

**MINUTES OF PUBLIC HEARING ON AN ORDINANCE AMENDING THE PENALTY  
STRUCTURE FOR VIOLATIONS OF THE WEST HARTFORD CODE OF ORDINANCES****MAY 22, 2001****COUNCIL CHAMBER****1348, 999, 1202**

President Rob Bouvier called the hearing to order at 7:08 p.m.

Present were Councilors Rob Bouvier, Kevin Connors, Carl Donatelli, Liz Gillette, Jonathan Harris, Jim O'Brien, Andrew Schoolnik and John Shulansky. Councilor Al Turco was absent.

President Bouvier: Mr. Feldman.

Mr. Feldman: Mr. Mayor let me just explain that the ordinance that you have before you actually implements certain policies that you accepted and approved in the forthcoming fiscal 2002 budget that begins July 1 and what you have specifically in front of you are certain fines and/or penalties that relate to various parts of our ordinances so let me quickly go through what these changes are and then of course there may be some questions.

Section 1 the change is as described. It changes the fine for general ordinance offenses not covered in Sections 2, 3 and 4 in the latter part of this ordinance and increases that fine from \$55 to \$65. You may wonder what does a general offense mean? Well, it might be something as not having your dog on a leash in a town park. It might be that kind of offense that this part of the ordinance would cover. There is also an administrative fee change as well going from \$1.00 to \$2.00 per every \$10.00 fine so that is Section 1.

Section 2 deals with fire alarm systems and as you know there is an ordinance that prescribes that if there are numerous false alarms there are penalties that the property owner pays and that is being changed as well going from depending upon how many of those false alarms come in going from essentially \$70.00 up to \$110.00 and that is described in Section 2.

Section 3 deals with what we call our minimum property standards and that again has a variety of changes in it and as you can see it goes from a low of \$15.00 and it continues to build up to \$60.00 plus an administrative fee on top of that and there is a maximum amount set forth in paragraph d, again those maximums are changing as well as part of the ordinance revision and again that section deals with minimum property standards. Those would be such things as weeds, failure to cut your grass, failure to paint and maintain your property. A lot of the property complaints that we get are minimum property standard complaints so this is important, and I know Mr. Mayor your concern oftentimes is people who purposely avoid or ignore these orders to cut grass or related property maintenance items. These are the types of fines that we would levy against those property owners who ignore our orders to cut grass, paint their property or one of those minimum property standards provision so that is essentially Section 3.

Section 4 deals with parking in West Hartford and there is a variety of sections here and I will just quickly go through them not to take a lot of time but just to explain that section a deals with less grievous offenses including failure to, as the ordinance says, failure to deposit a coin in the parking meter, meaning overtime parking at parking meters. That goes from \$14.00 to \$18.00 and the ordinance goes on to prescribe other offenses, parking offenses that is, such things as parking in a no parking zone or parking double or parking in a no standing area. Those fees or fines go up from \$17.00 to \$21.00 and I won't read what you can see that is right in front of you but only to say that there is a hierarchy of offenses in this parking ordinance and at least I know one of the Councilors has indicated a little bit of concern about is the hierarchy right. In other words do we have the offense grouped with its equal so you may want to take a look at that and think about that and I would be happy to answer any questions that any of the Councilors have.

President Bouvier: Mr. Connors.

Vice President Connors: Yes, thank you Mr. Mayor. Mr. Feldman was referring to one of the Councilors. I brought up a couple of questions about this hierarchy to him that I thought, I don't know how we do this,

because I think we may to either continue the hearing or do something if we wanted to change this hierarchy.

President Bouvier: If it is a substantial amendment.

Vice President Connors: Well, I look at the first section and it is Section 4 which involves the parking of vehicle fines and in the first section which would be considered minor fines currently you pay \$14.00 and to bump that to \$18.00. Some of these offenses which would include overtime parking I wonder if we should increase those fines. Overtime parking could be the result of somebody not realizing how long he is parked and may be spending more money at one of our local establishments and might be late getting back to his car. I think \$14.00 is still on the higher end other community's charge. In that same section though in these minor violations we have parking within ten feet of a hydrant which I think we should go up further on the hierarchy to some of the other higher charges. Parking on the wrong side of the street, parking to obstruct a driveway, these are intentional violations. People actually would know when they did these versus somebody who might just not get to his car to put another coin in the meter or use his debit card once we get our new meters in place and then of course we move on to the other ones. There are a couple of changes that we might want to make in those as well so I'm not sure what the process would be, if we have to go back to the drawing board on this completely or what.

Mr. Feldman: If I could Mr. Mayor and I know Mr. O'Connor will correct me, it would be my understanding after conferring with Mr. O'Connor's office today, that those kinds of changes can be made in a subsequent ordinance. In other words if your preference is to make those changes but yet still keep most of the ordinance intact the way it has been introduced to you, you could consider this for adoption later this evening. If you should adopt it we would make those changes as prescribed during this public hearing or additional discussion that you may have when you consider the ordinance later. If there is three, or five or eight changes in this one particular section, Section 4, I can make notes, Kevin can make notes and we can come back in two weeks time with a revised ordinance that picks up on those changes that you would like.

President Bouvier: Would that require an additional public hearing Mr. Feldman?

Mr. Feldman: You would then have a public hearing on the revised ordinance subject to those changes that you would like us to make.

President Bouvier: Thank you. Mr. Connors.

Vice President Connors: To me that would be fine. I think, I'm not sure that I would know exactly where to put some of these violations in the ordinance.

Mr. Feldman: I have a sense though, Mr. Mayor, I have a sense Mr. Connors as to what you are talking about and if you would like I can try to make those changes and then have that ordinance introduced to you in two weeks. If you want to talk about it in committee, that's fine, too. It is really your preference.

President Bouvier: Mr. Shulansky.

Councilor Shulansky: Thank you Mr. Mayor. As I understand it Mr. Connors, you are suggesting some of these violations of a hierarchy rather than lessening certain ones.

Vice President Connors: I was thinking that obviously the money we take in can only be used as revenue for the town for parking violations and if increasing them is to increase revenue that's fine and some of these violations I think warrant higher fines but I question whether increasing the fines for overtime parking when we could move a lot of the other serious ones out of that was the right thing to do. My suggestion would be to keep at \$14.00 and move these other violations up higher on the hierarchy and when people violate posted signs and park in front of hydrants we grab ourselves a loss of revenue for not getting the overtime parking a little higher.

President Bouvier: Mrs. Gillette.

Councillor Gillette: Is it possible, and this might be for Mr. O'Connor, is it possible on this public hearing to approve sections of this ordinance and not approve other sections? In other words we aren't changing something substantially so there has been a public hearing on the sections but not as a totality because and here is my concern part of which is I think you are talking about a policy discussion about the fines and I think that that is a good one and something I think you have raised some very interesting points. I don't know as sort of from a principle point of view I am overly fond of the idea of changing an ordinance with the idea that we are in two weeks going to change it again. I don't like the idea of particularity of having a law on the books that we really don't mean at this point so can we approve two sections and not....

Mr. O'Connor: You have leeway to do a lot of things and I think to pick up on what Barry was saying for simplicity sake and to not make this more overly complicated you might want to consider as Barry said adopting it as is and then fixing it, number one. Trying to create a whole new set of amendments mid hearing is difficult and you might want to, another suggestion is you could adopt it and just not adopt this section so basically what you could do is you could leave the fine alone for this entire class of violations and adopt the rest of it so essentially it would revert to what it previously was, and correct me if I am wrong Barry because you have spent far more time on this substantive than I have. That is another option as well.

Mr. Feldman: You mean Kevin not adopt Section 4 but adopt Sections 1, 2 and 3?

Mr. O'Connor: That is correct.

Mr. Feldman: And then come back with Section 4 as its own...

Mr. O'Connor: That's right. Does Section 4 currently exist in some fashion?

Mr. Feldman: Section 4 currently exists, yes.

Mr. O'Connor: So what you could do is essentially adopt the other sections. Section 4 would remain in effect as currently exists and then we could come back with an ordinance to amend Section 4. That might reflect Mr. Connors feelings.

President Bouvier: Mrs. Gillette.

Councillor Gillette: I guess I would be more comfortable with that because I think we aren't settled.

Vice President Connors: I just wanted to get out what I thought were some inequities. Parking in front of a fire hydrant right now gets \$14.00. That is an intentional act that could cause or put someone's property and life in jeopardy.

President Bouvier: Also along those lines the fine for parking in a handicapped spot is going from \$85.00 to \$89.00.

Mr. Feldman: It should be more than that.

President Bouvier: In Section E.

Mr. Feldman: Yes you are right Mr. Mayor, it is, from \$85.00 to \$89.00.

President Bouvier: Maybe that is the most we can charge by State statute.

Mr. Feldman: Mr. Mayor if permitted we can increase that. We will come back with a larger increase.

President Bouvier: Okay because I think that is along Kevin's thoughts that it is intentional.

Mr. O'Connor: And I think you have to, Mr. Mayor if I may through you to Mr. Feldman, I think you also have to build in the administrative fee so it is not just \$89.00. It is \$89.00 plus eight times two so it \$89.00 and \$16.00 because it is \$2.00 for every \$10.00 in the fine. I don't know there is at least \$8.00 there so it comes out close to.... one hundred dollars.

Mr. Feldman: It is pretty close to \$100.00.

Mr. O'Connor: It is more than \$100.00. It is probably \$105.00 is what it is so I think you need to consider the administrative fee, which is ultimately what the violator sees.

Mr. Feldman: Right.

Mr. O'Connor: And that may still not be enough but you need to include that.

President Bouvier: Maybe we should have that in here somewhere in the ordinance.

Mr. O'Connor: It is actually. If you look at subsection (f) it says the penalty and then it says in addition to the fine set forth the last, the very last section of the ordinance, the last line.

President Bouvier: Okay.

Mr. O'Connor: And that applies to any of these penalties have an administrative fee.

President Bouvier: Okay, thank you. Mr. Shulansky.

Councilor Shulansky: If I have heard the conversations around the table I think and Mr. O'Connor please correct me if I am wrong, is that we want to consider some amendments to the ordinances has been introduced and those amendments and I will refer...

Councilor Gillette: It is only Section 4?

Councilor Shulansky: Well you can't just delete them because those elements are already a part of the ordinance so what we want to do if I'm not mistaken and correct me if I am wrong. Section 4 (a)(2) which presently reads the penalty for all offenses set up under subsection shall be struck. It is now \$18.00 and we want to keep that at \$14.00 so strike that amendment, strike the proposed change. Under Section 4(b)(2) retain the penalty for violation of this section and retain that at \$17.00 rather than the suggested \$21.00. For Section 4(c)(2) retain the current penalty under the ordinance of \$30.00 rather than setting at \$34.00 and for Section 4(d)(3) retain, strike the increase of \$46.00 and keep it at \$42.00 and if I'm not mistaken we would maintain Sections (e) and (f) at the present time as it related to handicapped parking and the additional administrative fee until further reviewed, that we retain them. I am just enumerating each one for the record. I think it is important. I think you almost have to do that but I think I have just done that.

President Bouvier: Fine, so we are all on the same page.

Councilor Donatelli: Do we have to do that during the meeting when we vote?

Councilor Gillette: Yes.

President Bouvier: So we are striking Section 4.

Councilor Shulansky: Well, no.

Councilor Gillette: The changes to Section 4.

Councilor Shulansky: The changes with exception to those changes enumerated.

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Mr. O'Connor: I would just say you are not adopting the proposed revisions to Section 4 because that is really what you are doing. You are not adopting any proposed revisions to Section 4. You are not striking anything.

Councilor Shulansky: With the exception of (d)(e) and (f).

Mr. O'Connor: Well I'm not sure about that because I think Mr. Connors expressed the interest that that might not be sufficiently high.

Councilor Shulansky: True but it is certainly going up a little bit and that is better than not being high enough.

Vice President Connors: Well, maybe we should just wait because you are going to come back to us.

Mr. Feldman: Mr. Mayor, we will come back with a new Section 4.

Councilor Shulansky: So at least everything else is fine.

President Bouvier: Okay, so we are not adopting the proposed revisions to Section 4, Mr. O'Connor, is that...

Mr. O'Connor: That will be obviously something you will address at the Council meeting.

President Bouvier: Okay. We will close this public hearing.

The hearing adjourned at 7:19 p.m.

Norma W. Cronin  
Town Clerk/Council Clerk