



TOWN OF MANCHESTER

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MELINDA SMITH, MAYOR

The Town wishes to address certain citizen concerns that have been raised related to proposed Ordinance 268

Some confusion has been created by the formatting of the ordinance which creates some confusion as to what new language is being proposed, and what is proposed to be taken out of the Code. The ordinance shows in underline the new language being proposed and shows stricken out language that is proposed to be deleted from the code. Language that is shown that is neither underlined nor stricken out is language already in the code. In addition, even some of the language shown in the ordinance as underlined is simply moved from one section to another but is still already in the code. Most importantly, some of the reactions to the ordinance are with respect to strike outs of underlined language, which means that these were changes to the Code that were once proposed but are no longer proposed, and therefore have been stricken out. These strikeouts do NOT take away parts of the existing Code but take out proposed changes that are no longer being proposed. The Town intends to put out a revised and "cleaned up" version shortly to relieve these concerns.

Some of the concerns are over the provision related to the Town's right to enter private property to enforce the Town Code regarding property use and maintenance. Contrary to some of the comments made on social media, this ordinance does not for the first time create that right. The right of entry for these purposes has been in the Code for quite some time. The right of entry onto private property is a necessary tool to enforce the Town Code in very limited circumstances and would only be driven by significant complaints from residents of the Town. This right of entry is a standard provision not only in our code, but also in property maintenance and nuisance chapters of the codes of other municipalities and counties. It is a standard provision. As stated, this right of entry has been a part of the Town Code for many years. Yet, the Town has always shown great restraint in entering onto private property to enforce the Town Code, only when necessary and for significant Town Code violations that present imminent health and safety risks, if possible, only after advance notice and opportunity to remedy the violation, and always in response to complaints by neighbors. Without this right of entry, the Town would have no means to promptly remedy serious violations of the Town Code.

With respect to the proposed restrictions related to fowl including chickens, the Town Code currently requires a 200-foot set back from neighboring property in order to have chickens on property in the Town. This setback already makes it practically impossible to have chickens in the residential zoning districts of the Town and comply with the code. Those that have previously raised chickens on residential property have likely done so in violation of the Town Code. So, the new ordinance does nothing more than make clearer what is already the case – that the raising and storing of chickens and other fowl is not permitted in the Town. These restrictions have come about because of complaints by neighbors that the Town has received and continues to receive.

Some of the concerns relate to tall grass and trash on property. Again, these provisions are already in the Code. The Town is not trying to be overbearing in these regards, but for the benefit of all property owners in the Town, especially those that keep their properties neat and mowed, the Town Code has always required a certain level of maintenance of private property in order to not hurt the value of neighboring property and so as to prevent health risks in certain cases. Occasionally, the Town gets complaints from neighboring property owners about a property whose owners or tenants regularly do not properly maintain their property. These code provisions, which are already in the code, allow the Town to gain compliance with the Town Code.

We hope that this post better explains the new ordinance, makes clear that many of the provisions of recent concern are already in the Town Code, and to make clear that the Town will continue to adhere to a restrained yet effective enforcement of the Town Code, as citizens of the Town have a right to expect. We ask everyone to remember as well that the ordinance at this stage is proposed, and subject to changes to make it better. We invite and encourage constructive citizen input as the Town considers this ordinance.

Mayor and Council