

MINUTES OF PUBLIC HEARING ON AN ORDINANCE RESTRICTING
OFF-STREET PARKING TO DESIGNATED SPACES

July 9, 1991

Council Chambers

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President Sandy F. Klebanoff called the hearing to order at 7:37 p.m.

Present were Councilors Linda I. French, Tom Johnson, Sandy F. Klebanoff, Charles R. Matties, Madeline S. McKernan, Larry Price and Andy Schatz. Councilors Joseph A. O'Brien and Fran Reynolds were absent.

President Klebanoff: Does the administration wish to make a presentation?

Barry M. Feldman, Town Manager: Madam Mayor, I think Marge has a comment or two.

President Klebanoff: Mrs. Wilder.

Marjorie Wilder, Corporation Counsel: Just a brief presentation. If you notice the underlying section deals with I think a concern in some of our shopping centers clearly at busy seasons where customers park along the non designated parking spaces. Our Fire Department has indicated some concern with regard to accessibility for fires as well as concern from keeping the aisles clear by the Police Department and this would provide or allow the Police Department to ticket where people were parking in shopping center parking areas bigger than ten which would hold more than ten vehicles, if people were parking in non designated parking spaces.

President Klebanoff: Questions from Council members? Mr. Price.

Vice President Price: Is there any way to ticket without changing the ordinance? In other words, if I owned "x" shopping center can I put up signs so the bad people who park in the wrong places can be ticketed?

President Klebanoff: Mrs. Wilder.

Mrs. Wilder: Madam Mayor, I think it is a good question. I think if the signs are up then I think it might be trespassing and perhaps you could be ticketed and get a \$42 ticket instead of \$30 ticket but yes, I think it would require signing and in that case it would be trespassing on private property without the consent of the owner.

Vice President Price: Given that, why is this a better way to proceed than asking the property owner to post a sign?

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Mrs. Wilder: I don't know.

President Klebanoff: Mr. Feldman do you have a answer for that question?

Mr. Feldman: Madam Mayor, I don't but I see Mr. Schatz is about ready to give you the answer.

President Klebanoff: Mr. Schatz.

Councilor Schatz: I just want to ask where did this come from? Who is telling us we really should be doing this?

Mr. Feldman: Madam Mayor, it originated in the Police Department and I think they have had a variety of complaints from, as Marge indicated, from shopping center owners and have indicated at least to us that they feel that they are unable to ticket vehicles that are parked in aisles and other locations in a parking lot. They believe with this type of change to the ordinance it gives them the opportunity to ticket those cars that are improperly parked.

President Klebanoff: Mrs. French.

Councilor French: On that same thing, over the holidays, Christmas, Stop & Shop policemen were given a lot of hassle, were hassled a lot because they were trying to give tickets out where people were clearly improperly parked and people saying that if it is private property they don't have that right and I suspect that this attempts to clean that up. Whether necessity requires it or not...

President Klebanoff: If a parking lot, shopping center owner were to put up a sign that says parking in designated areas only, that wouldn't be enough?

Councilor Schatz: It would be enough to get them on trespassing. By the way, I got a call, I mentioned this to both Barry and Marge earlier, a guy who said he was ticketed so obviously they find a way to ticket. He wasn't even complaining about this particular offense, if it is an offense. He was complaining about the process of not being able to object to a ticket but apparently they are finding ways of ticketing people for this. I had another follow up question though...

President Klebanoff: I had a call from a lady...

Councilor Schatz: They obviously are out there ticketing. I guess, let's look at the flip side of this thing. If there is an ordinance I take it the police can go in there and ticket somebody even if during a holiday season, for example, the shopping center owner doesn't have any problem

with somebody being there because he doesn't have enough parking spaces without it...

Mrs. Wilder: That's correct.

Councilor Schatz: So we could be, if in fact shopping center owners can object and call in the police by posting a sign, and if this might be something that would allow the police to do something the shopping center owners wouldn't like, I'm not sure that there is any gain to and maybe a loss. This just raises all sorts of questions.

President Klebanoff: I have a further question which is do our police really have that much time that they can begin enforcing this kind of ordinance? Is this their primary responsibility given the nature of the times?

Mr. Feldman: Madam Mayor, I suspect not and at least I understand that they would put this certainly at the low end of their priority list and only have it available, if in fact, that they feel the need to ticket or they have a specific complaint but they wouldn't aggressively go out looking for this type of violation.

President Klebanoff: Mr. Johnson.

Councilor Johnson: My concern is that we over legislate and that we have ordinances on the books that may be able to be handled in another way. Also, that very often the more I look into zoning since I have been on the Council, that if we do something over here sometimes it negatively affects something over here that we may not want to. If we could permit, take the Town Hall parking lot as an example, now the way I read this is just if you are parking in a non designated, distinguished parking space which I assume means the lines, and we have a parking lot that is sufficiently wide enough for emergency vehicles and other vehicles to get through here in Town Hall when such as dances at the Senior Center or the new use of the town auditorium...

Vice President Price: Or these Town Council meetings.

Councilor Johnson: Where we have the public come in, technically that would make parking there illegal and there is probably really no need to make parking there illegal and there are those that obviously like to follow the letter of the law. That is the concern that I have.

President Klebanoff: Good question.

Councilor Johnson: Thank you, Madam Mayor.

President Klebanoff: Mrs. Wilder.

Mrs. Wilder: It is always hard for me and I do apologize to try to represent to you somebody else's point of view but I do want to point out to the Council that (b) right above the one that is underlined talks about parking violation of fire lanes ordinance and fire lanes ordinance if I recall correctly requires specific signage and designation and a lot of the shopping centers don't want to sign and designate all the aisle spaces as fire lanes even though they are technically fire lanes which is what generated number (c) which definitely did come from our Police Department and was initiated I think from some of our larger shopping center owners, tenants, I don't know, but I did want to point that out to you that there was a concern by some of the shopping centers about having to properly sign and follow the process for designating certain of these aisles fire lanes, that that was a big burden on them if they wanted to do that in order to prevent parking along those lanes.

President Klebanoff: Mrs. McKernan.

Councilor McKernan: So what we really are doing is trying to alleviate the responsibility for some of the business owners to have to go put in signage. If the ordinance is there then it is a blanket rule and they don't have to put up special signs.

Mrs. Wilder: Right, and I don't remember the exact requirements and I apologize.

President Klebanoff: Mr. Johnson.

Councilor Johnson: My concern, following that through, would be then if there was no signage and the average citizen was not aware that he could be ticketed, I would be very uncomfortable with that also.

Councilor McKernan: They would learn soon.

Councilor Johnson: Yes, but it is an expensive lesson in this down economy for some one.

Vice President Price: It is kind of like when you move into town and you are a tenant and you leave your car out on the street. You learn fast don't you.

President Klebanoff: I need to be clear. In the event that there is a parking lot and there are clearly designated spaces, and then there is an aisle that has no designation, if someone were to park in that aisle such as Town Hall, would they be subject to those tickets or not under this? It is difficult for me to understand, under (c).

Mrs. Wilder: I think the purpose is to in that situation give tickets, whereas the current ordinance, unless it is a

designated fire lane or unless it can fit in...

President Klebanoff: But there aren't any pavement markings or other means in the situation I'm talking about.

Councilor McKernan: So it is a surprise.

Mrs. Wilder: I don't know what that means, honestly.

President Klebanoff: Does anyone have any further questions on this ordinance? So if the aisle were not marked in any way, parking could still be legitimate there?

Mrs. Wilder: It seems to read that way, yes.

President Klebanoff: That is the way I read "c".

Mrs. Wilder: I agree with you.

President Klebanoff: Which, therefore, sounds like it is not accomplishing what the intent is.

Councilor Schatz: You could still park in non striped areas?

President Klebanoff: Yes.

Councilor Schatz: Well, that's good because there are a lot of police cars that I see parked.

Vice President Price: We are getting thirsty for debate here.

Councilor Schatz: In all seriousness Barry, without meaning it to be negative, I notice that there aren't any members of the Police Department here. Are you comfortable that you know their full rationale?

President Klebanoff: Should we hold this hearing open?

Councilor Schatz: Well, at some point here from them to see if they think this is a serious problem.

Mr. Feldman: Madam Mayor, I think questions that you raise and that unfortunately I nor Marge can answer is indicative perhaps that we haven't done enough homework and you have obviously any options that you want to choose but maybe one of them could be if you want, we can withdraw this tonight and send it back to committee and let the committee get back in.

President Klebanoff: I think that sounds like a wonderful idea.

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Mr. Feldman: I guess if Mr. O'Brien and or Mrs. McKernan...

Councilor McKernan: Mr. Matties sits for Mr. Reynolds. So
we are going to withdraw.

The hearing adjourned at 7:50 p.m.

Norma W. Cronin
Recording Secretary

Legal Notice appeared in June 27, 1991 West Hartford News.