



## Legislation Text

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**File #:** 22-016, **Version:** 8

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### ORDINANCE

#### **Motion/Request:**

MOTION to recommend the Town Council adopt the proposed amendments to Ordinance #300-027 (rev 2) “*An Ordinance Regulating Parking And Other Activities In Town Roads And Rights-Of-Way And Providing Penalties For The Violation Thereof*” as contained in the draft dated December 14, 2022.

In addition, approve a proposed Appendix A - for Ordinance # 300-027 “ *An Ordinance Regulating Parking Of Commercial Vehicles On Public Streets In Residential Zones And /Or In Front of Residentially Used Properties* ” as contained in the draft dated October 13, 2022.

#### **Background:**

In response to residents’ concerns regarding safety issues caused by large commercial vehicles being parked on residential streets amendments have been proposed to Ordinance #300-027 (rev 2) “*An Ordinance Regulating Parking and Other Activities in Town Roads And Rights-of-Way And Providing Penalties for the Violation Thereof*”.

The proposed Ordinance amendments stated large commercial vehicles could not be parked on residential streets unless they were doing business. the proposed amendments were drafted to address concerns regarding safety, sightlines, and noise issues.

As a result of the comments received at the December 14, 2022 Public Hearing some editorials have been included to provide further clarification.

The December 14, 2022 editorials were considered to be not substantial and were noted *in green font* (see attached draft)

#### **Meeting Action Detail:**

#### **Town Council Meeting 01/11/2023:**

**File #:** [22016](#) Version: 5

**Type:** Ordinance

**Title:** MOTION to adopt proposed amendments to Ordinance #300-027 (rev 2) “*An Ordinance Regulating Parking And Other Activities In Town Roads And Rights-Of-Way And Providing Penalties For The Violation Thereof*” as contained in draft dated December 14, 2022.

In addition, approve a proposed Appendix A - for Ordinance # 300-027(2) “ *An Ordinance Regulating Parking* ”

*Of Commercial Vehicles On Public Streets In Residential Zones And /Or In Front Of Residentially Used Properties” as contained in the draft dated October 13, 2022.*

Moved:: Paul Seconded: Rodriguez

Action: Approved and so declared

Minute Note:

DRAFT: ~~10/13/2022~~ 12/14/2022

Ordinance: #300-027 (rev. 2)

AN ORDINANCE  
REGULATING PARKING AND OTHER ACTIVITIES IN TOWN ROADS AND RIGHTS-OF-WAY  
AND PROVIDING PENALTIES  
FOR THE VIOLATION THEREOF

Be it ordained by the Town Council of the Town of Ledyard

Section 1. Purpose

It is hereby declared to be in the best interests of the public safety, convenience and welfare of the Town to regulate and place restrictions on the parking of vehicles and other activities in Town rights-of-way within the control and limits of said Town, in general and during periods of snow emergencies, so as to preserve proper material condition of roads and rights-of-way and to not impede the transportation and movement of food, fuel, medical care, fire, health, police protection and other vital facilities of the Town.

Section 2. Definitions

For the purpose of this Ordinance, the following definitions shall apply:

- a. The words "vehicle" shall be defined as in Connecticut Statutes Section 14-1(102).
- a. The words "parked vehicle" shall be defined as in Connecticut General Statutes Section 14-1(66).
- a. The word "street" shall mean any public highway, road or street in the Town of Ledyard.
- a. The words "snow emergency" is hereby defined to be a period of time as forecast by a contracted weather service or the United states Weather Bureau, during which period vehicular and/or pedestrian traffic is expected to be hazardous or congested due to the elements, and during which period the parking of vehicles could hinder, delay or obstruct the safe flow of such traffic and/or the proper cleaning, clearing and making safe of the public highways of the Town.
- a. *For the purpose of this Ordinance “commercial or industrial vehicle” means any vehicle the principal use of which is the transport of commodities, merchandise, produce, freight, and any vehicle used primarily in construction, industry, including but not limited to, bulldozers, backhoes,*

*tractors, tow trucks, dump trucks, tractor trailers (cab and/or trailer), or trucks fitted with cranes, air compressors, welders, tanks or similar equipment. "Commercial or industrial vehicle" also includes nonmotorized dumpsters, storage units, open or utility trailers greater than six (6) feet in length and or in height, and tool lockers; taxicabs, limousines, and/or any passenger vehicle that is greater than eight (8) feet in height marked with a sign, letters, or emblem advertising a commercial enterprise.*

### Section 3. General Restrictions

- a. No person, firm or corporation shall place any fixed obstruction, or object or drain any water or other substance, within, under, upon or over any Town road or right of way without the written permission of the Director of Public Works.
- b. In the case of clearing and handling leaves from and in proximity to private properties, no person, firm or corporation shall place or leave any leaves in the roadway or permanently place leaves on Town property. Residents who contract out leaf removal services at their property shall be liable also for violations of this provision of the party they hire.
- c. In the case of removing snow from private driveways and properties, no person, firm or corporation shall move snow across or leave any snow in the roadway. Residents who contract out snow removal at their property shall be liable also for violations of this provision of the party they hire.
- d. The Director of Public Works may remove or alter any such obstruction or drain, and the expense incurred by the Director in such removal or alteration shall be paid by the person, firm or corporation placing such obstruction or drain; provided, however, at the discretion of the Director of Public Works, any fixed obstruction or drain made or placed without a permit, or in violation of provisions of a permit shall be removed or altered by the person, firm or corporation making or placing the same within thirty (30) days from the date when said Director sends by registered or certified mail, postage prepaid, a notice to such person firm or corporation ordering such removal or alteration.

### Section 4. Construction Regulations

- a. No person shall construct a new driveway or relocate an existing driveway leading from private property to a town street or conduct work (excepting lawn or grounds maintenance) in a town right-of-way (ROW) area, until a permit has been obtained from the Director of Public Works or his agent. Plans fully depicting the proposed driveway location and or work in town ROW area shall be submitted for review and approval prior to commencing work.
- b. In determining whether to issue a permit, the Director of Public Works shall give due consideration to the effect of the proposed approach upon public safety, sightline and drainage needs.
- c. For driveways, all paving, drainage pipes, culverts, headwalls, catch basins, or ditches deemed necessary by the Director of Public Works or his agent must be installed at the owner's expense. The construction shall meet the requirements of the Road Ordinance, unless varied with the written permission of the Director of Public Works. For other work in town ROW areas, construction shall be conducted in accordance with the approved plans. As applicable, work shall meet the specifications of the Road Ordinance.
- d. The work shall be completed before a Certificate of Occupancy (CO) and a Certificate of Use and Compliance (CC), when applicable, are issued. If extenuating circumstances prevail, as deemed by the Director of Public Works, that prevent completion of work by the time all other CO and/or CC conditions are met, and unless waived by the Director of Public Works, the applicant shall deposit with the Town Treasurer security in the form of cash, in such amount as may be required by the Director of Public Works sufficient to cover the satisfactory completion of all work, including work required to repair the town street or ROW area. The security shall not be less than \$1,000.

- e. For work not involving a CO or CC, the applicant shall deposit with the Town Treasurer security in the form of cash, in such amount as may be required by the Director of Public Works sufficient to cover the satisfactory completion of all work, including work required to repair the town street or ROW area.
- f. If work governed by this ordinance is not completed within twelve (12) months of approval, the Town may utilize all or any necessary portion of the posted security to effect satisfactory completion.
- g. The holder of this permit shall be responsible for any damage done to the town street or ROW area in the completion of said work.

#### Section 5. Declaration of "Snow Emergency"

A "snow emergency" shall be declared by the Mayor or his/her designee, either before, during or after a fall of snow, sleet or freezing rain, when in his/her sound judgement and discretion the circumstances warrant determination of such an emergency in the interest of safety upon the public roads of the Town.

The Mayor's Office shall cause public announcements of such determination of snow emergency prior to the time of becoming effective, after which time a snow emergency shall be in effect. The Mayor or his/her designee shall determine when such emergency no longer exists and shall make public announcement of the same.

#### Section 6. Parking Restrictions

- a. No vehicle shall be permitted to remain parked on any street within the Town between the hours of 1:00 a.m. through 6:00 a.m. daily, during the period of December 1<sup>st</sup> through March 31st of each winter.
- a. It shall be unlawful at any time during the period of any snow emergency under provisions of this Ordinance for the owner of a vehicle or person in whose name it is registered, to allow, permit or suffer said vehicle to remain parked on any street in the Town of Ledyard.
- a. No vehicle shall be permitted to be parked on any street for a period of more than ten (10) consecutive days **in any 365-day period**. After such period, such vehicle will be considered a fixed obstruction according to Section 3 Paragraph (a).
- a. *No person shall park or store any commercial or industrial vehicle on any public street or roadway within any residential district or in front of any property currently used residentially unless for the purpose of actively loading or unloading materials, or while actively engaged in providing commercial service at the premises; nor shall such vehicles be parked in a residential district or in front of an existing residence outside normal business hours unless on site for an emergency service call.*

#### Section 7. Owner

In any prosecution or proceeding hereunder, the registration plate displayed on the vehicle shall constitute prima facie evidence that the owner of such vehicle was the person who parked such vehicle at the place where such violation occurred.

#### Section 8. Towing

Whenever any motor vehicle shall be found parked on any Town road during a period when parking is prohibited as herein set forth, such vehicle may be removed or conveyed under the direction of the Town Police Department by means of towing the same is found to be parked in violation of Section 6 of this ordinance, the motor vehicle may be removed (towed) at the owner's expense and/or a State of Connecticut Complaint Ticket (a parking ticket) shall be issued by the Ledyard Police Department. Each day that a violation continues shall be deemed a separate offense.

Such removal shall be at the risk of the owner, and such owner is subject to the terms of the towing company in retrieving the vehicle.

Section 9. Penalties

- a. Any person, firm or corporation violation any provisions of Sections 3 or 4 of this ordinance shall be fined not more than Two Hundred (\$200.00).
- b. Any person found in violation of the provisions of Section 6 of this ordinance will be subject to the issuance of an infractions summons and be subject to a fine in accordance with a schedule, which *may be amended from time to time with the approval of the Town Council. The fine schedule is hereby incorporated in this Ordinance as fully set forth herein. (Appendix A).* ~~in accordance with the State of Connecticut Superior Court schedule.~~
- c. *Payment of the fine(s) associated with the issue of any Ticket shall be in accordance with current Connecticut State Statutes.*

Section 10. Severability.

If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 11. Effective Date

In accordance with the Town Character this ordinance shall become effective on the twenty-first (21<sup>st</sup>) day after such publication following its final passage

Amended and Adopted by the Ledyard Town Council on: \_\_\_\_\_

\_\_\_\_\_  
Kevin J. Dombrowski, Chairman

\_\_\_\_\_  
Fred B. Allyn, III, Mayor

Published on:

Effective date:

\_\_\_\_\_  
Patricia A. Riley, Town Clerk

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Revisions: Ordinance #38 “*Ordinance Prohibiting Parking on Town Roads During Winter Storms and Providing Penalties for the Violation Thereof*” adopted July 27, 1987; Ordinance #75 “*An Ordinance Amending An Ordinance Prohibiting The Placing of Obstructions or the Drainage of Water on Town Roads*” Adopted: June 9, 1999; Ordinance #100 “*An Ordinance Regulating Construction of Driveways to or Other Work Right-of-Way Areas of Any Street or Highway of the Town of Ledyard*” Adopted: February 8, 2006 .Ordinance #152 “*An Ordinance Regulating parking and Other Activities in town Roads and Rights-of-Way and Providing Penalties for the Violation Thereof*” Adopted August 8, 2018; Effective: September 4, 2018. Renumbered #300-027 on September 25, 2019. Amended on February 26, 2022 #300-027 (rev1); Effective: March 24, 2020.

History:

The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #152 “*An Ordinance Regulating Parking and Other Activities in town Roads and Rights-of-Way and Providing Penalties for the Violation Thereof*” to Ordinance #300-027.

1999: Ordinance #38 “*An Ordinance Prohibiting the Placing of obstructions or the Drainage of Water on Town Roads*”. Section 1 added “*including portable or permanent basketball hoops*”

2018: Combined Ordinances #38, #75 & #100 because the subject matter of the three Ordinances dealt with the similar issue of the town right-of-way. Most of the language of the three ordinances did not change. Section 6 “*Parking Restrictions*”; added paragraph (c) *No vehicle shall be permitted to be parked on any street for a period of more than ten (10) consecutive days. After such period, such vehicle will be considered a fixed obstruction according to Section 3 Paragraph (a).* Updated State Statute numbers throughout the document. Section 3 “*General Restrictions*” paragraph (a) removed the following language “*including portable or permanent basketball hoops*”.

2019: Removed Section 11 “*Cancellation of Previous Ordinances*” - Per Town Attorney a “*Cancellation Section*” was not needed. The “*Revisions*” and “*History*” paragraphs indicate that the previous ordinance has been updated and replaced. Added new Section 11 “*Effective Date*” to be consistent with Town Ordinance format. No substantive changes were made to the ordinance.

2020 (rev.1): Section 3. General Restrictions: Inserted a new paragraph (b) as follows: “*In the case of clearing and handling leaves from and in proximity to private properties, no person, firm or corporation shall place or leave any leaves in the roadway or permanently place leaves on Town property. Residents who contract out leaf removal services at their property shall be liable also for violations of this provision of the party they hire*” and re-lettered the remaining paragraphs accordingly.

**2023 (rev. 2): Updated in various places to incorporate prohibitions related to parking commercial and industrial vehicles in residential districts as follows:**

**Section 2 “Definitions” added subparagraph (e).**

**Section 6”Parking Restrictions” added subparagraph (d).**

**Section 8 “Towing” Reworded paragraph as follows:** Whenever any motor vehicle **shall be found parked on any Town road during a period when parking is prohibited as herein set forth, such vehicle may be removed or conveyed under the direction of the Town Police Department by means of towing the same is found to be parked in violation of Section 6 of this ordinance, the motor vehicle may be removed (towed) at the owner's**

*expense and/or a State of Connecticut Complaint Ticket (a parking ticket) shall be issued by the Ledyard Police Department. Each day that a violation continues shall be deemed a separate offense.*

**Section 9 “Penalties”**

*Subparagraph (b) added the following language: may be amended from time to time with the approval of the Town Council. The fine schedule is hereby incorporated in this Ordinance as fully set forth herein. (Appendix A). Removed the following language. And removed the following language: “in accordance with the State of Connecticut Superior Court schedule”.*

**Added subparagraph (c)**

**Added Appendix - Fee Schedule**

*The 2023 changes noted above are further subject to the following background.*

**Sec. 7-148. Scope of Municipal Powers**

Fine up to \$90 is considered an infraction. Fine above \$90.00 to \$250.00 is considered a “violation”. Both are enforceable on a state infraction ticket.

Sec. 51-164p. Violations of municipal ordinances, regulations and bylaws. (a) Notwithstanding any provision of any special act, local law or the general statutes to the contrary, any violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty does not exceed ninety dollars shall be an infraction as provided for in sections 51-164m and 51-164n.

(b) Notwithstanding any provision of any special act, local law or the general statutes, any violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars shall be a violation as provided for in sections 51-164m and 51-164n.

(P.A. 75-577, S. 9, 126; P.A. 80-483, S. 133, 186; P.A. 06-185, S. 9.)

P.A. 80-483 specified that violations with penalties not exceeding \$90, rather than \$100, are infractions; P.A. 06-185 designated existing provisions as Subsec. (a) and added Subsec. (b) re violation of municipal ordinance, regulation or bylaw with penalty between \$90 and \$250.

Cited. 9 CA 686.

Sec. 14-251. Parking vehicles. No vehicle shall be permitted to remain stationary within ten feet of any fire hydrant, or upon the traveled portion of any highway except upon the right-hand side of such highway in the direction in which such vehicle is headed; and, if such highway is curbed, such vehicle shall be so placed that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve inches from the curb, except if a bikeway, as defined in section 13a-153f, or such bikeway's buffer area, as described in the federal Manual on Uniform Traffic Control Devices, is in place between the parking lane and the curb, such vehicle shall be so placed that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve inches from the edge of such bikeway or buffer area.

No vehicle shall be permitted to remain parked within twenty-five feet of an intersection or a marked crosswalk at such intersection, except within ten feet of such intersection if such intersection has a curb extension

treatment with a width equal to or greater than the width of the parking lane and such intersection is located in and comprised entirely of highways under the jurisdiction of the city of New Haven, or within twenty-five feet of a stop sign caused to be erected by the traffic authority in accordance with the provisions of section 14-301, except where permitted by the traffic authority of the city of New Haven at the intersection of one-way streets located in and comprised entirely of highways under the jurisdiction of the city of New Haven.

No vehicle shall be permitted to remain stationary upon the traveled portion of any highway at any curve or turn or at the top of any grade where a clear view of such vehicle may not be had from a distance of at least one hundred fifty feet in either direction. The Commissioner of Transportation may post signs upon any highway at any place where the keeping of a vehicle stationary is dangerous to traffic, and the keeping of any vehicle stationary contrary to the directions of such signs shall be a violation of this section. No vehicle shall be permitted to remain stationary upon the traveled portion of any highway within fifty feet of the point where another vehicle, which had previously stopped, continues to remain stationary on the opposite side of the traveled portion of the same highway.

No vehicle shall be permitted to remain stationary within the limits of a public highway in such a manner as to constitute a traffic hazard or obstruct the free movement of traffic thereon, provided a vehicle which has become disabled to such an extent that it is impossible or impracticable to remove it may be permitted to so remain for a reasonable time for the purpose of making repairs thereto or of obtaining sufficient assistance to remove it. Nothing in this section shall be construed to apply to emergency vehicles and to maintenance vehicles displaying flashing lights or to prohibit a vehicle from stopping, or being held stationary by any officer, in an emergency to avoid accident or to give a right-of-way to any vehicle or pedestrian as provided in this chapter, or from stopping on any highway within the limits of an incorporated city, town or borough where the parking of vehicles is regulated by local ordinances. Violation of any provision of this section shall be an infraction.

Sec. 14-252. Parking so as to obstruct driveway. No person shall park or leave stationary on a public highway any vehicle in front of or so as to obstruct or interfere with the ingress to or egress from any private driveway or alleyway, except with the permission of the owner of such private driveway or alleyway. Such parking or stationary position of any vehicle with such permission shall be subject to existing parking regulations. Violation of any provision of this section shall be an infraction.

(1949 Rev., S. 2510; February, 1965, P.A. 448, S. 29; P.A. 75-577, S. 101, 126.)  
History: 1965 act added provision requiring compliance with parking regulations when blocking drive or alley; P.A. 75-577 replaced provision for \$25 maximum fine with statement that violation of provisions is an infraction.

See Sec. 14-107 re liability of owner, operator or lessee of vehicle.

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DRAFT: 10/13/2022

***Ordinance # 300-027***

***APPENDIX A***

***AN ORDINANCE REGULATING PARKING OF***

**COMMERCIAL VEHICLES ON PUBLIC STREETS IN RESIDENTIAL ZONES  
AND/OR IN FRONT OF RESIDENTIALLY USED PROPERTIES**

**\*ALL BELOW FINES ARE IN ADDITION TO THE SURCHARGE REQUIRED BY  
THE STATE OF CONNECTICUT**

<b>First Offense (Infraction):</b>	<b>\$90</b>
<b>Subsequent Offense (Violation):</b>	<b>\$200</b>

**Adopted by the Ledyard Town Council on: \_\_\_\_\_**

**\_\_\_\_\_  
Kevin J. Dombrowski, Chairman**

Sec. 7-148. Scope of municipal powers

**VIOLATION OF MUNICIPAL PARKING ORDINANCES**

The complaint ticket may be used for violations of municipal parking ordinances where the amount of the penalty established by the ordinance is \$250.00 or less.

When computing the "Total Amount Due" begin with the ordinance penalty amount. Where the ordinance penalty amount is \$90.00 or less, add to that amount the fee amount which is equal to one dollar for each \$8.00 or fraction thereof on the first \$88.00 of the ordinance penalty amount. To this sum, add a surcharge of \$20.00 if the Ordinance penalty amount is less than \$35.00. If the Ordinance penalty amount is \$35.00 or more add a surcharge of \$35.00. Where the ordinance penalty amount exceeds \$90.00 but does not exceed \$250.00, the "Total Amount Due" is equal to the ordinance penalty amount.

STATUTE. NO.

7-148\* Municipal PARKING ordinance where the amount of the penalty is \$90.00 or less.  
(See Examples 1 and 2 Below)

7-148PK91-250 Municipal PARKING ordinance where the amount of the penalty is greater than \$90.00  
but not more than \$250.00. (See Example 3 Below)

- EXAMPLES: 1. Ordinance Penalty Amount \$29.00; Total Amount Due = \$53.00 (\$29.00 +\$4.00 (Fee) + \$20.00 (Surcharge))
2. . Ordinance Penalty Amount \$35.00; Total Amount Due = \$75.00 (\$35.00 +\$5.00 (Fee) + \$35.00 (Surcharge))
3. Ordinance Penalty Amount \$100.00; Total Amount Due = 100.00

Moved by Councilor Paul, seconded by Councilor Rodriguez

Discussion: Councilor Paul stated the Town Council held a Public Hearing regarding the proposed Ordinance

Amendments on December 14, 2022 at which three residents provided comments.

Councilor Paul continued by providing some background explaining that the proposed amendments to Ordinance # 300-027 “ *An Ordinance Regulating Parking Of Commercial Vehicles On Public Streets In Residential Zones And /Or In Front Of Residentially Used Properties*” were to prohibit/limit the parking of commercial vehicles on streets in residential neighborhoods. He stated residents expressed concerns regarding large commercial trucks such as oil trucks, tow trucks, etc., being parked on residential streets, noting the large commercial vehicles impede site lines, and trucks were being started-up at 2:00 a.m. in front of neighbors’ homes, etc.

Councilor Paul concluded by stating in response to comments received at the Public Hearing a few minor, non-substantive updates to the language in the proposed Ordinance were made as noted by the **highlighted green font** in the Ordinance above.

Councilor Rodriguez stated that the parking of commercial vehicles in residential neighborhoods was also a safety concern.

8 - 0 Approved and so declared

Action: Approved and so declared

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**Land Use/Planning/Public Works Committee Meeting 01/09/2023:**

File #: [22016](#) Version: 5

Type: Ordinance

Title: MOTION to adopt proposed amendments to Ordinance #300-027 (rev 2) “*An Ordinance Regulating Parking And Other Activities In Town Roads And Rights-Of-Way And Providing Penalties For The Violation Thereof*” to include editorial clarifications received at the December 14, 2022 Public Hearing.

Moved: Paul Seconded: Rodriguez

Action: Recommend to approve

**Minute Note:**

Moved by Councilor Paul, seconded by Councilor Rodriguez

Discussion: Councilor Marshall stated the Town Council received some good comments at the December 14, 2022 Public Hearing and that he supported putting the proposed Ordinance amendments forward as presented this evening.

Chairman Dombrowski stated he referred the proposed amendments to Ordinance # 300-027 “ *An Ordinance Regulating Parking Of Commercial Vehicles On Public Streets In Residential Zones And /Or In Front Of Residentially Used Properties*” back to the LUPPW Committee to review the Public Hearing comments received. He noted the non-substantive suggestions have been included in the draft dated December 14, 2022 for the LUPPW Committee to consider and were noted by the **highlighted green font** in the Ordinance above as follows:

- Section 2 - Subparagraph (e) “.....*Commercial or industrial vehicle*” also includes *nonmotorized dumpsters, storage units, open or utility trailers greater than six (6) feet in length and or in height,....*”
- Section 6 - Subparagraph (c) “ No vehicle shall be permitted to be parked on any street for a period of more than ten (10) consecutive days *in any 365-day period*. After such period, such vehicle will be considered a fixed obstruction according to Section 3 Paragraph (a).

Chairman Dombrowski stated the public comment that was not included was regarding a grace period.

Councilor Rodriguez stated that she was pleased that the residents’ concerns were heard, noting that they had some valid concerns.

The LUPPW Committee agreed with the non-substantive editorials presented in the draft dated December 14, 2022.

VOTE: 3 - 0 Approved and so declared.

Action: Recommend to approve

### **Town Council Public Hearing 12/14/2022:**

File #: [22016](#) Version: 5

Type: Ordinance

Title: Proposed amendments to Ordinance #300-027 (rev 2) “*An Ordinance Regulating Parking And Other Activities In Town Roads And Rights-Of-Way And Providing Penalties For The Violation Thereof*” as contained in draft dated October 13, 2022

Action: Received Comments

#### **Minute Note:**

**Ms. Robin Franklin**, 13 Kalmia Drive, Gales Ferry, Robin in the Garden Landscaping, noted that she sent a letter earlier today to express the following concerns regarding the proposed changes to Parking Ordinance #300-027, both as a private citizen and as a small business owner. She stated that she understood that there were concerns that the Town Council was trying to address, but that she would like to see narrower language used to address them.

Ms. Franklin suggested the time restriction proposed in Section 6d should be changed from no parking in front of a residence after normal business hours to “*no more than 48 hours*” or “*no more than 72 hours*”. She stated that she had a landscaping business which she operated from her home property. She stated for over 320 days of the year, her were vehicles were parked on her property, far from the street. However, she stated occasionally that she needed to leave her trailer attached to her van overnight if, for example, she had it loaded with mulch for the next morning or if it was full of brush to bring to the transfer station on a day when the transfer station was not open. She stated if the new restrictions were passed, and she could not park on the street overnight that she would have to back the trailer down her 200-foot driveway, which would be a hardship.

Ms. Franklin continued by noting that she has also seen a number of projects, such as roofing, painting, or pools done in her neighborhood where companies have left vehicles for a few days, and she commented that she accepted that because it was the most convenient and inexpensive way for the contractors to do their jobs.

Ms. Franklin went on to suggest that Section 6a be removed, noting that occasionally people need to park in the street overnight, especially during holidays. Because this restriction was only for December through March, it was apparently for snow removal, which was already addressed in Section 6b, of the emergency parking ordinance.

Ms. Franklin concluded by stating that she would like to see narrower language used to address safety concerns and the nuisance parking issues. She stated although her commercial vehicles were small that they were within the size limit mentioned in the ordinance, and the proposed ordinance amendments would create difficulty for her in operating her business. She asked that the Town Council please keep the ordinance both citizen and small business friendly.

*Mr. Eric Treaster*, 10 Huntington Way, Ledyard, was attending the Public Hearing remotely, and he stated although he agreed that something should be done to address the safety concerns that he wanted to offer the following clarifications to the proposed ordinance amendments. Mr. Treaster's comments are as noted below in *pink font*.

Mr. Treaster continued by noting the following:

- Section 2. Definitions

*(e) For the purpose of this Ordinance "commercial or industrial vehicle" means any vehicle the principal use of which is the transport of commodities, merchandise, produce, freight, and any vehicle used primarily in construction, industry, including but not limited to, bulldozers, backhoes, tractors, tow trucks, dump trucks, tractor trailers (cab and/or trailer), or trucks fitted with cranes, air compressors, welders, tanks or similar equipment. "Commercial or industrial vehicle" also includes nonmotorized dumpsters, storage units, open or utility trailers greater than six (6) feet in length and height, and tool lockers; taxicabs, limousines, and/or any passenger vehicle that is greater than eight (8) feet in height marked with a sign, letters, or emblem advertising a commercial enterprise.*

Mr. Treaster stated that he believed the following language "*commercial or industrial vehicle" means any vehicle the principal use of which is the transport of commodities, merchandise, produce*" could refer to any ordinary pick-up truck that had commercial license plates that had an air compressor in the back.

Mr. Treaster stated the word "*and*" should be replaced with "*or*" as follows: "*Commercial or industrial vehicle" also includes nonmotorized dumpsters, storage units, open or utility trailers greater than six (6) feet in length ~~and~~ or in height,*"

Mr. Treaster went on to state that he believed the language in Section 2 (e) would allow motor homes, Recreational Vehicles (RV) travel trailers and school buses to be parked on the street for up to 10-days during the non-winter-time. He stated he suspected that this was not the intent.

Mr. Treaster stated the language in Section 6 (d) was redundant and he questioned "what was "*outside of normal*

*business hours*” as noted below:

- Section 6. Parking Restrictions

*(d) No person shall park or store any commercial or industrial vehicle on any public street or roadway within any residential district or in front of any property currently used residentially unless for the purpose of actively loading or unloading materials, or while actively engaged in providing commercial service at the premises; nor shall such vehicles be parked in a residential district or in front of an existing residence **outside normal business hours** unless on site for an emergency service call.*

Mr. Treaster questioned what a normal business was doing in a residential district, unless it was a home occupation; and he noted that a “home occupation” was regulated by the Zoning Regulations.

Mr. Treaster noted the following:

- Section 8. Towing

*“Whenever any motor vehicle shall be found parked on any Town road during a period when parking is prohibited as herein set forth, such vehicle may be removed or conveyed under the direction of the Town Police Department by means of towing the same is found to be parked in violation of Section 6 of this ordinance, the motor vehicle may be removed (towed) at the owner's expense and/or a State of Connecticut Complaint Ticket (a parking ticket) shall be issued by the Ledyard Police Department. Each day that a violation continues shall be deemed a separate offense.*

*Such removal shall be at the risk of the owner, and such owner is subject to the terms of the towing company in retrieving the vehicle”.*

Mr. Treaster questioned who would pay for the storage fee of the towed vehicle and he suggested language be added to state: “The vehicle owner would pay for the storage fees”

Chairman Dombrowski stated the next sentence addressed the towing and storage fees as follows:

*“Such removal shall be at the risk of the owner, and such owner is subject to the terms of the towing company in retrieving the vehicle”*

Mr. Treaster noted the following:

- Section 9. Penalties

(a) Any person, firm or corporation violation any provisions of Sections 3 or 4 of this ordinance *shall be fined not more than Two Hundred (\$200.00).*

(b) Any person found in violation of the provisions of Section 6 of this ordinance will be subject to the issuance of an infractions summons and be subject to a fine in accordance with a schedule, which *may be amended from time to time with the approval of the Town Council. The fine schedule is hereby incorporated in this Ordinance as fully set forth herein. (Appendix A).* ~~in accordance with the State of Connecticut Superior Court schedule.~~

(c) *Payment of the fine(s) associated with the issue of any Ticket shall be in accordance with current Connecticut State Statutes.*

Mr. Treaster noted “*Appendix A- Fee Schedule*” stated that a fine of \$200.00 could be issued. Therefore, he noted the language in Section 9 “*shall be fined not more than Two Hundred (\$200.00)*” was conflicting.

Mr. Treaster noted subsection (c) and he questioned whether the fine was paid to the Town or did it get paid to the State. He questioned who received the payment of the fine and who issued the receipt.

**Mr. Lee Wilmonen**, 47 Seabury Avenue, Ledyard, was attending the Public Hearing remotely, proposed a revision to Section 6 subparagraph (c) which stated:

- Section 6. Parking Restrictions

- (c) No vehicle shall be permitted to be parked on any street ***for a period of more than ten (10) consecutive days***. After such period, such vehicle will be considered a fixed obstruction according to Section 3 Paragraph (a).

Mr. Wilmonen stated a person could park a vehicle on a street for nine days, move the vehicle off the street for one day and then move the vehicle back on the street for another nine days and not be in violation of the Ordinance. He stated in theory this could be done year-round without violating Ordinance #300-027 (rev 2) “*An Ordinance Regulating Parking and Other Activities in Town Roads And Rights-of-Way And Providing Penalties for the Violation Thereof*”. He proposed the following language be added to provide clarification and to prevent the possibility of vehicles being parked on the street for extended period time:

***“No more than ten-days in any 365 day period”***

Mr. Wilmonen went on to state he lived in Parsonage Hill Manor and that they have had vehicles parked for long periods of time during the past six-months. He stated this creates safety hazards for walkers, school buses, delivery vehicles, and cars because two vehicles cannot pass each other with the parked vehicles taking up the traffic lane. He stated one vehicle was parked at a key intersection for a period of time, which was particularly hazardous.

**Police Chief John Rich** addressed Mr. Treaster’s question regarding the payment of the fines. He stated the fines/tickets would be paid in accordance with the Connecticut State Statutes. He stated the infraction ticket that would be issued by the Ledyard Police Department would be the typical mail-in infraction ticket. He stated the ticket would be mailed to the Connecticut Centralized Infraction Bureau with the payment of the fine or the selection to plead “*not guilty*” to the charge. He stated for clarification the fine would be paid to the State and that the State had a court system to adjudicate the matter.

**Mayor Fred Allyn, III**, stated the proposed Ordinance amendments were not in response to one resident, noting that the town has received numerous complaints from school bus drivers on Christy Hill, property owners, etc. He stated some of the roads in subdivisions have narrower streets that do not afford the ability to get around a larger vehicle. He stated when the school buses have difficulty navigating around parked vehicles with potential on-coming cars in obscured location that it becomes an important safety issue. He stated it obviously imposes a problem during the winter months for snow plowing purposes. He stated he has also heard from people who do drive large vehicles home and that he has explained to them that if they cannot park their large vehicle in their driveway it becomes a problem in higher density neighborhoods in particular. He stated the best scenario would be for the large commercial vehicles not to be driven home.

**Chairman Dombrowski** addressed Ms. Franklin’s comments to extend the timeframe for one or two days. He

explained some of the residents' concerns were that neighbors, who were working for a business, were bringing home vehicles such as large tow trucks. He stated the large commercial vehicles were sitting on the street idling (running) all night long and blocking people driveways, noting that these types of vehicles were only there overnight, which was one of the problems.

Chairman Dombrowski went on to explain the reason the time frame of December 1<sup>st</sup> to March 31<sup>st</sup> was included in Ordinance #300-027 (rev 2) was so the Police Department did not have to notify people to move their vehicles off the road for the Public Works Department to plow the streets if there was a snow storm overnight.

Councilor Dombrowski also explained that some commercial entities that use what was public property to support the use of their business, which was unfair to the taxpayers and residents.

**Mr. Bill Saums**, 333 Pumpkin Hill Road, Ledyard, Town Councilor, stated it was unfortunate that the town had to take this step noting that he fully supported the proposed amendments to Ordinance #300-027 (rev 2) "*An Ordinance Regulating Parking and Other Activities in Town Roads And Rights-of-Way And Providing Penalties for the Violation Thereof*". He stated that he was sympathetic to Ms. Franklin and her small business; and he commented if they did not have so many people taking advantage of their neighbors they would not have to amend the Ordinance. He stated for those who do not like laws and regulations that this was why it happens. If stated when folks abuse the system, abuse their neighbors, or take advantage of things, laws get written and enforced.

**Ms. Andra Ingalls**, 5 Bolduc Drive, Ledyard, Town Councilor, stated that she agreed Councilor Saums' comments noting that it was unfortunate that the town had to take these steps. She stated this situation was similar to the Short-Term Rental issue, in that most people were renting their homes out on a short-tem basis quietly and well. However, she stated because a few people did it very badly to the abuse of their neighbors, it had to be regulated.

**Ms. Robin Franklin**, 13 Kalmia Drive, Gales Ferry, Robin in the Garden Landscaping, stated it sounded like most of the issues were being caused by fairly large trucks, particularly diesel vehicles and large commercial vehicles. Therefore, she questioned whether the proposed Ordinance amendments could specify "*diesel vehicles*". Chairman Dombrowski explained that this issue they were addressing in the proposed Ordinance was not only diesel vehicles. Mayor Allyn also explained that it was not just about diesel engines noting that a residential (non-commercial) use of a F150 pick-up truck could have a diesel engine.

**Mr. Eric Treaster** suggested also adding a requirement that the large Inter-state Highway tractor trailers not be parked on residential sites. Chairman Dombrowski explained the Town Council could not regulate what people do on their property through an ordinance, noting that this would be a zoning matter, and was statutorily outside the Town Council's preview.

**Department Comment/Recommendation:**  
(type text here)

**Mayor Comment/Recommendation:**

(type text here)

**Body:**

(type text here)