

## **Chapter 262: Open Space Use**

[HISTORY: Adopted by the Town of Ridgefield 9-8-1977 (Ch. 4, Art. IV of the 1974 Code). Amendments noted where applicable.]

### **GENERAL REFERENCES**

Alcoholic beverages — See Ch. 116.  
Animals — See Ch. 120.  
Bicycles and play vehicles — See Ch. 128.  
Open burning — See Ch. 141.  
Golf course — See Ch. 201.  
Littering — See Ch. 233.  
Noise — See Ch. 250.  
Parks and recreation — See Ch. 269.

### **§ 262-1 Title.**

This chapter shall be known and may be cited as the "Open Space Use Ordinance of Ridgefield."

### **§ 262-2 Purpose; Conservation Commission regulations.**

[Amended 4-22-1998]

The purpose of this chapter is to establish rules and regulations for the use and control of land dedicated to open space and owned by the Town in order to promote safety and protection of the property and of persons using the property.

The Conservation Commission is authorized to adopt regulations regarding the use of open space under its jurisdiction, or particular parcels of such open space, of indefinite duration, seasonally, or for specified times, dates or periods of time. Prior to adoption of rules and regulations hereunder, the Conservation Commission shall hold a duly noticed public hearing regarding the same.

Subsequent to said public hearing, the Commission shall forward said rules and regulations (which may be modified as a result of the public hearing) to the Board of Selectmen which may make further modifications if warranted. The Board of Selectmen shall then return said rules and regulations to the Commission for formal adoption as presented.

Upon adoption, said rules and regulations shall be published in the Ridgefield Press and posted in the office of the Town Clerk (for a period of 30 days) on or prior to publication. They shall also be entered into the minutes of the Commission. Said rules and regulations shall become effective on the eighth day subsequent to publication. Such regulations shall be in writing, and copies shall be available to the public, at no charge, at the Commission's office and at the office of the Town Clerk.

### **§ 262-3 Hours of operation.**

Open space land shall be open to the general public from 7:00 a.m. to 9:00 p.m., except as otherwise provided herein. Town officials may close any portion of open space land or the use of its facilities when it appears that the capacity of an area has been exhausted or the use of the same would endanger public safety.

## **§ 262-4 Fishing.**

[Amended 3-17-2010]

Fishing is permitted on any open space land under the rules and regulations established by the State of Connecticut Department of Environmental Protection.

## **§ 262-5 Hunting and trapping. [1]**

Hunting and trapping are not permitted on any open space land.

[1]:

Editor's Note: See also § [262-16](#), Controlled hunting.

## **§ 262-6 Firearms.**

Carrying and/or discharging of firearms is not permitted.

## **§ 262-7 Swimming and wading.**

Swimming or wading is permitted only in such areas approved by the Director of Health of the Town.

## **§ 262-8 Dogs and other pets.**

Dogs and other pets are permitted on open space land provided that such pets are under the control of their owners or keepers at all times.

## **§ 262-9 Riding horses and bicycles.**

Riding of horses or bicycles is permitted in areas set aside for such purposes.

## **§ 262-10 Overnight camping.**

Overnight camping is permitted in areas designated for camp use by special permit obtained from the Parks and Recreation Commission. Sanitary facilities must be provided by campers in accordance with regulations promulgated by the Parks and Recreation Commission.

## **§ 262-11 Fires.**

Fires may be kindled only in designated areas after obtaining a special permit from the Parks and Recreation Commission, which permit is subject to the regulations promulgated by the Parks and Recreation Commission.

## **§ 262-12 Trespass on open space and easements.**

[Amended 5-4-2016]

Trespass on open space and easements managed by the Conservation Commission includes, but is not limited to:

- Placement of buildings, structures or play equipment.

- Construction, destruction, or moving of fencing and stone walls within the boundary of the open space.
- Creation of trails or pathways not authorized by the Conservation Commission.
- Unauthorized mowing of vegetation and cutting or removal of trees, shrubs and brush.
- Placement or dumping of waste materials, including cut trees, shrubs, and leaves.
- Removal of boundary markers.
- Defacing, removing, destroying, or otherwise injuring in any manner whatsoever any structure, rock, tree, flower, shrub, or any plant life.
- Disturbing or molesting any bird or animal.
- Depositing of vehicles.

Violation of the use of easements managed by the Conservation Commission shall be considered the same as violations to open space.

The Commission shall designate a Conservation Enforcement Officer to act as the Commission's agent in the enforcement of this chapter.

### **§ 262-13 Littering.**

Refuse shall be placed in receptacles if provided on the premises, or removed from the premises, and no person shall litter the grounds or waters of open space land.

### **§ 262-14 Motorized vehicles.**

Motorized vehicles may not be operated or parked on any open space land, except in designated areas.

### **§ 262-15 Penalties for offenses.**

[Amended 5-4-2016]

Violation of any provision of this chapter or any regulation adopted hereunder is sufficient cause for eviction, and any person in violation of the same shall be subject to the penalties set forth in [§262-17](#) of this chapter.

### **§ 262-16. Controlled hunting.**

[Added 5-31-2006] [Amended 5-4-2016]

Notwithstanding the provisions of §§ 262-2, 262-3, 262-5, 262-6, 262-12 and 262-15 of this chapter, on open space lands under the jurisdiction of the Conservation Commission and owned by the Town, the Board of Selectmen, after written referral to and response by the Conservation Commission and after the Board of Selectmen's review and approval of the procedures, practices and safety measures to be followed by the Deer Management Committee, may from time to time authorize the Deer Management Committee to initiate and supervise a controlled hunt of deer on open space lands.

### **§ 262.17 Determination of violation.**

[Added 5-4-2016]

### **A. Possible Violation**

If there is a possible violation of the use of open space and easements managed by the Conservation Commission, the Commission or the Conservation Enforcement Officer shall initiate or cause an investigation as to the nature of the violation. The investigation may include a site visit and a discussion with the possible violator.

### **B. Probable Violation**

If, after investigation, a probable cause of a violation is found by the Commission or the Conservation Enforcement Officer to exist, the Commission shall serve written notice in the form of a letter to the violator by certified mail (return receipt requested) and simultaneously by regular US Postal Service mail. The Conservation Enforcement Officer and First Selectman shall be copied on the letter. The letter shall:

- Identify the nature of the alleged violation.
- Include maps, photographs and documentation of the alleged violation, if available.
- Note that the failure of the violator to remedy the violation within the prescribed time may result in fines and potential legal actions.
- Request the violator contact the Conservation Commission office to set up a meeting with the Conservation Commission to resolve the alleged violation.
- Inform the violator of the date of the public meeting of the Conservation Commission when the violation shall be heard by the Commission.

### **C. Failure to Respond**

If the violator who received the notice fails to respond, the Conservation Commission may nevertheless determine whether a violation has occurred, provided the Commission has made a finding that notice was properly served in accordance with this section.

### **D. Determination of Violation**

The Conservation Commission shall make a written determination whether a violation has, in fact, occurred. If the Conservation Commission determines that a violation has occurred and has not been remedied, it shall include in its written determination the actions to be taken to abate such violation and a reasonable deadline by which such violation shall be fully abated.

### **E. Determination of No Violation**

If the Conservation Commission determines that no violation has occurred, no further action shall be taken, and the Conservation Commission, accordingly, shall serve written notice to the alleged violator.

## **[§ 262-18. Notice of violation.](#)**

[Added 5-4-2016]

Upon the determination by the Conservation Commission that a violation of this chapter has occurred and not been remedied, the Conservation Commission and/or the Conservation Enforcement Officer shall serve a written notice of violation to the violator. The notice of violation shall state:

- A description of the violation.
- The actions to be taken to remedy the violation.
- The date upon which the violation shall be remedied.
- That the failure of the violator to remedy the violation within the prescribed time shall result in the issuance of a citation in accordance with § **262-21** of this chapter.
- The amount of the daily civil penalties and any other fines or penalties that can be imposed under § **262-20**.
- That if the violator fails to remove or remedy the violation, the Town may at its option pursue such remedies as may be available in law or in equity.

Delivery of the notice of violation to the violator shall be by one or both of the following methods:

- By personal delivery to the violator; or
- By certified mail (return receipt requested) and simultaneously by regular US Postal Service mail, addressed to the violator at his/her last known address; or
- By personal or abode service by a Ridgefield constable or a State marshal.

A copy of such notice shall also be sent to the office of the First Selectman, the Conservation Enforcement Officer, and any other town department, as may be determined by the Conservation Commission.

### **§ 262-19. Extension.**

[Added 5-4-2016]

The Conservation Commission or Conservation Enforcement Officer may, in their discretion, grant to any violator one 30-day extension of the time to remediate the violation. Any further extensions shall require written approval from the Conservation Commission.

### **§ 262-20. Penalties for offenses.**

[Added 5-4-2016]

#### **A. Daily Civil Penalty**

Violations of the provisions of this chapter shall be punishable by a civil penalty equal to the greater of \$250 or the maximum amount allowed by C.G.S. § 7-148(c)(7)(H)(xv), as the same may be amended from time to time, for each day a violation exists and continues beyond the date required for remediation set forth in the notice of violation issued under § **262-18** hereof. The Commission, at its election, may choose to enforce compliance with the provisions hereof by the means of a Citation issued pursuant to the Citation provisions of Chapter 24 of the Ridgefield Town Code.

#### **B. Civil Penalties for Reparable and Irreparable Damages**

Penalties shall be assessed based upon the nature of the violation. Destruction of public property shall require restoration and the violator shall be required to pay restoration costs and any associated costs.

If the violation resulted in irreparable damage, such as to mature trees, the violator shall be required to pay restoration costs as well as a settlement amount. The settlement amount shall be based on the "value" of the property damaged. A settlement would typically include requirements such as:

- Planting of younger replacement tree(s).
- Funding of a plan for their care and cultivation until they are mature enough to stand on their own.
- Payment of a sum deemed to be the "value" of the damaged tree(s). Tree value shall be determined as described in C.G.S. §52-560a.

### **C. Costs and Expenses**

Violators shall also be responsible for all costs and expenses associated with enforcement and the collection of any civil penalties, which shall include, but shall not be limited to, attorneys' fees, court costs, mailing costs, and filing fees.

### **D. Additional Penalties**

The violator may also be subject to additional penalties under C.G.S. §52-560a.

## **§ 262-21. Other remedies.**

[Added 5-4-2016]

The provisions of this chapter are in addition to, and not in lieu of, any other remedies available to the Town under the Connecticut General Statutes, Connecticut State Building Code, Fire Code, Public Health Code, Zoning Regulations, or other sections of the Town Code.