

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 met September 12, 2012 at the Newtown High School cafeteria. Ordinance Committee Chairman Jacob called the meeting to order at 7:00 pm.

Present: Ms. Jacob, Mr. Merola, Mr. Carroll, Mr. Capeci, Mr. Bolinsky. Police Chief Michael Kehoe., members of the public. Mr. Girgasky 7:20pm.

#### **PUBLIC PARTICIPATION:**

**Peter Clark** - 246 Church Hill Rd Woodbury President, Pootatuck Land Club.

Ordinance will not deter irresponsibility, concerned with subjectivity of the chief deeming ranges suitable. Established clubs & organizations should be exempt.

**Gary Lane** - 15 Splitrock Ridge, Fairfield County Fish & Game Club (FCF&G).

Safety courses valuable. Keep and bear arms should not be infringed upon (weakened). Any ordinance that infringes is against second amendment.

**Andy Buzzi** - FCF&G 12 year member.

Met with Police Commission Chairman Paul Mangiafico. Ordinance is not necessary. Premature to enact now. Significantly & negatively impacts the rights of individual. Necessity should be the standard, not prudence. The facts will not support the enactment

**Carla Barzetti** - 16 Beaver Dam Road

Husband is a hunter. Don't go to town meetings to take away your rights. We can't stop all actions that annoy people. Don't take freedom away because something is annoying you. Work together and share. Safety not in jeopardy.

#### **\*\*\* REVIEW AND APPROVAL OF MINUTES FOR 8-2-12:**

\*\*\* Chairman Jacob called for a brief recess.

After brief recess **PUBLIC PARTICIPATION** continued:

**Elmer Cox** - 31 Pond Brook Rd

Has been hunting & fishing for many years. Taught family shooting safety on own property. Is a certified instructor. Opposes ordinance.

**Scott Buchta** - 6 Crows Nest Lane SH

A multitude of state & federal laws regulating weapons and explosives already exist. Most complaints likely noise related, not safety. Every law / regulation / ordinance is designed to modify behavior not a tool. If purpose is to punish bad behavior why only \$100 fine.

**Arron Cox** - 33 Pond Brook Road

An ordinance would infringe upon lawful citizen's rights. 500 ft zone commonly applied in hunting laws. CGS 29 - 28 ?. Not everyone can belong to a club. Will only further curtail growth of the shooting sports and heritage..

Rec'd. for Record 9-18 20 12  
Town Clerk of Newtown (1:00am)  
Debbie A. Aurelio

**Greg Matthews** - 10 Megans Circle

Resident since '84. Neighbor complained about his stereo during a daytime party outdoors. Police noted amplified noise ordinance which is meant for bars / nightclubs. Noise ordinance being applied to residents inappropriately. Chief acting sole judge of shooting ranges not practical. No measurable parameters outlined. Opposed ordinance.

**Jack McWhiggan** - NSSF

Opposes ordinance. No safety concerns exist. Shooting is a safe sport. More people opposed than supporting it. Noted nobody in attendance speaking in favor of ordinance.

Richard Carlson 28 Birch Hill Rd Retired Police Sergeant. How many complains are firecracker related His experience as a police officer.

**Rich Carlson** - 28 Birch Hill Rd

Retired police Sergeant. Over 1/3 of complaints addressed during career were found to be firecrackers. Opposes ordinance.

**John Chris** – Stratford, FCF&G

Is a NRA training councilor, teaches range officers. Is a Range Safety Officer. States it is virtually impossible to legislate safety. Training is required.

**Bob Knapp** - 10 Berkshire Rd

Grew up in Newtown did a lot of hunting & fishing. Been to war twice to fight for this country. We need more rights, not less. Opposes ordinance.

**John Rondano** - 15 High Barlow / 14 Walker Hill

Opposes ordinance feels hen should be free to use his own property for target shooting.

**Corinne Cox** - 31 Pond Brook Road

When we have state and federal laws why create another law enforce the ones on the books. This is a freedom that should not be taken away.

**Ryan Knapp** - 11 Jeremiah Road

An appropriate shooting range should not be left to the discretion of the Chief. OSHA, for example, has metrics for safety. No metrics, no way to enforce it.

**Tom Catalina** – 59 Butterfield Rd

There is a lack of evidence of injury or property damage. Don't fix what isn't broken. An errant round can come from a DIY or Town sanctioned range.

**Gary Bennett** - 5 Elliot Drive Shelton.

FCF&G is a shining jewel of the town. Teach kids to hunt, you will never have to hunt your kids. Has taught hunter education for 30 years. Supports training. Supports training youth.

**Bob Zanko** - 181 Bagburn Hill Rd Monroe.

Never used a gun until he moved next to a club. Now he's president. Strongly supports safety and education. Opposes ordinance.

**Martha Dean** - 144 River Knolls, Avon.

Represented ranges previously. "CT range protection Act" protects shooting ranges from noise complaints. A new ordinance may invite litigation.

**Ed Breitling** - 8 Mt Pleasant

Brookfield Police Officer, firearms instructor, Director at rifle club, Scoutmaster Troop 70. This is a bad ordinance. "Safety" reference used to address noise.

**Brain O'Connor** - 37 Swamp Rd.

Opposes ordinance. Gunfire is a reminder of freedom. People are very responsible. Target shooting usually does not last long. Ordinance not relevant in Newtown, maybe New Haven.

**Amy Cox** - 33 Pond Brook Road.

This ordinance will not affect noises form I-84, recycling trucks, hunting and ATV's. Safety can be addressed via other laws.

## **DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING:**

**Anti-Blight Ordinance** - Waiting for final input from Town attorney. Will address at next Ordinance Committee meeting.

**Firearms Ordinance** - Chairman Jacob asked that the existing and proposed ordinance be attached to these minutes. Chairman Jacob also noted that the existing ordinance allows for almost any type of target shooting on a landowner's property while the proposed ordinance allows for nothing. Chief Kehoe agreed. Mr. Merola questioned the 500' reference in the existing ordinance. Chief Kehoe offered explanation. Chairman Jacob suggested that the town attorney clarify the 500' reference. Mr. Girgasky suggested comparisons to hunting laws and crop damage permits regarding the 500' reference and how they may or may not relate to the current ordinance. Mr. Capeci asked if the PD noticed any unsafe environments while responding to target shooting calls. Chief Kehoe stated there was a call where someone was shooting at a propane tank. This is unsafe. Chief Kehoe continued to state that people questioned have been very respectful and that prolonged target shooting is a concern for a neighborhood. Chief Kehoe referenced a ten year old Brookfield P&Z Regulation. His discussion with the Brookfield Chief of Police found that Brookfield has not taken any actions regarding this P&Z regulation. Chairman Jacob noted that Chief Kehoe and she had a phone conversation regarding the target shooting noise issue being addressed by the Noise Ordinance and that any changes to the Noise Ordinance would have to be reviewed with the CT DEEP. Mr. Girgasky read the notes from research that he and Mr. Carroll conducted since last meeting. Surrounding towns, New Milford, Easton, Oxford, Southbury, Redding, Monroe, Bethel and Brookfield were visited. None have a firearms ordinance as in discussion here. Bethel has a "non-powder-propelled gun ordinance" that states that a person under age 21 cannot possess a "non-powder-propelled gun", an air rifle. Some informal statistics were obtained as well. Chairman Jacob asked the Committee for comments regarding where to go from here. Mr. Carroll stated that the ordinance is not needed. Mr. Merola stated that he would like details on the 500' reference. Mr. Capeci thought that 500' might already be in other laws. Mr. Bolinsky is open to further research and commented that we have no reports of injuries or property damage. Mr. Girgasky mentioned that time of target shooting and PD notifications are worth discussion. Chairman Jacob suggested that the existing ordinance be the reference that the committee uses to work from, not the proposed ordinance. **Mr. Capeci motioned to recommend working on enhancements to the existing ordinance. Seconded by Mr. Merola, all in favor.** Chairman Jacob asked that the Committee contact Connecticut Conference of Municipalities for research and input regarding firearms ordinances. Mr. Girgasky agreed to present the request to CCM. Chief Kehoe noted that Sec. 22-A-74A is the Act referenced by Martha Dean earlier.

The Committee agreed to meet on October, 10, 2012, 7:00 pm, Newtown HS cafeteria

**PUBLIC PARTICIPATION:**

**Gary Lane** - 15 Split Rock Rd

Time of shooting should be considered as current hunting laws allow for hunting / shooting at night. Raccoon may be hunted at night and crop damage permits allow for night hunting.

**Gary Bennett** - 5 Elliot Drive Shelton.

Supports the CT Firearms Safety program. Offered to discuss the 500' reference, declined by the Chairman.

**Scott Buchta** - 6 Crows Nest Lane SH

Opposes further limitations.

**Tom Casson** - 6 Pond Lake Rd

Contacted PD prior to target shooting to verify OK. Would not like to lose the privilege over a 500' reference.

**Andy Buzzi** -

Purchases of long guns can be made with a hunting license. Without a hunting license, a two week waiting period is required. To purchase a handgun, a pistol permit or certificate of possession is required from the State of CT.

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

Respectfully Submitted,  
Joe Girgasky

Attachments:  
original code document  
proposed code document

# Firearms

Printer-Friendly Version

## Newtown Code Section 226

### Firearms

Ordinance Regarding Discharge of Firearms  
Adopted by Legislative Council August 7, 1991 Effective August 31, 1991  
Town Journal Vol. 21 Page 143 & 169

#### **226-1.** Discharge near buildings prohibited.

No person shall, at any time of the year, discharge a firearm within 500 feet of a building which is occupied by persons or domesticated animals, unless he has within his possession the prior written permission of the owner or occupier thereof or unless he is on property which he owns or leases. For the purposes of this ordinance a building is presumed to be occupied unless it appears from a reasonable inspection of the interior portions of the building that it is in fact unoccupied.

#### **226-2.** Discharge on land posted against hunting prohibited.

No person shall, at any time of the year, carry, possess, or discharge a firearm within the boundaries of land the owner or occupier of which has posted the land against hunting unless he has within his possession the prior written permission of the person so posting the land. Any such written permission must be dated within twelve months of the date on which the firearm is carried, possessed or discharged.

#### **226-3.** Exceptions.

The provisions of this chapter shall not apply to a peace officer as that term is defined in the Connecticut General Statutes section 53a-3(9) when acting within the scope of his/her duties.

#### **226-4.** Penalties for offenses.

A. Any person violating this ordinance shall be subject to the maximum fine allowed by law.

B. Notwithstanding any language above to the contrary, the maximum fine for each violation under this chapter shall be \$90 or the amount set forth above, whichever is less. Each violation subject to a fine shall be considered an infraction which, in the discretion of the issuing violation, may be enforceable by citation. The fine(s) imposed shall be payable to the Town of Newtown. Any individual fined for a violation of this chapter may appeal that fine to the Town Hearing Officer following the procedures set forth in the ordinance authorizing said officer and herein setting forth the appeals process. [Added 9-17-2003]

This ordinance shall become effective 15 days after publication.

**226-5.** Citation hearing officer. [Added 9-17-2003]

The First Selectman, with the approval of the Board of Selectmen, shall appoint one citation hearing officer, other than police officers or employees or persons who issue citations, to conduct the hearing authorized by 260-12.

**226-6.** Appeals procedure. [Added 9-17-2003]

A. Newtown, at any time within 12 months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to C.G.S. 7-148 or 22a-226d, for an alleged violation thereof, shall send notice to the person cited. Such notice shall inform the person cited:

- (1) Of the allegations against him and the amount of the fines, penalties, costs or fees due;
- (2) That he may contest his liability before a citation hearing officer by delivering in person or by mail written notice within 10 days of the date thereof;
- (3) That if he does not demand such a hearing an assessment and judgement shall be entered against him; and
- (4) That such judgement may issue without further notice.

B. If the person who is sent notice pursuant to Subsection A of this section wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of fines, penalties, costs or fees, admitted to in person or by mail to an official designated by such municipality. Such payment shall be admissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making payment. Any person who does not deliver or mail written demand for a hearing in 10 days of the date of the first notice provided for in section A of this section shall be deemed to have admitted liability, and the designated municipal official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in Subsection D of this section.

C. Any person who requests a hearing shall be given written notice of the date, time and place of the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of mailing of the notice, provided the hearing officer shall grant, upon good cause shown, any reasonable request by an interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing official or policeman shall be filed and retained by the municipality, and shall be deemed to be a business record within the scope of C.G.S. 52-180 and evidence of the facts contained therein. The presence of the issuing official or policeman shall be required at the hearing if such person requests. A person wishing to contest his

liability shall appear at the hearing and may present evidence on behalf of the municipality. If such person fails to appear, the hearing officer may enter an assessment by default against him upon the finding of proper notice and liability under the applicable statutes and ordinances. The hearing officer may accept from such person copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the municipality.

D. If such assessment is not paid on the date of entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with an entry fee of \$8. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgement, in the amount of such record of assessment and court costs of \$8, against such person in favor of the municipality. Notwithstanding any provision of the general statutes, the hearing officer's assessment, when so entered as a judgement, shall have the effect of a civil money judgement, and a levy of execution on such judgement may issue without further notice to such person.

E. A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment together with any entry fee in an amount equal to the entry fee for a small claims case pursuant to C.G.S. 52-259, at a Superior Court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

Use and discharge of firearms (NEW). (PROPOSED)

No person shall discharge any firearm, including, but not by way of limitation, any cannon, pistol, revolver, rifle or shotgun while in the Town of Newtown. Exceptions to this prohibition are as follows:

- A. By duly authorized peace officers acting in the performance of their official duties or by members of the armed Forces of the United States or of the State of Connecticut or by authorized bank guards when acting in the performance of their official or authorized duties.
- B. When otherwise permitted by law, or by an individual for the protection of life or property.
- C. By the owner of land, or the tenant or authorized agent of the owner of land for the express and sole purpose of eliminating nondomestic animals which are menacing domestic animals and/or property and/or crops on the owner's land, provided that prior notification shall be provided to the Newtown Police Department, except in case of an emergency, in which case the Newtown Police Department shall be notified immediately thereafter.
- D. By a person legally authorized to hunt under the provision of Connecticut General Statutes and the regulations issued thereunder, in such places and in such manner as is set forth under such statutes and regulations; however, nothing herein authorizes hunting on any public beach, park or other land owned or leased by the Town of Newtown. Hunting is specifically prohibited on town-owned or leased property.
- E. On indoor ranges as otherwise permitted by law or government authority.
- F. Ceremonial use of muskets and cannons and sports-related starter pistols which do not fire a projectile.
- G. Target shooting shall be allowed on a target range approved by the Chief of Police of the Town of Newtown, or his/her designee, which range shall be deemed safe and fit for target shooting, considering the location, time of proposed use, geographical layout and firearms proposed to be used, by the Chief of Police or his/her designee, and in compliance with all land use rules and regulations.

- H. Discharge of any firearm covered by subsection F or G of this section shall occur only between the hours of 0900 and 2000 hours, or dusk, whichever first occurs.
- I. Violation of this ordinance shall be punishable by a fine of \$100.