

Ordinances & Administration Committee
Monday, June 15, 2015 – 6:00 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Robert Whynott; Vice Chair, Councilor Robert Stewart; Councilor Joseph
Absent: None.

Also Present: Councilor Cox; Chip Payson; Linda Lowe

The meeting was called to order at 6:00 p.m. There was a quorum of the City Council.

1. Appointments:

Shellfish Advisory Commission TTE 02/14/18 D. Nathaniel Mulcahy

As Mr. Mulcahy was not present, the Committee continued his appointment to July 6, 2015.

2. CC2015-018 (Cox) Amend GCO c. 21 “Streets, Sidewalks and Other Public Places” be amended by ADDING a new section entitled, “Sec. 21-13. Obstructions” (Cont’d from 06/01/15)

Councilor Cox said the new version of the draft ordinance was amended per the Committee’s requests.

Linda T. Lowe, City Clerk suggested that if what they’re hoping to address of people removing sidewalk tables and chairs, she said in 21-13 (a) until a permit therefore, prior to that insert “or for customer seating” to ensure that there are no illegal seating areas extending premises and will also ensure the distance of 4 feet from the curb is intact. She also suggested helping further clarify under (b) to add a final line to define what temporary is according to the zoning ordinance not to exceed one year. There was a discussion of whether to add a definition in subsection (b) for a definition of “temporary.” **Councilor Stewart** proposed that they add a sentence, “For the purposes of this section, temporary shall mean not in excess of 30 consecutive days.” The statement was agreed upon by the Committee and **Councilor Cox** and **Chip Payson**, General Counsel.

There was a brief discussion of the ordinance related to yard sales and posting signs on telephone poles.

MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinance & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Chapter 21, “Streets, Sidewalks and Other Places” by DELETING “Section 21-9 Sale or display of goods” in its entirety and DELETING “Sec. 21-13 Obstructions” in its entirety and by ADDING a new Section 21-13 entitled, “Obstructions; Sale or Display of Goods” as follows:

Sec. 21-13. – Obstructions; Sale or Display of Goods.

- (a) *Generally.* No person, other than one employed directly or indirectly by the city and while in the performance of necessary duties, shall at any time erect or affix or cause to be erected or affixed in any public sidewalk or city street any fixture or structure or place or leave or cause to be placed or left in any public sidewalk or city street any article or material or merchandise or park a vehicle or a cart in any public sidewalk or city street for the purpose of displaying any article or material or merchandise or for customer seating until a permit therefor has first been obtained from the Building Inspector.
- (b) *Main Street.* Except as provided in chapter 11, no person shall place or keep any table, stall, booth, erection of any kind, package, bundle or anything upon any street, public place or sidewalk, for the sale or display of, or incidental to the sale or display of, any goods or articles whatever, except on Main Street, between Flannagan Square and Washington Street, where temporary displays of merchandise may be erected on sidewalks by retail merchants in front of their stores. For the purposes of this section, temporary shall mean not in excess of 30 consecutive days.
- (c) *Pedestrians.* Temporary displays authorized by subsection (b) of this section shall be only during regular business hours, and a four-foot wide portion of the sidewalk shall remain free and clear of obstructions to pedestrian movement.

- (d) ***Removal; Fines.*** Any such fixture, structure, article, material or merchandise in any city street or public sidewalk found to violate this section as determined by the Building Inspector or his office may be removed by or under the direction of a city police officer and at the owner's expense and such a violation may result in a fine of the cost of removal plus \$50.00.

This matter will be advertised for public hearing.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:20 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.