

Ryan Knapp, Chair  
Phil Carroll, Vice Chair  
Neil Chaudhary  
Joe Girgasky  
Mary Ann Jacob  
Eva Bermudez



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## TOWN OF NEWTOWN

### Draft Minutes of the Legislative Ordinance Committee Meeting

The Ordinance Committee met on Wednesday May 27th, 2015 in Meeting Room 3 of the Municipal Center, 3 Primrose Lane, Newtown. Committee Chairman Ryan Knapp called the meeting to order at 7:05 pm.

Present: Ms Jacob, Mr. Chaudhary, Mr. Carroll, Ms. Bermudez and Mr. Knapp.

Absent: Mr. Girgasky

Also in attendance: None.

MINUTES: Ms. Jacob motioned to approve the minutes of the meeting of 2/26/2015. Mr. Carroll seconded. All in favor (5-0).

PUBLIC COMMENT: None.

### Old Business

#### Review and recommendation regarding a possible new alarm ordinance per the charge set forth by the Legislative Council on February 18, 2015.

Mr. Chaudhary presented a model ordinance from The National Burglar and Fire Alarm Association and the False Alarm Reduction Association as well as the current alarm ordinance in Newtown.

Mr. Knapp questioned if it was an issue of the current ordinance not being restrictive enough. The group discussed the fee schedule for responses and registration/renewal.

Ms. Jacob recommended that if we are to amend the ordinance, that we do some housekeeping work and rather than have a specific appeals process, that the appeals process point to the standard appeals process defined elsewhere.

Mr. Chaudhary will reach out to the Chief of Police

Mr. Knapp questioned who is the designated person in charge of registration and administering the ordinance?

The group discussed fines and will do research if the fines are capped at \$99 which there was a suggestion they maybe.

Mr. Knapp summarized that the scope appears to be adjusting the registration/renewal process, determining an appropriate fine schedule and deferring the appeals section to the standard appeals process.

#### Review and recommendation regarding a possible modification of the existing firearms ordinance per the charge set forth by the Legislative Council on February 18, 2015.

Ms. Jacob presented a list of issues and suggested using the Child Safety Zone ordinance as a model.

She spoke of a member of a different board feeling uncomfortable regarding a disgruntled resident.

Ms. Bermudez spoke to residents who assumed firearms were not allowed and that they would not want to work in a school if they were. There was discussion about schools as gun free zones and when that law applies and does not.

Ms. Jacob discussed exemptions such as hunting and spoke to how that was addressed in the existing ordinance.

Mr. Carroll feels we have a good ordinance and noted the difficulty in reaching a finished document. On this subject, he reached out to CCM and of 15 towns; none had an ordinance like this.

Mr. Chaudhary understands the concern and sees both sides. He could go either way and would like to hear from the Police Chief.

Ms. Jacob suggested we invite him to our next meeting.

Mr. Knapp would like to know history of any incidents or accidents in Newtown from the Chief as well as how he would take action if he received a complaint that someone suspected a person on town property was carrying concealed.

Mr. Knapp will schedule our next meeting based on the Chief's availability.

Review and recommendation regarding a possible unsolicited mail ordinance per the charge set forth by the Legislative Council on February 18, 2015.

Ms. Bermudez distributed a summary of her research, noted political implications and that no other town has an ordinance forbidding junk mail. She also spoke to the ACLU who, for reasons of first amendment rights, said that it would be "problematic" and "would not be advisable."

Mr. Chaudhary asked that we consult with the town's legal counsel as the ACLU recommendation is in line with something they informally speculated on.

Mr. Knapp asked if junk mail thrown in a driveway is litter and would that be a more appropriate avenue of addressing this issue.

Ms. Jacob asked about the phone books which are also left.

Mr Knapp opened for discussion on the agenda item: An amendment enabling the municipal option of Public Act No. 13-224, providing a tax exemption for One Hundred Percent Disabled Veterans as referred to the Ordinance Committee by the Legislative Council during the regular meeting of January 8<sup>th</sup>, 2014.

Mr. Knapp presented enabling language provided by the Town Attorney based off the language from another town, the only other town to have implemented this as of the last time he spoke to CCM.

Ms. Jacob had previously forwarded Mr. Knapp a bill in Hartford possibly expanding the public act this would be enabling.

Mr. Knapp will follow the bill and see if anything happens before June 5<sup>th</sup> (end of session). If nothing happens, he suggested we could act on this at our next meeting.

PUBLIC COMMENT: None

Mr. Chaudhary motioned to adjourn at 8:20pm. Mr Carroll seconded.

Respectfully Submitted,

Ryan W. Knapp  
Ordinance Committee Chairman

Amendment to existing Firearms ordinance for discussion purposes only 5/27/15

Existing Child Protection Ordinance defines certain areas in town as Child Protection Zones. We could consider similar language for Gun Free Zones. However, we add municipal buildings to what would be a firearms free zone.

#### CHILD SAFETY ZONE

A.

Any park, school, playground, recreation center, bathing beach, swimming pool or wading pool, gymnasium, sports field, trail, passive recreation area, open space parcel, or sports facility, which:

(1)

Is under the jurisdiction of any department, agency or authority of the Town, including, but not limited to, the Board of Education of the Town of Newtown;

(2)

Is leased by the Town to another person for the purpose of operating a park, school, playground, recreation center, bathing beach, swimming pool or wading pool, gymnasium, sports field, trail, passive recreation area, open space parcel, or sports facility;

B.

"Child Safety Zone" includes any and all buildings, land, parking area or other improvements located on the same parcel on which each of the aforementioned facilities is located, but does not include any public street or public sidewalk located on the outside boundary of Child Safety Zones.

Next, we'd need to define what exactly would be prohibited...

We already define a Firearm in the existing ordinance as :

## FIREARM

Any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded, from which a shot may be discharged.

We should consider an exception to add to the existing list for deer control allowed hunting on town owned property.

## Un-solicited Lit Ordinance Discovery

### Other Options:

- Fair Debt Collection Practices Act USA
- If a company tries to make you pay for a product you didn't order, you can report them to the U.S. Postal Inspector and get them in a heap of trouble.
- Since October 2005 The Connecticut Resources Recovery Authority has expanded its list of recyclables, residents of CRRRA Mid-Connecticut Project municipalities

### Realities:

- Review of GENERAL STATUTES OF CONNECTICUT doesn't stipulate a reference
- Review of current Town ordinances and Town Charter doesn't stipulate a reference
- No current CT precedent forbidding junk
- Interference with elections
- Interference with the First Amendment right of free speech

### ACLU CT Feedback:

(The question was asked during their weekly staff meeting by Isa Mujahid this is Andrew Schneider, Executive Director of the ACLU of Connecticut response)

An ordinance may diminish the exercise of rights crucial to our democratic process. A major purpose of the First Amendment is to protect political speech precisely because that assures a free and open exchange of ideas and information that is vital to a free society. Historically, the courts have afforded greater protection to political speech over other speech for that very reason. May be an issue for political and charitable organizations, unlike commercial entities they involve speech that receive a higher degree of protection under the First Amendment.

The courts have generally viewed such content-based restrictions unfavorably because such restrictions are more likely to distort the "free marketplace of ideas" and more likely to be enacted for the unconstitutional purpose of suppressing undesirable speech.

In fact, even content-neutral restrictions of political speech are received with skepticism by the courts because either type of restriction reduces the free flow of ideas. One only has to look at recent decisions striking down ordinances banning political yard signs or the distribution of leaflets to see how vigilantly the courts protect political speech.

Direct mailings reach targets of political or charitable contributors or participants and so a restriction limiting would be problematic because alternative avenues for those communications would not be available.