

Robert J. Bank

2021 JAN 33 A 8: 33

MICROSOFT "TEAMS"
ORDINANCE COMMITTEE

TOWN CLERK
EAST HARTFORD

JANUARY 27, 2021

PRESENT Rich Kehoe, Chair; Councillors Sebrina Wilson and Esther Clarke
Via "Teams"

ALSO Marcia Leclerc, Mayor
PRESENT Rich Gentile, Assistant Corporation Counsel
Via "Teams" John Oates, Fire Chief
John Lawlor, Public Works Director
Marilynn Cruz-Aponte, Public Works Assistant Director
Mary Mourey, Republican Registrar of Voters
Steve Watkins, Democratic Registrar of Voters
Councillors Don Bell and Angie Parkinson
Citizens: Rochelle Ripley, Tracey Lafayette, Rachel Botts
Eileen Driscoll, Cheryl Gorham, Jyzair Lopez and Tamara Chuchro

CALL TO ORDER

Chair Kehoe called the meeting to order at 5:31 p.m.

APPROVAL OF MINUTES

June 23, 2020

MOTION By Esther Clarke
seconded by Sebrina Wilson
to **approve** the June 23, 2020 meeting minutes.
Motion carried 3/0.

OPPORTUNITY FOR RESIDENTS TO SPEAK

The Chair indicated that residents could speak on the specific issue as that matter appears in the agenda.

OLD BUSINESS

Chapter 11 Fire-related Ordinances

The Chair reviewed the January 27th draft of the Fire Protection ordinances, pointing out that the goal of this draft was to (1) specifically ban open burning and establish the instances where open burning would be allowed; (2) clarify the property owner's responsibility for fire lanes and updated the provisions relating to the care and maintenance of fire hydrants by

the property owner on which the fire hydrant is located including private fire hydrants. Private fire hydrants are hydrants that are the responsibility of the property owner, such as a condominium association; (3) require private fire hydrants to meet the same standards established by the Metropolitan District Commission for the fire hydrants that are located on public streets; and (4) prohibit owners of single or 2-family residences from maintaining obstructions of egress from the residence such that it could pose a hazard to firefighters looking to enter such building for the purposes of extinguishing a fire. A violation of any of these provisions would constitute a violation of the Property Maintenance Code which establishes civil penalties for such violations and also allows the town to correct such violations and bill the property owner.

Corporation Counsel indicated that in Section 11-5 there should be the word "by" inserted as follows:

"...shall be maintained in a manner required **by** the town's building, fire and property maintenance codes."

MOTION By Sebrina Wilson
 seconded by Esther Clarke
 to send the January 27th draft of the Fire Protection ordinance updates with
 the technical change suggested by Corporation Counsel to the Town Council
 for the purposes of setting a public hearing date.
 Motion carried 3/0.

Fire Protection ordinance updates
01/27/21

CHAPTER 11. FIRE PROTECTION

Sec. 11-1. Hindering or Obstructing Fire Apparatus or [Firemen] Firefighter.

a) No person shall hinder or obstruct any fire apparatus or any [fireman] firefighter, in freely passing along the streets to or from a fire, or in any manner from operating at any fire.

b) No person shall locate any vehicle, fence or any other thing in any front or side yard of any dwelling so as to hinder or obstruct any [fireman] firefighter from free access to the front or rear of any such dwelling.

Sec. 11-2. [Burning Rubbish or Waste. The burning of any rubbish or waste material by any person upon any land within the Town shall not be permitted unless approved by the Town official designated by the State Department of Environmental Protection to grant such permits. Any police officer shall have authority to order such person to desist therefrom.

Sec. 11-3. Burning Grass, Brush and Weeds. No person shall ignite or cause to be ignited any dry grass, brush or weeds.

Sec. 11-4. Bonfires. No person shall make or maintain any bonfire in any street, highway or public place in the Town without permission from the Fire Chief and the Director of Health. At least one member of the Town Fire Department shall be present at any such bonfire. The Fire Chief may, at his discretion, require the person desiring to make or maintain any bonfire to pay for the use of the Fire Department's equipment and salary of the fireman at the bonfire]

Open burning. (a) No person shall burn any material outside of any building.

(b) Notwithstanding the provisions of subsection (a), a person, on a residential property, may cook food for human consumption outside of any building in an appliance manufactured for the safe cooking of such food.

(c) Notwithstanding the provisions of subsection (a), a person may, on a residential property, burn clean, non-processed wood in a fire pit, chiminea or other similar equipment provided (1) its use is solely for recreational enjoyment, ceremonial or religious purposes, (2) such equipment is no more than three feet in diameter at its widest point, (3) such equipment is located at least twenty-five feet from any structure and at least ten feet from the property line and (4) the fire is supervised at all times and there are adequate means to extinguish the fire including but not limited to water access, fire extinguishers, hoses, sand and shovels.

(d) Notwithstanding the provisions of subsection (a), a person may burn, on residential property, trees, branches, and brush that are no more than three inches in diameter at its widest point without the fire emissions passing through a flue or stack if such person is issued a permit by the open burning official nominated by the mayor pursuant to subsection (f) of section 22a-174 of the general statutes. Such permit shall be conditioned on (1) such burning complying with all applicable state and local laws; (2) reasonable safety precautions including limitation on the size of such fire to an area no larger than ten feet by ten feet, the maintenance of adequate extinguishing materials, the location of the fire more than fifty feet from any structure, the ability of the open burning official or designee to revoke such permit and order the immediate extinguishment of any fire found to be in violation of the permit.

[Sec. 11-5. Discharging Volatile or Inflammable Liquids into Sewers or Street or Drain. No person shall discharge, pour naphtha, gasoline, or other volatile, inflammable liquid into any public sewer and/or street or private drain connected therewith in the Town or under the jurisdiction thereof, or into, or upon any street within the Town. Any person discharging, pouring or permitting to be discharged or poured any volatile or inflammable liquids into any public sewer or private drain, shall pay the expense of flushing the public sewer and/or streets by the Town.

Sec. 11-6.] Sec. 11-3 Fire Lanes. (a) [Upon finding that the parking of any vehicle in any area would hinder or obstruct the free access of fire-fighting equipment to any structure, the] The Fire Marshal may designate any portion of any roadway, parking lot or parking area in[any street] a shopping center or mall or property containing a commercial building or apartment complex as a fire lane. The owner of such property shall keep a designated fire lane reasonably free from ice, snow and any other obstruction and shall clearly designate such fire lane with signage, striping and other markings approved by the Fire Marshal.

(b) No person shall park any vehicle in any designated fire lane unless the operator remains in the vehicle.

[(b) The owner, manager or operator of any shopping center or mall or apartment units or complex is authorized to have any vehicle parked in any posted fire lane towed away at the vehicle owner's expense. The owner, operator or manager shall not be liable for any costs incurred by the towing of such vehicle.]

[Sec. 11-7.] Sec. 11-3a Smoke Detectors Required. Effective upon adoption of this Ordinance, all residential buildings designed to be occupied by two [(2)] or more families shall have installed a smoke detector capable of sensing visible and invisible smoke particles and providing an alarm suitable to warn the occupants.

[Sec. 11-8.] Sec. 11-4 Fire Hydrants; Use: Obstruction.

(a) No person shall open any fire hydrant unless authorized by the Chief of the Fire Department.

(b) [No person shall obstruct or interfere with the use of any fire hydrant by placing any building materials, dirt, articles, merchandise or rubbish in the immediate vicinity of any such hydrant unless authorized by the Fire Chief.] The owner of a private property on which a fire hydrant is located shall maintain the area around the fire hydrant, keeping the area clear of weeds, rubbish, shrubs, fencing or any other material that could prohibit access of such fire hydrant for use or maintenance.

(c) The owner of a private property on which a fire hydrant is located shall, within eight hours after the end of any snow or sleet event or eight hours following the sunrise after the end of such event, whichever is later, remove any such accumulation on such hydrant and within a three foot radius of such hydrant. A three foot wide path shall be cleared from the hydrant to the adjacent street. Any owner who is in violation of this subsection may be issued a warning by the Fire Chief or designee directing such owner to take action to comply with the provisions of this subsection within three hours of the delivery of such notice to such owner.

(d) No person shall shovel, snowblow, plow or otherwise place snow or ice onto any fire hydrant except if such person is authorized by the town to clear a public road from such snow or ice.

(e) Any violation of this section, except subsection (d), shall be a violation of the Property Maintenance Code of the Town of East Hartford as contained in Article 3 of Chapter 7 of the town ordinances.

Sec. 11-4a Private fire hydrants

- (a) Any owner of property who is required to install private fire hydrants as a condition of site plan approval or to enhance fire protection, shall install and maintain a private water main and hydrants in accordance with the specifications and standards of the Metropolitan District Commission.
- (b) Any person who owns fire hydrants in accordance with subsection (a) shall annually pay for a maintenance service provided by the Metropolitan District Commission. The owner of such hydrants shall comply with the provisions of section 11-4 of the town ordinances [keep such hydrants clear of all obstructions and snow and ice, to assure access to such hydrants by town firefighters]. Such person shall maintain a file of hydrant maintenance reports on site for inspection by the Fire Chief or designee.
- (c) The Fire Chief may order the owner of such hydrant to repair a defective hydrant by providing written notice of such order to the owner.
- (d) No person shall shovel, snowblow, plow or otherwise place snow or ice onto any fire hydrant except if such person is authorized by the town to clear a public road from such snow or ice.
- (e) Any violation of this section, except subsection (d), shall be a violation of the Property Maintenance Code of the Town of East Hartford as contained in Article 3 of Chapter 7 of the town ordinances

Sec. 11-5. Access by firefighters on private property

The owner of any property on which a one or two family residence is located shall maintain a safe and unobstructed means of egress from such residence to a public sidewalk or street. Exits from dwelling units, stairways and handrails shall be maintained in a manner required by the town's building, fire and property maintenance codes.

In order to accommodate the citizens who wanted to speak on the recognition of Columbus Day, the Committee agreed to take item 5.C. "Italian and Native American Heritage Day" under New Business out of order.

NEW BUSINESS

Italian and Native American Heritage Day

The Chair indicated that the Town Council had referred the item to the Ordinance Committee at the request of an East Hartford third grade class. The initial draft ordinance highlights some options that have been considered by other jurisdictions such as changing the name of Columbus Day to Italian Heritage Day (cities of New London and New Haven); recognizing Indigenous People's Day on the Friday after Thanksgiving (federal government) or changing Columbus Day to Indigenous People's Day.

The following people spoke on this matter:

Jyzair Lopez is a third grade student whose teacher is Tracey Lafayette. Jyzair submitted written testimony and also explained that he felt strongly, along with his classmates, that we should not be honoring a man like Christopher Columbus who came and mistreated the indigenous people that he encountered here in America and also stole their property.

Tracey Lafayette indicated that she had suggested this topic to her students and they were excited to do research and write a paper.

In addition, the following people spoke on the issue, urging the town council to recognize Indigenous People's Day on Columbus Day in line with many states and local jurisdictions, including the East Hartford Board of Education. The sense is that recognizing Indigenous People's Day on Black Friday would mean less recognition by the public due to the Thanksgiving holiday. Further, there should be recognition of the contributions of Italians and other immigrants to the United States in some other manner than honoring a man like Christopher Columbus: Tamara Chuchro, Rochelle Ripley, Rachel Botts, Cheryl Gorham, Councillors Angie Parkinson and Don Bell.

The Chair indicated that the Committee would absorb all the input from tonight's meeting and draft an appropriate ordinance to take into account Indigenous People's Day and their contributions while also paying homage to the many, many cultures of immigrants who came to the United States.

No further action taken at this time.

At this point, the Committee returned to the order of the agenda.

ATV Nuisance

The Committee reviewed the technical correction to subsection (d) of the ATV ordinance that the Council approved in October 2019, to make it clear that the \$1,000 fine for first violation of the ordinance can only apply, by state law, to violations involving the operation of an ATV. The ordinance does prohibit the operation of vehicles like dirt bikes and mini-bikes. However the state law does not authorize the town to impose those significant fines relative to the operation of such vehicles on the streets.

John Lawlor, Public Works Director, pointed out that in subsection (b), the limbs of trees that project onto a public street, by ordinance, can be no less than 10 feet above the surface of the public street. He noted that the Uniform Traffic Control Device Manual and the Federal Highway Administration regulations require that the tree limbs be much higher than that and suggested 14 feet above the surface of the public street to ensure that Public Works trucks in particular are able to drive on that street without hitting low lying branches.

The Committee agreed to the following change:

"...(B) All limbs of trees which project over a public sidewalk, less than eight feet above the surface thereof or less than [ten] fourteen feet above the surface of a public street..."

MOTION By Sebrina Wilson
 seconded by Esther Clarke
 to **send** the January 27th draft of the ATV Nuisance ordinance to the Town
 Council for the purposes of setting a public hearing date.
 Motion carried 3/0.

ATV NUISANCE ORDINANCE (January 27, 2021)

Section 13-1 of the Town of East Hartford Code of Ordinances is repealed and the following is substituted in lieu thereof:

(a) As used in this Article: "snowmobile" and "all-terrain vehicle" shall have the same meaning as contained in section 14-379 of the Connecticut General Statutes; "dirt bike" and "mini motorcycle" shall have the same meaning as contained in section 14-390m of the Connecticut General Statutes.

(b) Public nuisances affecting public safety shall mean: (A) All ice not removed from public sidewalks and all snow not removed from public sidewalks as required by Town ordinance; (B) All limbs of trees which project over a public sidewalk, less than eight feet above the surface thereof or less than [ten] fourteen feet above the surface of a public street; (C) All obstructions of streets, alleys, sidewalks or cross-walks and all excavations in or under the same, except as permitted by the ordinances of the town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished; (D) All open and unguarded pit, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk; (E) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside; (F) The operation on public property, private residential property or non-residential private property within one thousand feet of a residential property of any dirt bike, all-terrain vehicle, snow mobile, mini-motorcycle or other motorized vehicle not authorized for use on a street or road, provided that this subdivision shall not apply to motorized vehicles used in the operation of a farm or in the maintenance of property such as a riding lawn mower.

(c) The owner of any dirt bike, all-terrain vehicle, or mini-motorcycle that is operating or has operated in violation of the provisions of this section shall forfeit possession of such vehicle to the town of East Hartford which shall take ownership of such vehicle subject to any bona fide lien, lease or security interest unless such owner did not know or could not have reasonably known that such vehicle was being used or was intended to be used in violation of this section. Any seized vehicle shall be sold at public auction by the town and the proceeds deposited in the town's general fund.

(d) Any person found in violation of this section regarding the operation of an all-terrain vehicle shall be fined not more than one thousand dollars for the first violation, not more than one thousand five hundred dollars for the second violation and not more than two thousand dollars for the third and any subsequent violation.

Tree Warden/Tree Board

The Chair indicated that the January 3rd draft eliminates all the provisions that talk about the tree board, which has never existed in the town, and the specific powers and duties of the tree warden in our town ordinance. The draft simply states that the tree warden shall have the powers and duties as created by state law for a town tree warden. This will allow the ordinance to be consistent with state law and allow for any of the changes to state law to automatically be adopted by reference to our ordinances.

MOTION

By Esther Clarke

seconded by Sebrina Wilson

to **send** the January 3rd draft of the Tree Warden Powers and Duties ordinance to the Town Council for the purposes of setting a public hearing date.

Motion carried 3/0.

TREE WARDEN POWERS AND DUTIES (January 3, 2021)

Section 1. Section 20-1 of the Town of East Hartford Code of Ordinances is repealed and the following is substituted in lieu thereof:

(a) The Mayor shall appoint a tree warden in accordance with the provisions of Section 23- 58 of the Connecticut General Statutes.

(b) The tree warden shall have the powers provided by Sections 23-59 and 23-65 of the Connecticut General Statutes and carry out the duties prescribed in such sections. [He shall also have the power to: 1. approve all plantings of trees, shrubs or vines on public property within the lines of a sidewalk in accordance with regulations adopted pursuant to this section and to declare any tree located on public property to be a landmark tree if such tree meets the criteria of a landmark tree contained in regulations adopted pursuant to this section; 2. order the

treatment, trimming or removal and destruction of dangerous or diseased trees, shrubs or vines located on public or private property; 3. order the trimming or removal of trees, shrubs or vines located on private property which have branches or foliage overhanging any street, sidewalk or public way in a manner which presents a danger to pedestrians or vehicles or which extend into any travel lines of any street, sidewalk or other public way; 4. order the cutting of grass and weeds to a maximum height of nine 5. inches on any part of a lot which abuts a public street or sidewalk or to a 6. maximum height of six inches on any part of a lot which abuts another lot or 7. lots, regardless of whether or not such lot or lots have structures thereon.

(c) Any order issued pursuant to subsection (b) shall specify a period of time for compliance of not less than five days from the date of such order. In the event any order issued by him is not complied with, the tree warden may have the work prescribed by such order performed by the Town and the Town may collect the expense thereof from the person or persons to whom such order was issued.

(d) The tree warden may, after consultation with the Tree Board, prescribe regulations for the care, planting, pruning, removal and preservation of trees and shrubs within his jurisdiction and the criteria for designating a landmark tree.

(e) Any person who objects to an order from the tree warden pursuant to this section may petition for reconsideration of such order in writing to the tree warden within five days of issuance of the order. Upon receipt of such petition, the tree warden shall hold a public hearing on such petition in accordance with Section 29-59 of the Connecticut General Statutes. Within three days after such hearing, the tree warden shall issue a decision on such petition.

(f) Any person aggrieved by a decision issued by the tree warden pursuant to subsection (e) may appeal such decision to the Tree Board within ten days from the date of the tree warden's decision. The Tree Board shall hold a hearing on such appeal within thirty days of receipt of the notice of appeal.】

Section 2. Sections 20-2 through 20-4, inclusive, of the Town of East Hartford Code of Ordinances are repealed.

Councillor Clarke abstained from discussion and vote on the registrar of voters part of the following agenda item.

Mayor and Registrar of Voters Salaries

The Chair indicated that the January 23rd draft of the ordinance increases the Mayor's salary effective November 2021 to \$102,000 and November 2022 to \$103,000 which reflect CPI increases for 2019 and 2020, which are the two years since the Mayor's salary had been adjusted last. Esther Clarke stated that she wanted a bit more time to consider the salary and other compensation for the Mayor before taking any action.

The Chair moved on to section 2. of this ordinance which deals with increasing the Registrar of Voters salary from \$27,000 to \$28,000 and the Deputy Registrar of Voters from \$9,000 to \$10,000. The draft would also no longer require the Registrar of Voters office to be open at least 24 hours per week in recognition of the fact that the vast majority of registrations are handled online and through the Department of Motor Vehicles. However, the ordinance does still maintain that the Registrars shall work no less than 24 hours per week.

The Chair indicated that he would split the ordinance so that the Mayor's Salary and the Registrars Salary were two distinct and separate ordinances, thus allowing Councillor Clarke to discuss and vote on the Mayor's Salary ordinance.

The Committee agreed to have further discussion on this ordinance to see how best to proceed with the proposed salaries.

No further action taken at this time.

John Lawlor and Mayor Leclerc updated the Committee on the recent Fees Committee meeting discussion on how best to handle bulky waste fees. The Ordinance Committee requested and received an update as to where we stood relative to bulky waste enforcement, recognizing that the Council ensured that the Property Maintenance Code ordinance would allow for civil fines to be imposed along with authorizing the town to address a situation that has remained a violation for a long period of time and lien the property for the cost of correcting the violation.

The Committee indicated their desire to see this issue move forward as quickly as can be, recognizing that the pandemic has caused some significant issues with regard to implementation. There may be an opportunity to contract with communications organizations to assist with public education initiatives and with private entities to assist in enforcement and the collection of bulky waste items left on the curb.

ADJOURNMENT

cc: Mayor Leclerc
Rich Gentile, Assistant Corporation Counsel
John Oates, Fire Chief
John Lawlor, Public Works Director
Marilynn Cruz-Aponte, Public Works Assistant Director
Mary Mourey, Republican Registrar of Voters
Steve Watkins, Democratic Registrar of Voters