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October 6, 2009

REPORT OF THE COMMITTEE
ON LEGISLATIVE MATTERS

The Committee on Legislative Matters convened on October 6, 2009 with Chairman Thomas Taylor presiding and Committee Members Aldermen Rebekah Gewirtz and John Connolly also present and voting. Also present were Administrative Assistant Matt Dias, DPW Commissioner Stan Koty, Assistant City Solicitor David Shapiro, Superintendent of Inspectional Services George Landers, Stephen Mackey from the Chamber of Commerce and interested members of the public.

187694 - Ordinance relative to the use of construction dumpsters

Mr. Shapiro addressed the committee and spoke about two sections of the ordinance, as follows:

1. Sidewalks are also included in the fine structure and
2. The Board of Aldermen has the authority to set the fines.

Mr. Shapiro explained that because the Inspectional Services Department is involved in enforcement, an ordinance change, rather than a policy change, was needed in case the city has to pursue the collection of fines through the courts. Alderman Gewirtz suggested that a warning be given for the first offense followed by a fine for the 2nd offense.

Alderman Gewirtz's motion to strike the second and third sentences in Paragraph B Sec. 12-77 was approved.

Alderman Gewirtz's motion that first offenses receive a warning, second offenses be fines \$200 and third offenses be fined \$300, was approved.

Alderman Connolly's motion that the first offense warning apply to homeowners and not to contractors, was not approved.

Alderman Gewirtz's motion that the fee structure for dumpsters remain at \$100 per week and that the Administration reconsider and not increase the fee, was approved.

Chairman Taylor's motion to reconsider the item was approved and the item was left in committee.

186863 - Revisions to Ord. 8-7, re: hours of retail and service establishments

Mr. Shapiro told the members that the Solicitor's Office had received suggestions from Mr. Mackey regarding this issue. Mr. Shapiro presented a draft and recommended changes, as show on the attachment. Mr. Shapiro will provide the committee with a list of the establishments that are open beyond midnight. Chairman Taylor and Alderman Connolly asked that the deleted clause (f) in Sec. 8-7, be reinserted or that the wording be modified to deal with limited, short term durations, and that said language be submitted to the Board of Aldermen and the Licensing Commission for review. The members further requested that the language allow the Board of Aldermen to issue permits without holding a public hearing.

187978 - Ordinance regarding weeds, grass and overgrowth

Mr. Shapiro reviewed the draft of the ordinance and explained the language that was added to address the concerns of Alderman Heuston. Chairman Taylor will leave the item in committee until the language can be reviewed with Alderman Heuston.

186797 - Revision to a proposed Ordinance regarding snow/slush/ice on sidewalks

Mr. Shapiro reviewed the draft ordinance with the members and noted that additions that were made to address the concerns of the Board of Aldermen.

The committee discussed matters before it and took action on the following item:

186797: Communication - Asst. City Solicitor submitting a revision to a proposed Ordinance (#186446) regarding snow, slush and ice on sidewalks.

RECOMMENDATION: Should be approved

VOTE: Unanimous, 3 - 0 in favor

Alderman Thomas F. Taylor, Chairman
Committee on Legislative Matters