

Mary Ann Jacob, Chair
Mitch Bolinsky, Vice Chair
Joe Girgasky, Recording Secretary
A. Jeffrey Capeci
Phil Carroll
Robert Merola



TOWN OF NEWTOWN

Minutes of the Legislative Council Ordinance Committee DRAFT-DRAFT-DRAFT

The Ordinance Committee meeting scheduled on May 2, 2012 for May 16, 2012 was cancelled. The Ordinance Committee met on Aug. 2, 2012 at the Newtown Municipal Center. Ordinance Committee Chairman Jacob called the meeting to order at 7:10pm.

Present: Ms. Jacob, Mr. Merola, Mr. Carroll, Mr. Capeci, Mr. Girgasky, Police Commission Chairman Paul Mangiafico, Police Chief Michael Kehoe., members of the public.
Absent: Mr. Bolinsky.

PUBLIC PARTICIPATION:

Richard Giannettino, Chestnut Hill Rd: Thought liability may be an issue if Police Chief were to approve shooting ranges via proposed ordinance. Existing regulations are enough.

Jim Ondak, White Oak Farm Rd: Lives 1/4 mile from Cherry Grove Farm. Witnessed a pheasant hunter shoot towards Platts Hill Rd. Thinks poor judgment used by target shooters. Heard loud noise once, asked target shooters and found that someone used an exploding target. Wants peace & quiet, shots are nuisance.

Dave Barzetti, Beaver Dam Rd: Lives near Cherry Grove Farm, enjoys target shooting, works with neighbors for noise abatement if needed.

John Rondero, High Barlow Rd: Opposes firearms legislation, not needed. Wants freedoms that proposal limits.

Jake Wiggin, NSSF, Mile Hill Rd: Arbitrary wording left to Chief of Police for target area approvals. Questions need for such proposal. Does not know of any accidents. Believes there is a greater chance of swimming accidents. No privileges should be taken away from another generation.

Lou Reda, Tamarack Rd: Questions why a non-elected official proposed to determine who may target shoot. Raises chickens, firearms needed to control other wildlife. Believes words are unclear in proposed ordinance.

Ed Schierloh, Shady Rest Blvd: Opposes proposed ordinance strongly. Chief of Police should not be de facto range officer.

Robert McCulloch, Bridge End Farm La: *RE: firearms ordinance*, Proposed ordinance infringes on rights. Doesn't believe a town should be punished by a few offenders. *RE: Anti-blight ordinance*, Should include trees & shrubberies not just structures.

Anthony D'Angelo, Cedarhurst Tr: Supports the Anti-blight ordinance. Suggests keeping Part B referencing "personal property", mentioned Sec. 9 incentive is good and special consideration for indigent or handicapped should be maintained.

Tom Catalina, Butterfield Rd: No proof of any unsafe recreational shooting; proposal not needed. Enough ordinances are currently on the books.

Mike Collins, Great Ring Rd: Joining a club for shooting is not always an option due to travel and waiting lists. Proposed ordinance unfair. Noises may come from parties and other activities.

Lou Sessa, Great Ring Rd: Lives by two clubs and the noise from shooting is not an issue.

Richard Cole, Main St: Initially attended for Anti-blight ordinance but described a shooting accident between two friends as a child.

Rich Linley, Fern La: Would like to preserve his right to shoot on his property; safety is paramount.

DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING:

- **Firearms Ordinance:** Police Commission Chairman, Paul Mangiafico and Police Chief Michael Kehoe were invited to present & discuss the proposed firearms ordinance. Mr. Mangiafico began by stating that this is a critical issue and the ordinance was last revised in 1991. Speaking as Police Commissioner, Mr. Mangiafico stated that there are some irresponsible people and there are also safety and tranquility concerns. Speaking as a member of the Police Commission, Mr. Mangiafico stated that range approvals should go beyond the Police Chief, to include citizens. Speaking as Mr. Mangiafico, he believes the town should build a shooting range. Chief Kehoe stated that there have been numerous complaints made to the Police Dept and Selectman's Office that include Sherman St., Mt. Pleasant and Laurel Tr. areas also stating that there are public safety and quality of life issues. Mr. Kehoe referenced CGS § 53.203, (Unlawful discharge of firearms) and stated that there needs to be some standard to support "beyond reasonable doubt". Ms. Jacob commented that the existing noise ordinance might offer some resolution to some of the past complaints and Mr. Kehoe responded that he would not know how to enforce as written. Mr. Kehoe stated he was not a firearms expert and questioned "a back stop". Mr. Mangiafico believes that 500' is not enough distance for shooting and that bullets may travel much farther. Ms. Jacob then asked who, on the OC, would further research Newtown's existing ordinance and what other towns have adopted with regard to firearms ordinances. Mr. Girgasky offered to begin this research and Mr. Carroll offered to assist.

After a brief recess the committee continued.

- **Anti-blight ordinance:** Mr. Kehoe commented on acting as anti-blight officer and was content with ordinance. Ms. Jacob read a recommendation from Ms. Llodra to amend section 3A. Mr. Capeci made a motion to forward Anti-blight Ordinance, with amendment to 3A, to Legislative Council for public hearing subject to recommendation from town attorney, seconded by Mr. Carroll, all in favor.
- **Code Ordinance:** Ordinance committee finished with this May 2, 2012, sent to Legislative Council and has not come up on Legislative Council agenda.

REVIEW AND APPROVAL OF MINUTES FOR 5-2-12: Mr. Girgasky motioned to accept minutes and seconded by Mr. Carroll. Mr. Capeci motioned to amend the minutes by attaching the original code adoption document as changes were based upon that original. In paragraph § 1-12, along with noted date change in § 1-12(9), paragraphs § 1-12 A (2) and (3) were determined to be irrelevant to Newtown and stricken. Paragraphs were renumbered accordingly. Mr. Girgasky motioned to amend the minutes by replacing "Ms. Fetchick" with "Ms. Jacob" in Article 1 description. Mr. Merola abstained, Ms. Jacob, Mr. Capeci, Mr. Carroll, Mr. Girgasky in favor.

The Committee agreed to meet on Sept. 12., 2012, 6:30 PM at the Municipal Center.

PUBLIC PARTICIPATION:

Richard Giannettino, Chestnut Hill Rd: Commented that responsible people are acting responsible; irresponsible people have no need for further regulations.

Ed Schierloh, Shady Rest Blvd: Since there were no arrests, no injuries, no citations, the complaints seem to steer toward a noise ordinance. Perhaps police need more familiarity with existing noise ordinance. A hunter was referenced by a previous public participant and such cases should be addressed with "hunting laws".

Tom Catalina, Butterfield Rd: Suggested that police should be enabled to stop reckless behavior. No ordinance will inhibit accidents.

A motion to adjourn was made by Mr. Capeci, seconded by Mr. Girgasky.

Respectfully Submitted,
Joe Girgasky

Attachments: original code document

Chapter 1

GENERAL PROVISIONS

ARTICLE I Adoption of Code

§ 1-1. Adoption of Code.

The compilation of the Town Charter, Special Acts and ordinances of a general and permanent nature of the Town of Newtown, as revised, codified and consolidated into chapters and sections by General Code, LLC, and consisting of the Charter and Chapters 1 through 690, together with an Appendix, is hereby approved, adopted, ordained and enacted as the "Code of the Town of Newtown, Connecticut," hereinafter called the "Code." All provisions contained in the compilation provided for herein and known as the "Code of the Town of Newtown" shall be in force and effect on and after the effective date of this ordinance.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the legislation in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such legislation and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior legislation.

§ 1-3. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the Town Clerk, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-4. Publication; filing.

The Clerk of the Town of Newtown shall cause to be published, in the manner required by law, a copy of this Adoption Ordinance. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-5. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the Legislative Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of Newtown" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf

book containing said Code as amendments and supplements thereto.

§ 1-6. Code to be kept up-to-date.

It shall be the duty of the Town Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the book containing the Code required to be filed in the Clerk's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code, at which time such supplements shall be inserted therein.

§ 1-7. Supplementation of Code.

- A. Supplements to this Code shall be prepared and published whenever authorized or directed by the Legislative Council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the Legislative Council and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code.
- B. In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code.
- C. When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into the unified Code. For example the codifier may:
 - (1) Organize the ordinance material into appropriate subsections;
 - (2) Provide appropriate headings and titles for sections and other subdivisions of the Code published in the supplement, and make changes in such headings and titles;
 - (3) Assign appropriate numbers to chapters and sections to be inserted in the Code and, where necessary to accommodate new material, change existing or other section numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this section," etc., as the case may be, or to "§§ _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already in the Code.
- D. The Town Clerk shall cause copies of each and every such supplement to be distributed to each distributee and to every purchaser of the Code who has ordered and paid for maintenance service.

§ 1-8. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk or an authorized agent of the Clerk upon the payment of a fee to be set by the Legislative Council.

§ 1-9. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of Newtown to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a fine of not more than \$100.

§ 1-10. Severability.

- A. Severability of Code provisions. Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.
- B. Severability of ordinance provisions. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-11. Repealer.

All ordinances or parts of ordinances of the Town of Newtown of a general and permanent nature in force on the date of the adoption of this ordinance which are inconsistent with any provisions of the Code are hereby repealed from and after the effective date of this ordinance.

§ 1-12. Certain ordinances not affected by Code.

- A. Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:
 - (1) Any ordinance promising or guaranteeing the payment of money for the Town, or any evidence of the Town's indebtedness;
 - (2) Any appropriation ordinance providing for the levy of taxes or for any annual budget;
 - (3) Any order annexing territory to the Town or excluding territory as a part of the Town;
 - (4) Any ordinance granting any franchise, permit or other right;
 - (5) Any ordinance creating a special services district;
 - (6) Any ordinance approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument;
 - (7) Any ordinance adopting a preliminary or development plan;
 - (8) Any temporary or special ordinance.



(9) Any ordinance adopted after July 6, 2011.

- B. All ordinances pursuant to this section are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this section.

§ 1-13. Effect of repeal of ordinances.

- A. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect, unless expressly stated.
- B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

§ 1-14. Changes in previously adopted ordinances.

In compiling and preparing the ordinances for publication as the Code of the Town of Newtown, no changes in the meaning or intent of such ordinances have been made. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Legislative Council that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.

§ 1-15. Catchlines, histories and references.

- A. The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.
- B. The histories appearing in brackets after sections and subsections and the references and notes located throughout the Code are for the benefit of the user of the Code and shall have no legal effect.

§ 1-16. When effective.

This ordinance shall take effect upon passage and publication as required by law.