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TOWN OF NEWTOWN

Minutes of the Legislative Council Ordinance Committee

The Legislative Council Ordinance Committee met on Monday, January 30th, 2023, at 7:30 PM in Meeting Room 1 of the Municipal Center. Mr. Knapp called the meeting to order at 7:30.

Present: Mr. Chris Gardner, Mr. Charles Gardner, Mr. Capeci, Mr. Knapp, Mr. DeRosa, Mr. Chaudhary of the Police Commission and one member of the public.

Absent: Mr. Long

Minutes: Mr. DeRosa moved to approve the minutes of October 5th, 2022, Mr. Capeci seconded.
All in favor. (5-0)

VOTER COMMENT:

None.

OLD BUSINESS

Discussion and Possible Action:

Review and Recommendation of the proposed "Do Not Block The Box" Ordinance

Mr. Knapp invited Mr. Chaudhary to join the conversation. Mr. Knapp reviewed the draft ordinance which was based on the requested language and statute, but inserted into a format similar to other Newtown Ordinances.

The group discussed fines, warnings, enforcement and tracking.

Mr. Chaudhary said that he has spoken with the Chief of Police. Officers can give written warnings and ordinances can be tracked through the state database, but it is a bit more complicated to look up. The real value in this ordinance is the ability to mark the areas and post signage, which must be approved by the DOT. Many out of town individuals use these state roads.

Mr. DeRosa asked what the next steps were.

Mr. Knapp said traditionally the committee would have the Town Attorney review a draft before acting to recommend it to the full Council. From there it would follow the Charter process starting with being sent to a public hearing.

Mr. Charles Gardner feels that enforcement should be broken out to a stand alone section. He questioned the warning for the first offense, noting that it could likely be at the officer's discretion, and worried it would not have teeth. He would like to have the Town Attorney asked about the fines.

Mr. Knapp noted that this is not meant to be a revenue generator, and does not want it to be seen as such by the public even if that is not the intent. A warning may be an incentive to cite more vehicles without causing a financial burden.

Mr. Chaudhary noted it would still be an infraction.

Mr. Knapp said he will update the draft with the minor changes, fix the typos and get it out to the Town Attorney for review. If it comes back without major changes it could be sent to the full Council with a quick meeting before a regular Council meeting.

NEW BUSINESS

Newtown Ordinance 124 - BOE Elections

Mr. Knapp began by noting that this ordinance was to address an election issue and intended to be temporary until the Charter Revision had passed. Several attorneys worked on this. The original charge of the last Council was to incorporate the statute

reference, but at the time there was information that the statute needed to be selected when the Charter was filed, hence he saw this as a housekeeping issue until Council member Ku raised concerns and the Town Attorney gave his opinion. Now Mr. Knapp has concerns about the Charter filing and if it would potentially be in conflict with the Ordinance being that Charter supersedes Ordinance and it's filing is more recent. Mr. Knapp will coordinate with Ms. Ku and Ms. Zukowski of the BOE, then send questions to the Town Attorney and Town Clerk regarding the filing and further clarification. Mr. Chris Gardner emphasized how important it is to get this correct before the election.

OLD BUSINESS

Newtown Fair Rent Commission Ordinance

Mr. Knapp reviewed a draft he began working on. The model and many of the city ordinances were incredibly prescriptive. New Britain had a simpler one page Ordinance he used as a basis. He fit it into the format of other Ordinances, and added language that this would be an unpaid Commission and any funds received would be in care of the Finance Director as with other commissions in Town.

Mr. Chris Gardner would like to see the fine amounts from statute added to the ordinance language. He also cautioned against making the commission too large as it is difficult to find people willing to serve.

Mr. DeRosa suggested we keep this simple. Newtown does not have as many rental units as some other communities.

Mr. Capeci asked about the meeting frequency and questioned if it could be "as needed."

Mr. Knapp will update the draft and send it with the questions discussed to the Town Attorney for review and recommendation.

VOTER COMMENT: None.

ADJOURNMENT

Mr. Chris Gardner moved to adjourn the meeting at 8:40PM, Mr. Charles Gardner seconded.

All In Favor (5-0)

Respectfully submitted,

Ryan W. Knapp
Chairman, Ordinance Committee

Draft **Fair Rent Commission**

[Adopted by the Legislative Council ###]

§ 20-##. Establishment; membership.

A Pursuant to and in conformity with sections 7-148b through 7-148f of the General Statutes, there is hereby established a commission known as the Fair Rent Commission for the Town of Newtown. Said Commission shall consist of five members appointed by the First Selectman, with the approval of the Board of Selectmen, with at least one tenant and one landlord represented on the Commission. The term of office shall be two years, which shall expire at regularly staggered annual intervals. The Charter provisions on minority representation shall be observed.

§ 20-##. Powers and duties.

A.

Said commission shall have such powers, duties and responsibilities as are provided pursuant to sections 7-148b through 7-148f, inclusive, of the General Statutes, including, but not limited to, make studies and investigations, to conduct hearings and receive complaints relative to rental charges on housing accommodations, to ensure that rental charges "are not harsh and unconscionable," thus creating a fair and equal process for the tenant and landlord; compelled by the need for habitable and rent stabilized housing stock in the town of Newtown; and

B.

The commission shall be empowered to enact such by-laws and regulations as are necessary for the conduct of its business, provided no by-laws or regulations shall be in conflict with sections 7-148b through 7-148f of the General Statutes; and

C.

In the commission's consideration of fair rents, no fines or penalties for violations of city ordinances or state or federal laws may be included in fair rent amounts, nor shall the cost of complying with anti-blight or code enforcement orders from the city, state or federal governments or other authorities.

D.

In determining whether a rental charge is too excessive, with due regard to all the circumstances, the fair rent commission shall consider the following thirteen (13) factors:

(1) The rents charged for the same number of rooms and other housing accommodations in the same and in other areas of the municipality;

(2) The sanitary conditions existing in the housing accommodations in question;

(3) The number of bathtubs and showers, flush water closets, kitchen sinks and lavatory basins available to the occupants thereof;

(4) Services, furniture, furnishings and equipment supplied therein;

(5) The size and number of bedrooms contained therein;

(6) Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;

(7) The amount of taxes and overhead expenses, including debt services, thereof;

(8) Whether the accommodations are in compliance with the ordinances of the city and the general statutes relating to health and safety;

(9) The income of the petitioner and the availability of accommodations;

(10) The availability of utilities;

- (11) Damages done to the property by the tenant caused by other than ordinary wear and tear;
- (12) The amount and frequency of increases in the rental charges;
- (13) Whether, and the extent to which, the income from an increase rental charge has been or will be reinvested in improvements to the accommodation.

E.

The fair rent commission will be unable to accept excessive rent complaints if:

- (1) The tenants owe back rent;
- (2) The tenants have already signed leases agreeing to requested rent; and
- (3) Landlords have already begun the legal eviction process against the specified tenant.

§ 20-##. Meetings and reports; rules and regulations.

A.

The Commission shall meet as required or at a minimum annually, and at such other times as the Commission may determine. A Chairman, Vice Chairman and Secretary shall be chosen, and the Commission is empowered to adopt rules and regulations for putting into effect the provisions of this article, which rules and regulations shall not be inconsistent with the provisions thereof. Such rules and regulations shall be filed with the Town Clerk.

B.

The Commission shall annually prepare and transmit to the Legislative Council and to the Board of Selectmen a report of its activities.

§ 20-##. Fines.

A.

The Fair Rent Commission shall have the powers to collect fines and hold funds in escrow consistent with state statutes.

§ 20-##. Receipt and disbursement of funds.

A.

All funds received by the Fair Rent Commission from any source shall be placed in the custody of the Financial Director of the Town of Newtown to be held, administered and disbursed by the Financial Director as part of and through the General Fund of the Town of Newtown, subject to any limitations on the use of the funds

§ 20-##. Member compensation; expenses.

Members of the Commission shall serve without pay.

DRAFT

Chapter 216. Vehicles and Traffic

Article VI Obstruction of Intersections

GENERAL REFERENCES

Connecticut General Statutes — Section 14-1

§ ###-1. Authority to designate

The Town of Newtown Police Commission or the Police Commission's designee shall have the power to designate marked areas of intersections that shall not be obstructed within the Town of Newtown in accordance with CGS 14-1.

§ ###-2. Marking

Either the Town of Newtown or The State of Connecticut shall

- (1) Post signs at each such designated intersection or request such action from the State of Connecticut indicating that blocking the intersection is prohibited and violators are subject to a fine, and
- (2) Mark, in white paint, the boundary of such interaction with a line not less than one foot in width and that are within such boundary line with parallel diagonal lines not less than one foot in width.

§ ###-3. Obstructing Intersections

No operator of a motor vehicle, other than a tractor-trailer unit, as defined in section CGS 14-1, shall proceed into an intersection that has been designated, posted and marked by the Town of Newtown in accordance with Connecticut State Statute, except when making a turn unless:

- 1) There is sufficient space on the opposite side of the intersection to accommodate such motor vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding
- 2) The indication of a traffic control signal that would permit such an operator to proceed into the intersection.

§ ###-4. Violations

Any person who violates the provisions of this chapter shall have committed an infraction.

§ ###-5. Enforcement

Enforcement of this chapter shall be the purview of state and local law enforcement officers whose jurisdiction contains the intersection's designated per Section ####-1.

§ ###-5. Penalties for offenses

Any violations of this chapter, as it relates to obstructing the marked intersection, shall constitute an offense against this chapter and shall be punishable by a fine as outlined below. Any and all fines not paid in full within 30 days of billing. The following shall be the penalties and fines assessed pursuant to this chapter:

(1) The Fine Schedule is subject to change upon resolution by the Legislative Council, which may base such changes on recommendations to the Legislative Council from the office of the First Selectman. The current Fine Schedule shall be made available to the public at the Police Department.

Fine Schedule

Offense	Fine
1st	\$0 (warning)
2 or more	\$99

§ ###-6. Appeals procedure.

If a person who is issued a citation does not make an uncontested payment of the fine(s), penalties, costs, or fees due for noncompliance, as specified by the citation, to the Town of Newtown, the procedures set forth in the Code of the Town of Newtown § 132-10, Appeals procedure, Subsections A through E, shall apply.