLIC HEARING
ON MILEAGE ALLOWANCE WHICH IMMEDIATELY FOLLOWS THE
PUBLIC HEARING ON THE SALARY OF THE MAYOR SET FOR 7 PM
IN THE AUDITORIUM AT SHELTON CITY HALL, 54 HILL STREET,
SHELTON.

ALL PERSONS WHO HAVE AN INTEREST THEREIN MAY APPEAR
AND BE HEARD.

MAY 14, 2007

1. *Identification of Landlord***1. IDENTIFICATION OF LANDLORD****IDENTIFICATION OF A LANDLORD ORDINANCE**

- (a) In accordance with Connecticut Public Act No. 05-223 every non resident property owner or their agents in charge of any rental property within the city limits shall be required to maintain their current residential addresses on file with the appropriate Municipal Departments including but not limited to; the Fire Marshal, Building Official, Tax Assessor and Police Department.
- (b) The property owner or agent shall maintain the residential address on file whether the rental property is occupied or vacant.
- (c) The property owner or agent shall inform the appropriate municipal departments when his/her residential address changes not more than twenty-one days after the date that the address change occurred.
- (d) If the non resident owner or agent fails to file an address with the city the address to which the city mails property tax bills for the rental property shall be deemed to be the nonresident owner or agents current address.
- (e) Service of state or municipal orders relating to maintenance of such rental real property or compliance with state law and local codes concerning such real property directed to the nonresident owner or agent at the address on file, or deemed to be on file in accordance with the provisions of this section, shall be sufficient proof of service of notice of such orders in any subsequent criminal or civil action against the owner or agent for failure to comply with the orders.
- (f) Any person who violates any provision of the ordinance shall have committed an infraction with a fine of \$100.00 for the first offense and \$200.00 for any subsequent offense.
- (g) Pursuant to any penalty, the police chief or the fire marshal are authorized issue a citation or to seek legal action assessing the penalties prescribed herein.

DEFINITIONS:

1. Address means a location as described by the full street number, if any, street name, the city or town and the state. A post office box shall not be considered an address.
2. Agent in charge means one who manages real estate, including, but not limited to, the collection of rents and supervision of property.

Dwelling Unit means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, as the

home or residence of one or more persons, living independently of each other, and doing their cooking upon the premise, and having a common right in the halls, stairways or yards.

Alderman Anglace stated, I think this came from Planning and Zoning.

Alderman York stated, this came from the Fire Marshal.

Alderman Anglace stated, yes, he just wanted a way to be able to identify the Landlord who owns what properties. That is what this attempts to do.

Alderman Finn stated, for what purpose, John? We have an Alarm Ordinance. This originally was supposed to be sent to Public Health and Safety and it ended up on the full Board agenda. Shouldn't this be part of the Alarm Ordinance, or are we looking to establish a separate ordinance?

Alderman Anglace stated, I think the two areas are very different. The Alarm Ordinance covers private alarms that ring at the Police Department. This is simply, he wants to know who owns which properties because he has to enforce certain fire regulatory issues with the owner. Sometimes he has great difficulty finding out who the owner is.

Alderman Kudej stated, he's supposed to inspect all multiple dwelling homes periodically. How are you going to cite somebody if you don't know who owns it?

Alderman Anglace stated, point well taken.

Irving Steiner, 23 Partridge Lane

I had a situation which involved the Planning and Zoning, where a piece of property became a litter zone. Old tires, all kinds of junk, and I went to try and get the absentee landlord located to come and clean it up, and they had trouble doing it because he had changed address – lived out in New Jersey. So that's another problem. It's not just the Fire Marshal, it's a matter of maintenance of the property too, which in many instances is like it is because the landlord can't be found. Also, the tax bills, everything else. You can't identify, you can't send the, and then the property can be forfeited, I think. Thank you.

Alderman Anglace stated, people paying their rents usually don't want to tell us who they're paying their rents to.

Alderman Anglace stated, is there anything in here that anybody sees that would not work? I don't know what the appropriate municipal departments are that a property owner has to inform, and I don't think a property owner would know that either. However, there should be one central person that they contact and that person would let all the appropriate departments know.

Alderman Kudej stated, the Tax Department should be the one that knows, and they pass the word around.

Alderman Anglace stated, this is another thing that's been mentioned before, but I don't know where the codification of ordinances stands with respect to publication on the City website. I think that is something we probably should try to – this Board has said it many times, that is something we should try to get done. It can't cost much, and is probably money well spent. Let's look at that also – putting the ordinances on the City website.

Alderman Finn stated, click on City Clerk. City Clerk has a list of Ordinances. It doesn't have all the ordinances there, but it does have some of them.

Alderman Anglace stated, all the Ordinances that are known, she has. She has them codified. She has them on a disk, maybe several disks. Sometime back, several years ago, maybe 2001, I'm guessing, she gave the Aldermen copies of the disks. It's done by the Municipal Corporation, and she has them updated, in Florida. These are all the ordinances and get updated to that disk.

Alderman Panek stated, you can go on the web – their website – <http://www.municode.com> and it lists all the Connecticut municipalities and Shelton is on there and you can click on there and see all of our Ordinances on there.

Alderman Anglace stated, so, when we pass an Ordinance it gets promulgated through the City Clerk out?

Alderman Panek stated, I'm not sure how quickly it gets onto the website, but I've gone on there a couple of times before and I know that the ordinances are on there. I think the Charter is on there as well.

Alderman Finn asked, can we get our clerk to try to get a copy of the Connecticut Public Act #05-223 so we know what that Act is since the Ordinance is based on that public act? We should try to determine who is responsible for maintaining the records, because that's not outlined in the

Ordinance either. Is it going to be the Tax Collector, is it going to be the City Clerk, is it going to be the Fire Marshal's Office, Building Department?

Note: Public Act 05-223 follows:



Substitute House Bill No. 6539

Public Act No. 05-223

AN ACT CONCERNING IDENTIFICATION OF A LANDLORD.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2005*) (a) As used in this section, "address" means a location as described by the full street number, if any, the street name, the city or town, and the state, and not a mailing address such as a post office box, "dwelling unit" means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, or is occupied, as the home or residence of one or more persons, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways or yards and "agent in charge" means one who manages real estate, including, but not limited to, the collection of rents and supervision of property.

(b) Any municipality may require the nonresident owner of occupied or vacant rental real property to maintain on file in the office of the tax assessor or other municipal office designated by the municipality, the current residential address of the nonresident owner of such property, if the owner is an individual, or the current residential address of the agent in charge of the building, if the nonresident owner is a corporation, partnership, trust or other legally recognized entity owning rental real property in the state. If such residential address changes, notice of the new residential address shall be provided by such nonresident owner or agent in charge of the building to the office of the tax assessor or other designated municipal office not more than twenty-one days after the date that the address change occurred. If

the nonresident owner or agent fails to file an address under this section, the address to which the municipality mails property tax bills for the rental real property shall be deemed to be the nonresident owner or agent's current address. Such address may be used for compliance with the provisions of subsection (c) of this section.

(c) Service of state or municipal orders relating to maintenance of such rental real property or compliance with state law and local codes concerning such real property directed to the nonresident owner or agent at the address on file, or deemed to be on file in accordance with the provisions of this section, shall be sufficient proof of service of notice of such orders in any subsequent criminal or civil action against the owner or agent for failure to comply with the orders. The provisions of this section shall not be construed to limit the validity of any other means of giving notice of such orders that may be used by the state or such municipality.

(d) Any person who violates any provision of this section shall have committed an infraction.

Sec. 2. (NEW) (*Effective from passage*) Notwithstanding the provisions of section 51-164p of the general statutes, any municipality may by ordinance adopted by its legislative body establish a civil penalty for a violation of section 1 of this act, provided the amount of such civil penalty shall be not more than two hundred fifty dollars for the first violation and not more than one thousand dollars for any subsequent violation. Any person who is assessed a civil penalty pursuant to this section may appeal therefrom to the Superior Court. An appeal shall be instituted not later than thirty days after the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to section 52-259 of the general statutes, at the 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.

Approved July 6, 2005

Alderman York asked, who will be responsible as we find out owners for updating the records? It's not outlined in here who will be responsible for that.

Alderman Anglace stated, that question, between now and the time this comes to the full Board, we can research that and put it in here, and we'll get a copy of the Public Act.

ADJOURNMENT

Alderman Kudej MOVED to adjourn the Public Hearing on Ordinances; SECONDED by Alderman York. A voice vote was taken and the MOTION PASSED 6-0. The hearing ended at approximately 7:31 p.m. and was immediately followed by a meeting of the Finance Committee of the Board of Aldermen.

Respectfully submitted,

Patricia M. Bruder
Clerk, Board of Aldermen

Date Submitted: _____

DATE APPROVED: _____

BY: _____

Mark A. Lauretti
Mayor, City of Shelton