

*Robert J. Bask*

TOWN COUNCIL MAJORITY OFFICE

2017 DEC 11 A 10:41

ORDINANCE COMMITTEE

TOWN CLERK  
EAST HARTFORD

DECEMBER 5, 2017

PRESENT Rich Kehoe, Temporary Chair, Councillors Linda Russo and Esther Clarke

ALSO Marcia Leclerc, Mayor

PRESENT Rich Gentile, Assistant Corporation Counsel  
Jessica Carrero, Assistant to the Mayor  
Bob Falkevitz, 6 Burke Street  
Susan Kniep, 50 Olde Roberts Street  
Don Sugalski, 1736 Main Street

CALL TO ORDER

Chair Kehoe called the meeting to order at 5:30 p.m.

NOMINATION OF OFFICERS

Chair:

MOTION By Esther Clarke  
seconded by Linda Russo  
to **nominate** Rich Kehoe as **Chair** of the Ordinance Committee.  
Motion carried 3/0.

Secretary:

No Secretary appointed.

ADOPTION OF RULES GOVERNING MEETINGS

MOTION By Esther Clarke  
seconded by Linda Russo  
to **adopt** Robert's Rules of Order as the rules that shall govern parliamentary procedure at all subcommittee meetings, with the exception that (1) the Chair shall not be required to restate the motion of any Council member unless requested by another Councillor, or when in the discretion of the Chair, such restatement is necessary to avoid any confusion as to the motion; and (2) where such rules are in conflict with the provisions of the State Statutes, the Town Charter, or Town Ordinances.  
Motion carried 3/0.

## ESTABLISHMENT OF MEETING DATES

MOTION      By Esther Clarke  
                 seconded by Linda Russo  
                 to **hold** meetings at the **call** of the Chair.  
                 Motion carried 3/0.

## STORAGE OF RECORDS

MOTION      By Esther Clarke  
                 seconded by Linda Russo  
                 to **store** records in the Town Council office.  
                 Motion carried 3/0.

## APPROVAL OF MINUTES

### August 29, 2017 Meeting

MOTION      By Esther Clarke  
                 seconded by Rich Kehoe  
                 to **approve** the August 29, 2017 meeting minutes.  
                 Motion carried 2/0. **Abstain:** Russo

## OPPORTUNITY FOR RESIDENTS TO SPEAK

Susan Kniep, 50 Olde Roberts Street, spoke on the town's Ethics Ordinance and the membership requirements of the Zoning Board of Appeals.

## OLD BUSINESS

### Boards/Commissions Review

The Committee reviewed the December 1<sup>st</sup> draft of the Boards and Commissions Procedures ordinance. The Chair explained each of the sections. After discussion, there were a number of minor changes that were made to clarify the language: in section 2, the Board or Commission shall appoint a clerk who shall be certified in accordance with the provisions of section 3, in section 4, there were some technical language changes and in section 5, the last sentence should read "The permanent clerk shall forward such application to the Mayor and the Town Council which will then allow for distribution to other people as appropriate."

MOTION      By Esther Clarke  
                 seconded by Linda Russo  
                 to **send** the draft below of the Boards and Commissions  
                 Procedures Ordinance to the Town Council for the purposes

of setting a public hearing date.  
Motion carried 3/0.

**BOARD AND COMMISSION PROCEDURES ORDINANCE**  
(December 7, 2017)

Sec. 1 The Code of Ordinances of the Town of East Hartford is hereby amended to add new sections 2-1a through 2-1e as follows:

Sec. 2-1a. (a) The Mayor shall designate a person, who may be a town hall employee, to serve as permanent clerk to the boards and commissions of the town.

(b) The permanent clerk shall keep current the portion of the town's official website dedicated to each board or commission, including the posting of meeting notices and minutes and membership. The chair of each board or commission shall notify the permanent clerk of (1) the call of a meeting including the agenda for such meeting, (2) the minutes for each meeting and (3) any changes to the membership of such board or commission. The permanent clerk shall post such information to the town's website for each board or commission.

Sec. 2-1b. Each board or commission shall, by majority vote of the membership present and voting, appoint a clerk who has been certified pursuant to section 2-1c. Such clerk shall provide such administrative services as required by such board or commission including but not limited to the recording and filing with the permanent clerk the minutes for each meeting and the submission of an annual list of the attendance of each member of such board or commission. Such clerk shall be certified in accordance with the provisions of section 3 of this act, except that adjudicatory boards including the inland wetlands and environment commission, planning and zoning commission, zoning board of appeals and the board of assessment appeals may appoint a town employee to serve as clerk. Such clerk shall be paid a stipend in accordance with a fee schedule approved by the Town Council.

Sec. 2-1c. No person shall serve as a clerk of a board or commission unless such person has been certified by the Mayor. In order to be certified, a person must complete a town approved training course which shall include the taking of minutes, Roberts Rules of Order and the Freedom of Information Act.

Sec. 2-1d. (a) Each person appointed to a board or commission shall within ninety days of such appointment complete a training course approved by the town which shall include Roberts Rules of Order and the Freedom of Information Act. In addition, adjudicatory boards and commissions members shall complete a training course, including a test, on the subject matter of such board or commission and when it is appropriate to recuse from participating in a discussion to avoid a conflict of interest. All appointees shall be subject to, and shall comply with, the provisions of Article 2 of Chapter 15 of the Town of East Hartford Code of Ordinances.

(b) On or before January 31, 2018 and annually thereafter, each board or commission clerk shall submit to the permanent clerk an annual list of the attendance for each board or commission member. Any member who fails to attend thirty percent or more of such meetings shall be deemed to have met the persistent non-attendance standard set forth in Section 4.3 (e) of the Town Charter and presumed to have resign from such board or commission provided that upon recommendation from the Mayor the Town Council may reinstate such member for good cause shown, including lengthy illness, business or professional commitments.

Sec. 2-1e. In order to encourage participation on the town's boards and commissions, the permanent clerk shall ensure that the town's website contains prominent notice to the public of the opportunity to participate on the boards and commissions. The website shall contain an application form which an interested person may complete and submit to the permanent clerk designated pursuant to section 1 of this act. The permanent clerk shall forward such application to the Mayor and the Town Council.

Sec. 2 The provisions of this Act shall be effective March 1, 2018.

*To accommodate those present, the Committee took the next item out of order.*

## Bingo, Raffles, Drawings: Public Act No. 17-231

The Chair and Rich Gentile explained that the General Assembly, pursuant to Public Act 17-231, transferred jurisdiction of permitting bingos, bazaars and raffles to the municipalities. It is important for the town to have a regulation in place as quickly as possible so that anybody who wishes to operate a bingo, bazaar or raffle in East Hartford has the ability to get a permit. The draft essentially adopts by reference the current state regulation process for bingos and bazaars and establishes permit fees as the maximum authorized by state law subject to future adjustments by the Town Council.

**MOTION** By Esther Clarke  
seconded by Linda Russo  
to **send** the December 5<sup>th</sup> draft (see below) of the "Bingo, Raffles, Drawings"  
Ordinance to the Town Council for the purposes of setting a public hearing  
date.  
Motion carried 3/0

### **Bingo Regulation December 5, 2017**

Sec. 1 The Code of the Ordinances of the Town of East Hartford is hereby amended to add a new section 13-31 as follows:

13-31 (a) No person shall conduct or operate within the town of East Hartford a bingo game, as defined in section 7-169 of the Connecticut General Statutes as amended by Public Act 17-231 or a bazaar or raffle as defined in section 7-170 of the Connecticut General Statutes without a permit issued by the police chief.

(b) Any person who obtains a bazaar or raffle permit from the police chief may also operate a fifty-fifty coupon games, cow-chip raffle, teacup raffle, duck-race raffle, frog race raffle, golf ball drop raffle or tuition raffle provided such person complies with the provisions of sections 7-170 through section 7-186 inclusive as amended by Public Act 17-231.

(c) All permit application requirements, operational standards for such bingo, bazaar or raffle shall be consistent with the provisions of sections 7-169 through 7-180, inclusive, of the Connecticut General Statutes as amended by Public Act 17-231.

(d) All enforcement policies and penalties for violations of the provisions of this section shall be as set out in sections 7-169 through 7-180, inclusive, of the Connecticut General Statutes as amended by Public Act 17-231.

(e) The fees for such applications shall be the maximum as provided in sections 7-169 through 7-180, inclusive of the Connecticut General Statutes as amended by Public Act 17-231 unless a different amount is adopted by the Town Council.

## Off-Street Parking, Boats, MVs, RVs

The Committee reviewed the August 29<sup>th</sup> draft. Assistant Corporation Counsel Rich Gentile explained that section 1 deals with abandoned or inoperable vehicles and establishes a clear process for enforcing all of abandoned vehicles on private property. This process should facilitate removal of abandoned or inoperable cars. Section 2 prohibits parking on lawns. Attorney Gentile explained that under Section 2 of this ordinance would prohibit the parking of cars on front lawns and the parking of recreational vehicle, boats and large trucks on driveways in residential zones. Under this ordinance all vehicles must be parked on a paved driveway or a separate parking space which may be a space on the side of the house. The provision then requires that if you have a motor vehicle, except for parking it in a garage, you can only park it in a driveway or a parking space. Cars will clearly not be

allowed to park on the grass of a residential property. Recreational vehicles, boats and other types of off-road vehicles are defined in this section as major recreational equipment and those will need to be parked in the back of the property on a paved driveway or in an enclosed structure. The provision would prohibit the parking in a driveway of such RVs, boats or otherwise, except for a 24-hour period.

Bob Falkevitz, 6 Burke Street, pointed out that the current definition in the draft ordinance of parking in a driveway prohibits a driveway that lies between the living area of the dwelling and the street. He stated that there are a number of homes in his neighborhood where the driveway originally led to a carport, but that carport has now long since been converted to a portion of the home. Technically, then, the driveway would lead to the living area of the dwelling and therefore, under the current draft of the ordinance, prohibited. The Committee agreed to address that issue to allow parking under those circumstances. The Chair also pointed out that there are a number of properties in town that have circular driveways which similarly would be a driveway that is between the living area and the street. The Committee agreed that they would try to address this language in the December 5<sup>th</sup> draft. The Committee pointed out a number of additional minor technical changes that will need to be made to the August 29<sup>th</sup> draft. Once those changes are made, along with other technical changes that Assistant Corporation Counsel Rich Gentile and Committee Chair Rich Kehoe may need to make, the August 29<sup>th</sup> draft will become the December 5<sup>th</sup> draft.

MOTION        By Esther Clarke  
                     seconded by Linda Russo  
                     to **send** the draft below of the "RV's and Motor Vehicle  
                     Parking on Residential Property" Ordinance to the Town Council for the  
                     purposes of setting a public hearing date.  
                     Motion carried 3/0

**RV's and Motor Vehicle Parking on Residential Property  
(12-10-17)**

Sec. 1. Section 21-1 of the code of ordinances of the town of East Hartford is hereby repealed and the following is substituted in lieu thereof:

Sec. 21-1. Abandoned and/or Inoperable Vehicles

(a) Definition. For purposes of Sections 21-1 and 21-2 of the Municipal Code, the terms below have the following meaning:

(1) "Motor vehicle" shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery, except for electric battery operated wheel chairs or scooters, self-propelled snow plows, snow blowers or lawn mowers and shall include, without limitation, automobile, truck, trailer, major recreational equipment, motorcycle, tractor, buggy and wagon.

(2) "Street" shall have the same definition as set forth in Sec. 1-2(32) of the [Municipal Code] Code of Ordinances.

(3) "Public property" shall mean all real estate owned and/or maintained by the Town of East Hartford.

(4) "Abandoned motor vehicle" shall mean any motor vehicle within the Town which, after a good faith determination, has the appearance that the owner has relinquished control without the intention of reclaiming it, including, but not limited to, an unregistered vehicle a vehicle with invalid marker plates, or one which is damaged, vandalized, dismantled, partially dismantled, inoperative, or unusable as a motor vehicle.

(5) "Person" shall have the same definition as set forth in Sec. 1-2(21) of the [Municipal Code] Code of Ordinances.

(b) Abandoned Vehicles Prohibited. No person shall park, store, leave or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned condition whether attended to or not, upon any public or private property within the town. This section shall not-apply to:

- (1) Any motor vehicle on private property which is enclosed within a building held in connection with a business enterprise lawfully licensed by the Town and/or State and located within the appropriate zone;
- (2) A duly licensed motor vehicle junk yard;
- (3) Any motor vehicle which is in operable condition specifically adopted or designed for operation on drag strips or raceways, or retained by the owner for antique collection purposes, or any inoperable motor vehicle being restored to an operable condition, provided that:
  - (i) only one such motor vehicle shall be permitted at any one time on the property in question;
  - (ii) Motor vehicle parts used in the restoration must be stored in the motor vehicle or in a structure;
  - (iii) Such motor vehicles are to be covered with a tarpaulin whenever work is not being done upon them;
  - (iv) In the case of a motor vehicle being restored to an operable condition, a permit has been obtained from the Department of Inspections and Permits, said permit limited to sixty [(60)] days, renewable once for an additional sixty [(60)] days.

Notwithstanding subsection (3) above, nothing herein shall preclude more than one motor vehicle, if such additional vehicles are totally within an enclosed structure, outside of public view, and not in violation of any health, safety or zoning laws.

(c) Notice to Remove. Any officer of the Police Department, upon discovery of any abandoned motor vehicle, or upon notification by any official of the Department of Inspections and Permits, or any official of the Health Department of an abandoned motor vehicle, shall affix to such motor vehicle a notification sticker in a manner so as to be readily visible. Said notification shall contain the following information: (1) The date and time the notification sticker was affixed to the motor vehicle; (2) A statement that pursuant to Section 14-150 of the Connecticut General Statutes, if the motor vehicle is not removed within twenty-four (24) hours of the time the sticker was affixed, it shall be taken into custody, and stored at the owner's expense; (3) The location and telephone number where additional information may be obtained; and (4) The identity of the affixing officer. If said motor vehicle is not removed within such twenty-four [(24)] hour period, the police may order removal: Notwithstanding the above, if the abandoned motor vehicle is on private property, and the private property owner acknowledges that said vehicle is owned by him or her, or is on the property with the owner's consent, the order to remove shall be for within thirty (30) days. Nothing herein shall preclude the Town from removing any abandoned vehicle for traffic, health or safety purposes at any time deemed necessary.

(d) Notice of Disposition. If an abandoned vehicle has a market value, based on its current condition, of one hundred dollars (\$100) or less, and is so vandalized, damaged or in disrepair as to be unusable as a motor vehicle, title to such motor vehicle shall, upon taking custody of such motor vehicle, immediately vest in the Town. Within forty-eight [(48)] hours of the time that such motor vehicle is taken into custody, the affixing department shall notify the Commissioner of Motor Vehicles, in writing, of the vehicle identification number and a description of the motor vehicle. Upon sale or other disposition of the motor vehicle, the affixing department shall give written notice by certified mail to the person who was the owner of such motor vehicle at the time of abandonment, if known, which notice shall state that the motor vehicle has been sold or otherwise disposed of. The proceeds of the sale or disposition, or the fair market value of the motor vehicle in its current condition, whichever is greater, less the towing and sale or disposal expenses, shall be paid to such person or his representatives, if claimed by him or them within one year from the date of sale. If such balance is not claimed within such period, it shall escheat to the municipality. If the expenses incurred by the municipality for towing and the sale or disposition of such motor vehicle exceed the proceeds of such sale or disposition, such person shall be liable to such municipality for such excess amount. For vehicles with a market value in excess of one hundred (100) dollars, notice shall be given, by certified mail, to the owner of such motor vehicle, if known, within forty-eight [(48)] hours of the time the motor vehicle is taken into custody, which notice shall state: (1) That the motor vehicle has been taken into custody and stored; (2) The location of the storage of the motor vehicle; (3) That such motor vehicle may be sold after fifteen[ (15) ]days if its market value does not exceed five hundred dollars[ (\$500)], or ninety [(90)] days if its market value exceeds five hundred dollars[ (\$500)]; and (4) That the owner has a right to contest the validity of such taking by application, on a form prescribed by the Commissioner of Motor Vehicles, to the hearing officer named in such notice

within ten (10) days from the date of such notice. Such application forms shall be made readily available to the public at all offices of the town's police department. If the motor vehicle is on private property, the property owner and occupants shall also be provided with the same notice, provided that notice need only be given to a landlord in the case of an apartment complex with more than three (3) dwelling units. All sales and/or other dispositions of abandoned motor vehicles shall be accomplished in compliance with the notice and advertising provisions of Public Act No. 87-372 or such amendments and/or successor statutes adopted by the General Assembly.

(e) Penalty. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than one hundred dollars [(\$100)]. If the abandoned vehicle is on private property, each day which such violation continues after the expiration of the thirty (30) day removal order shall be considered a separate violation. If the abandoned vehicle is on a street or public property, the daily fine shall commence upon the posting of a notice on the vehicle. Nothing herein shall be construed as limiting the civil remedies available to a private property owner for damage to, or violation of, the owner's property rights by the owner of the abandoned vehicle.

(f) Removal by the Town. If the motor vehicle is on private property and has not been removed within the thirty day period of compliance, the Town or its designee shall have the right to take possession of the abandoned vehicle and remove it from the premises. This thirty[ (30)] day period may be extended by the hearing officer, appointed pursuant to Sec. 21-2 of the [Municipal Code] Code of Ordinances, if there is a pending appeal and if the vehicle is on private property. It shall be unlawful for any person to interfere with, hinder, or refuse to allow the Town or its designee to enter upon private property for the purpose of removing an abandoned motor vehicle under the provisions of this ordinance.

(g) Redemption of Impounded Motor Vehicle. The owner of any abandoned motor vehicle seized under the provisions of this section may redeem said motor vehicle prior to its disposition or destruction upon proof of ownership and payment to the Town and/or its designee such sum as determined and fixed for the actual and reasonable expense of removal, storage and any preliminary disposition costs.

(h) Liability of Owner or Occupant. Upon failure of the owner of the abandoned motor vehicle, the owner of the private property, and/or the occupant of the private property from which abandoned motor vehicles have been removed by the Town to pay the unrecovered expenses incurred by the Town in such removal, a lien shall be placed upon the property of the owner of the abandoned motor vehicle, or the owner of the property, and/or the occupant of the property, for the amount of such expenses.

(i) Designee of the Town. Any designee of the Town selected for purposes of storing or disposal of abandoned motor vehicles shall be selected through competitive bidding. The bid proposal shall provide that the Town shall be held harmless for any damage to, or disposal of, the abandoned motor vehicle by the designee in violation of state law.

(j) Towing Charges. The Purchasing Agent shall solicit bids for towing charges of abandoned vehicles to a central location designated by the Director of Public Works. The Purchasing Agent shall also solicit bids for the removal and disposition of abandoned vehicles from said central location. The Town shall only be liable for towing charges of abandoned vehicles towed by order of the Town. The Town shall not be liable for any storage fees unless such storage is at the direction of the Town. Nothing herein shall preclude the town from pursuing civil action against the owner of an abandoned motor vehicle.

Sec. 2. Section 21-9 of the code of ordinances of the town of East Hartford is hereby repealed and the following is substituted in lieu thereof:

Sec. 21-9. Parking Prohibited on Front Lawns.

Driveway: A hard surface consisting of asphalt, concrete or some other recognized material used for driveways which is no greater than ten (10) feet in width and which is used as a means of ingress and egress to parking area.

Parking Space: The area required for parking one (1) automobile, which in this regulation is held to be an area ten (10) feet wide and twenty (20) feet long, and having direct access to a street or alley.

Effective July 1, 1981, in a residential district, parking of motor vehicles shall not be permitted in that portion of the yard which lies between the living area (except a garage) of the dwelling and the street right-of-way. This

ordinance shall not apply to motor vehicles parked on a driveway, and to one (1) parking space made up of a drive-way-type surface no larger in area than ten (120) feet long by twenty (20) feet wide. The Director of Inspections and Permits is authorized to grant up to two (2) exemptions renewable every two (2) years for each residence under the following circumstances:

a. Where there is a showing that the number of motor vehicles owned by the residents of the dwelling exceed the number of available parking spaces, as defined in the zoning ordinances, or

b. Where it is shown that the individual is handicapped as defined in Section 14-253a of the Connecticut General Statutes. A handicapped person, in order to establish evidence of a handicap, must present a doctor's certificate or present a current special parking identification card. This ordinance shall apply to only one (1) and two (2) family dwellings. Penalty: The penalty for violating this ordinance shall be set by the Town Council in the Fee Schedule.]

(a) As used in this section:

1. "driveway" means a hard surface consisting of asphalt, concrete, brick, pavers, gravel or other materials normally used for driveways which is no greater in width than authorized under applicable Town zoning regulations and which is used as a means of ingress and egress to a parking area.
2. "major recreational equipment" means a travel trailer, camper, motorized home, tent, auto camper and aquatic and off road vehicles.
3. "travel trailer" means a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation use, permanently identified "travel trailer" by the manufacturer of the trailer.
4. camper" means a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation use.
5. "motorized home" means a portable dwelling designed and constructed as in integral part of a self-propelled vehicle.
6. "tent" means a fabric folding structure mounted on wheels and designed for travel use
7. "auto camper" means a lightweight unit that fits on top of a vehicle designed primarily for recreational use.
8. "aquatic and off road vehicles" means boats, ski-mobiles, dune buggies, amphibious vehicles, dirt bike and includes a trailer, case, or box used for transporting such vehicles to a point of use.
9. "parking space" means the area for parking a motor vehicle, except for major recreational equipment, no more than ten feet wide and twenty feet long, made up of a surface consisting of the materials set forth in subdivision (1) of this subsection, and having direct access to a street or driveway.

(b) No motor vehicle that is not a major recreational vehicle shall be parked on property on which a one to four family dwelling is located in a residential zone unless it is parked in a garage or in a driveway or parking space, which driveway or parking space shall not be located on any portion of such property between the living area of the dwelling and the street unless such driveway or parking space has been approved under applicable Town zoning regulations and building code.

1. No major recreational equipment may be stored or parked in a parking space on any property in a residential zone on which a one to four family dwelling is located unless it is thirty feet or less in total length and is (i) parked or stored in a garage or other completely enclosed structure that is legal under applicable East Hartford zoning regulations or (ii) located behind the longest rear wall of the principal building, at least five feet from side and rear lot lines, no closer than twenty-five feet to any adjoining residence. Such equipment, during the time it is parked or stored on such property, shall not be used or occupied for living, sleeping, housekeeping, storage or business purposes and there shall be no connections to any utility service, including electric, heat, water, sewage disposal, or natural gas services. Such equipment shall be owned by a person residing on such property, registered with the Connecticut Department of Motor Vehicles, if applicable and operational and fit for its intended use. The owner of such recreational equipment shall be current with respect to the payment of taxes to the Town.

(c) Notwithstanding the provisions of subsection (b), major recreational equipment that has a total length of thirty feet or less may be parked on a driveway or parking space of such property for a period not exceeding twenty-four hours.



- (d) The Director of Inspections and Permits may promulgate regulations to carry out the provisions of this section
- (e) A civil penalty of one hundred dollars shall be assessed for any violation of this section.

#### ADJOURNMENT

MOTION      By Esther Clarke  
                 seconded by Linda Russo  
                 to **adjourn** (7:10 p.m.)  
                 Motion carried 3/0.

cc: Mayor Leclerc  
Town Council  
Rich Gentile, Assistant Corporation Counsel  
Bob Falkevitz, 6 Burke Street  
Susan Kniep, 50 Olde Roberts Street  
Donald Sugalski, 1736 Main Street