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RULES AND ORDINANCES COMMITTEE
MINUTES OF MEETING – TUESDAY, April 16, 2019 @ 7:00 PM

2019 APR 22 A 10:48

At approximately 7:00PM, Chairman Leonard opened the meeting. Present were Representatives Anderson, Buchanan, Hentschel, Ingraham, & Walker. Present also were Town Department heads and RTM Representatives Peter Black and Linda Erlanger.

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BRANFORD, CONNECTICUT

1. To hear and vote on the following Department Budgets as recommended by the Board of Finance to the Branford RTM:

Inland Wetlands and Natural Resources	Peter Basserman	p. 25
Building Inspection and Enforcement	Anthony Cinicola	35
Conservation & Environment	Karen Hannon	49
Economic Development	Tery Elton/Perry Maresca	24
Planning and Zoning		22
Zoning Board of Appeals		23

Motion to approve these budgets as proposed to the Board of Finance passed unanimously.

Water Pollution Control Authority Dan Gregory pp. 38, 64-65

Motion to approve the WPCA budget passed unanimously with adjustments to: Sewer Line and Manhole Repair reduced to \$50,000 (p.65.4) and Force Main & Sewer System Rehab reduced to \$400,000 for 2019-20 (p.65.5).

By Motion seconded and approved, the order of agenda items was changed.

2. To consider and, if appropriate, create an ordinance re: the Tree Warden & Public Tree Protection in Branford.

Motion to re-refer the proposed Ordinance passed unanimously.

3. To consider and, if appropriate, create an ordinance restricting the use of plastic bags for retail checkout. After discussion, the committee voted to approve and send to Town Counsel for review.

Motion to approve the proposed Ordinance passed 5 to 1.

4. To review Branford's Town Dock ordinance and, if appropriate, revise relative to time limits and rights of appeal. After discussion, the committee voted to approve and send to Town Counsel for review.

Motion to approve the proposed revision passed unanimously.

5. Pursuant to Town Meeting Rules [A236-4.1(1)(d)] re: R&O's assigned duties, to consider and, if appropriate, adopt a uniform procedure for ordinance enforcement.

Motion to re-refer the Review passed unanimously.

6. To consider and, if appropriate, approve an extended tax abatement of real property taxes on properties located on 13-29 Rogers Street and 142-190 Ivy Street for an additional ten years effective for the October 1, 2019 Grand List as permitted by section 169-2(4) of Branford Town Code. (Housing Development Corp. and Branford Interfaith Housing Corp.)

Motion to approve the change as proposed by Town Counsel passed unanimously.

Upon motion made and seconded, the meeting was adjourned.

Dated this 22nd day of April, 2019.

John F. Leonard
Chairman, R & O Committee

Town of Branford
Ordinance to Reduce Plastic Trash
By Prohibiting Any Plastic Bags Being Used for Retail Checkout
 As Approved by Rules and Ordinances Committee 4-16-2019

Sections of the Document:

- Sec. 1-Purpose
- Sec. 2-Definitions
- Sec. 3-Restriction on Checkout Bags
- Sec. 4-Recyclable Paper Bag Fees
- Sec. 5-Operative Date
- Sec. 6-Penalty Amount
- Sec. 7-Enforcement Procedures

Sec. 1- Purpose

The purpose of this ordinance is to protect and improve the environment of Branford including its coastline and marine life, and the health, safety, and welfare of its residents by reducing the use of plastic and paper bags and encouraging the use of reusable carryout bags during the purchase of retail goods.

Sec. 2- Definitions

The following words terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section:

- a. *Checkout Bag* means a carryout bag that is provided to a customer.
- b. *Plastic Product Bag* means a flexible container made of very thin plastic material that is used to transport produce and meats to the point of sale, or transport small unpackaged products (i.e. beads & small hardware items), or clothing from a dry cleaner, or other items selected by customers to the point of sale.
- c. *Retail Sales* means the transfer to a customer of goods in exchange for payment occurring in entities engaged in retail sales, sidewalk sales, farmers' markets, flea markets, restaurants or other commercial or non-profit establishments which provide perishable or non-perishable goods.
- d. *Recyclable* means material that can be sorted, cleansed and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, or otherwise thermally destroying solid waste.
- e. *Recyclable Paper Bag* means a paper bag that should have the following characteristics:
 1. Contains no old growth fiber, as indicated by a stamp on the bag by FSC (Forest Stewardship Council) or another similar certification organization.
 2. Is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content as indicated by a stamp on the bag and displays the word "Recyclable" on the outside of the bag.
- f. *Reusable Checkout Bag* means a bag provided by the retail entity at the point of sale with handles that is specifically designed and manufactured for multiple reuses. Bags shall meet the following requirements:
 1. Is made of natural fibers.
 2. Has a minimum volume capacity of 15 liters
 3. Is machine washable
 4. Shall be capable of carrying 22 pounds over a distance of 175 feet for a minimum of 125 uses.
 5. Shall not be made of plastic film.
 6. It shall be sewn.
 7. It shall have a minimum fabric weight of at least 80 grams per square meter.
- g. *A First Violation* means engagement in any of the prohibited actions of this ordinance at any point or points within a one-week period by an entity engaged in retail sales.
- h. *A Subsequent Violation* - After an entity engaged in retail sales has been issued a citation for a First Violation, further engagement in any of the prohibited actions of this ordinance within a one-day period by the entity engaged in retail sales shall be considered a Subsequent Violation.

Sec. 3- Restriction on Checkout Bags

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- a. Any entity engaged in retail sales may only provide Reusable Checkout Bags and/or Recyclable Paper Bags as checkout bags to customers, if any are provided. No entity engaged in retail sales shall provide plastic checkout bags to any customer.
- b. No distribution of any type of plastic bags shall be permitted at any town facility or any event held on town property.
- c. This restriction shall not preclude entities engaged in retail sales from providing Plastic Product Bags to customers for items as defined above.
- d. Nothing in this section shall preclude entities engaged in retail sales from making Reusable Checkout Bags available for sale to customers as long as those bags comply with Section 2.

Sec. 4- Recyclable Paper Bag Fees

- a. Entities engaged in retail sales may charge and retain a fee of \$0.10 for each Recyclable Paper Bag provided to a customer. This fee may increase by \$0.05 every five years, not to exceed a maximum fee of \$0.25.
- b. The fee for Recyclable Paper Bags shall not apply to customers making purchases using supplemental nutrition assistance program (SNAP), supplemental nutrition program for women, infants and children (WIC), "food stamps", or seniors 65 years or older. These customers will receive Recyclable Paper Bags free of charge.

Sec. 5- Operative Date

- a. This ordinance shall become operative 6 months after enactment of this ordinance.

Sec. 6- Penalty Amount

- a. A violation of this ordinance will be subject first to an Official Warning.
- b. A First Violation of this ordinance incurred after an Official Warning will be punishable by a civil fine of \$150.
- c. A reduced fine of \$50 for the First Violation can be paid in exchange for eight hours of community service to the Town of Branford to improve Branford's environment. The entity engaged in retail sales will coordinate this service through the Branford Conservation/Environmental Commission.
- d. A Subsequent Violation of this ordinance shall be punishable by a civil fine of \$150.

Sec. 7- Enforcement Procedures

- a. This Ordinance may be enforced by:
 1. Any Officer of the Branford Police Department.
 2. Any Enforcement Officer so designated by the Board of Selectmen.
- b. The procedures to be followed by any designated Enforcement Officer for issuance of warnings, issuance of citations and any requested hearings for violations of this ordinance shall follow the requirements of the Branford Town Code, Citations for Violations of Town Ordinances. [new code section]

Code of the Town of Branford

Current Code

Chapter 126: Boats and Boating

Article II: Tie-ups; Loading and Unloading

[Adopted 11-9-1988]

§ 126-3 Rules and regulations.

The Board of Selectmen is authorized to adopt by majority vote such rules and regulations as it shall determine from time to time regarding the establishment of time limits for temporary tie-ups and for loading and unloading of boats at all Town-owned docks, piers, floats or other docking facilities.

§ 126-4 Enforcement.

The Police Department of the Town of Branford is hereby empowered to enforce such rules and regulations.

§ 126-5 Violations and penalties.

Any person who shall violate any rule or regulation established by the Board of Selectmen under the provisions of this article shall be fined no more than \$100 for each offence.

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Code of the Town of Branford

Proposed

Chapter 126: Boats and Boating

Article II: Tie-ups; Loading and Unloading

§ 126-3 Rules and regulations.

The Board of Selectmen is authorized to adopt by majority vote such rules and regulations as it shall determine from time to time regarding the establishment of time limits for temporary tie-ups and for loading and unloading of boats at all Town-owned docks, piers, floats or other docking facilities.

§ 126-4 Enforcement.

The following officers and agents of the Town of Branford are authorized to act as Enforcement Officers for the provisions of this ordinance.

- (a) All officers of the Branford Police Department (per State of CT Statute)
- (b) Any agent of the Town duly appointed by the Board of Selectmen to enforce this ordinance.
- (c) The Town appointed Dockmaster
- (d) Any Town of Branford Community Service Officer

§ 126-5 Violations and penalties.

Any person who shall violate any rule or regulation established by the Board of Selectmen under the provisions of this article shall be fined no more than \$100 for each offence.

§ 126-6 - Enforcement Procedures

- (a) For Officers of the Branford Police Department, the enforcement procedures stipulated by State of CT Statute shall apply.
- (b) For any Town of Branford designated Enforcement Officer, the procedures for the issuance of warnings, issuance of citations and any requested hearings for violations of this ordinance shall follow the requirements of the *Branford Town Code, Citations for Violations of Town Ordinances*. [new code section].

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Proposed 169-2(4) by Town Counsel

The term of such abatements may continue for a period not to exceed 20 consecutive fiscal years, except that longer periods, not to exceed 10 years in any one extension period and upon such terms and conditions as may be agreed upon, if extended opportunities for reimbursement by the state or by the United States were made available pursuant to law.

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