

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

ORDINANCE COMMITTEE

Tuesday, March 2, 2021

6:30 P.M.

**THE TOWN COUNCIL MEETING WILL BE HELD REMOTELY
ONLY ON MARCH 2, 2021 AND WILL BE ACCESSED THROUGH:**

Please join my meeting from your computer, tablet or smartphone.

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AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes of February 2, 2021 Ordinance Committee Meeting.
5. Discussion and possible action concerning Town Fees for Use in Parks, Ordinance §151-9- Councilor Marrone.
6. Discussion and possible action concerning Metal Detectors in Parks – Parks & Rec.
7. Discussion on Panhandling – Councilor Tatta.
8. Discussion and possible action on Littering on town property, Ordinance §139 – Councilor Zandri.
9. Adjournment

Please wait for Chairman Shortell to instruct the attendees as to how the meeting will be conducted.

In accordance with Title II of the Americans with Disabilities Act- Individuals in need of auxiliary aids for effective communication in programs and services of the Town of Wallingford are invited to make their needs and preferences known to the ADA Compliance Coordinator at 203-294-2070 five days prior to meeting date.

TOWN OF WALLINGFORD, CONNECTICUT

SPECIAL TOWN COUNCIL MEETING

ORDINANCE COMMITTEE

Tuesday, February 2, 2021

6:30 P.M.

HELD REMOTELY VIA GOTOMEETINGS

RECORD OF VOTES AND MINUTES

The meeting was called to order at 6:30 P.M. The Pledge of Allegiance was said. The following Councilors were in attendance: Vincent Cervoni, Thomas Laffin, Joseph Marrone, Gina Morgenstein, Christina Tatta, Jason Zandri, and Chairman Christopher Shortell. Also in attendance was: Corporation Counsel Janis Small.

- 1. Call to Order, Pledge of Allegiance & Roll Call
- 4. Approval of Minutes of December 1, 2020, Ordinance Committee meeting.

MOTION WAS MADE TO APPROVE THE DECEMBER 1, 2020 MINUTES AS PRESENTED.

MADE BY: SHORTELL
SECONDED BY: CERVONI
VOTE: UNANIMOUS
MOTION: PASSED

- 5. Discussion and possible action on Advertising in Town parks.

Chairman Shortell noted that something like this was discussed several years ago. The question is whether the Council would support allowing some sort of local business ads in town athletic fields. It would be controlled by the Town and the Town would get the revenue. He noted that it might be a Planning and Zoning issue.

Kenny Michaels, Director of Parks and Recreation, explained that due to the uncertainty of the budget, they were looking at other possible sources of revenue. So they want to explore allowing sponsorships and advertising to put money back into the fields, facilities, and pavilions. He stated that their purpose tonight is to get the support of the Council to explore the options and create a plan. Jason Michael, Parks and Recreation Commissioner explained the research he has conducted with other towns that do this. He believes this is something that can be done well that will benefit the Town, parks, and small businesses. He stated that their goal is to get permission to do this before they create a detailed plan.

Chairman Shortell asked if a company sponsoring the Community Pool for a season is an example of a possible scenario. Jason Michael confirmed that is a good example. He agreed the details need to be worked out but he expects small businesses would be interested. He mentioned that the Board of Education has a system that is cumbersome but is a good starting place. He noted that ideally the revenue would be used for the parks. Chairman Shortell clarified that they want the money to go into a Parks and Rec account that wouldn't lapse, so it stays in the budget and accrues. Kenny Michaels confirmed. He stated that Parks & Rec already has an endowment fund for donations. Sponsorship and advertising money could go there allowing for projects and improvements of the parks.

Chairman Shortell asked, on behalf of the Conservation Commission, if this would affect parks, athletic fields, and/or open space. Kenny Michaels replied the intent is for parks and ball fields, not to put billboards on the linear trail. He noted that we should explore a company offering a donation to extend the linear trail or sponsor a concert series.

Atty. Small stated that if the plan is for the Town to have control, there could be a legal path under the 1st amendment if this meets the definition of government speech. It would need to be controlled by the Town with strict policies. She explained the legal precedent and stated that she needs to make sure it is okay to call it government speech. She also mentioned that this would be against zoning regulations, so it would have to go to Zoning.

Chairman Shortell asked if the Council would have to amend or create an ordinance. Atty. Small stated that she didn't know yet. At the least, she thought we'd need a policy, but may need an ordinance once we get past the zoning hurdle. Chairman Shortell stated that the Council could pass a resolution supporting the concept.

After hearing no reservations from Council members and no comments from the public, Chairman Shortell stated that the Council supports the proposal. Kenny Michaels stated that this opens the door to possibilities and thanked the Council.

6. Discussion and possible action on Chapter 139 Littering.

Chairman Shortell recapped the last discussion and noted the memo from Atty. Small dated January 9th. The Memo states: "The ordinance is lacking a section on dumping as opposed to littering." The memo states that Atty. Small is creating a section for dumping and as a result rewriting the entire ordinance.

Atty. Small stated that she does not have a draft for review yet. She noted that dumping includes things like furniture and automobiles. She stated that there is also a Solid Waste ordinance which she intends to keep separate from littering. She noted that the statutes are difficult and seem to contradict each other. Dumping personal or business trash in Town receptacles is an infraction with a \$75 fine and should be kept as such instead of creating something different. We would need a sign, and the fees are split with the State but that would keep it simple.

Councilor Zandri stated that people don't think it's wrong to put household trash in or overstuff Town receptacles. He would like the ordinance to have teeth, but it's not about the fees. Chairman Shortell

stated that a scale for fines and enforceability was discussed at the last meeting. He recalled that the intent was to jack up the fine and put up a sign. Councilor Zandri agreed that dumping is another side of the issue. He noted that he has seen signs in town stating fines for littering but they seem to have different fines. He asked if they all could have similar language. Atty. Small stated that there are different fines under the State's infraction codes for simple littering vs. littering on public land. She suggested finding out what's out there and why they are different.

Councilor Morgenstein supported asking Atty. Small to take the Council's feedback and draft the ordinance. Atty. Small said that she can work out the language and the options, including dumping. She recommended leaving the infraction for public receptacles with signage. She noted that dumping has a whole procedure in the statutes and stated that we should be prepared for serious dumping instances.

Councilor Shortell asked if we could raise the infraction fine of \$75. Atty. Small replied that if it is not an infraction we can charge up to \$199. She stated that the State issues a schedule of fines for infractions that are issued by the Police. Infractions can be challenged in court. She added that we could do an ordinance instead. The fine for simple littering would be \$199. Atty. Small added that she found out that 1 cubic square foot is the size of half a kitchen garbage bag. She agreed to have a draft ordinance for review at the next meeting.

7. Discussion and possible action on a Cap on the amount of money in the General Fund.

Atty. Small explained the memo she sent to Council. It could be done by Charter revision but she thought it would be difficult to do by ordinance because it steps on the Council's power and possibly the Mayor's. In terms of controlling how much is available in surplus, Council can deal with it now.

Chairman Shortell brought up the analogy of the Health Fund Ordinance that states 20% of the claim level has to be in the fund. He stated that Atty. Small's memo says the Town has to fund the Health Fund obligations whether or not there's an ordinance. He asked if it was law or ordinance that makes the Town do that. Atty. Small replied that the Town has to fulfill its legal obligations in the fund. If you don't want to have the 20% you don't have to put it there, this was a recommendation by experts. There is a Health Fund because its town money and employee money and the money would be going in and out of the general fund. She stated that she doesn't know if they always have the 20%. If the Council says don't do it, she would recommend revisiting the ordinance. She stated that it's not the same as the general fund surplus.

Chairman Shortell stated that an ordinance created the Health Fund. The 20% is standard business practice because we are self-insured with stop loss. The intent is not to keep the 20% in the general fund. He asked if the Town has to legally pay health insurance claims, why the Council put the 20% in the ordinance.

Councilor Zandri noted that State law caps the general fund at the State level. He asked why we can't create an ordinance that does the same thing. A cap would force the hand of the Mayor. It means the money has to be put into something and executed. Atty. Small replied that the State is king. They can create the laws. The Town is a political subdivision of the State and can do so in the Charter, which is the

enabling authority. You could put language in the Charter that allows the Council to do that by ordinance. But you can't do something by Ordinance that will trump the Charter. Atty. Small said it would be interfering with powers in the Charter, so we'd need to change the Charter. Councilor Zandri stated that he didn't see anything in the Charter that says we can't do this.

Paul Ciardullo, 2 Bayberry Drive, Wallingford, stated that he supports creating the cap because the general fund surplus continues to grow. He suggested putting the annual surplus into a tax credit ordinance. He believes it's legal to do so. He doesn't see anything in the Charter or the State statutes that prevents it.

Chairman Shortell stated that he is not necessarily supportive of tying the hands of a future Council or Mayor. He asked Atty. Small how the Council could get another legal opinion. Atty. Small stated that Council may appoint outside counsel and would have to pay for it. It has been done in the past. She said she would look into how it was done. Chairman Shortell stated that it may be possible to put money in the budget for a lawyer.

Chairman Shortell asked if Council should repeal that aspect of the Health Fund ordinance that stipulates 20%. Atty. Small clarified that she did not say it's irrelevant. She suggests talking to the experts on the necessity before doing anything. The point of creating the fund is so the money doesn't run through the general fund. She said that Council can revisit the 20% stipulation. Chairman Shortell noted that no one objected to the 20% when it was set up and disagrees that this is different from the current proposal.

Mr. Ciardullo suggested creating a rainy day fund with the uncommitted portion of the general fund. He stated that it would provide clarity. Then decide how much money to put in it and review it regularly.

Chairman Shortell sees the following options for the path forward: 1) Councilor Zandri would come back with a draft of an ordinance to be voted on or 2) during the budget cycle make a motion to get an outside attorney for a second opinion.

Councilor Zandri stated that he sees a couple of problems. He doesn't want to earmark funds for legal advice if the Council is not supportive of the proposal. He'd rather find a way to put it to a vote to see if there is support for proceeding.

Chairman Shortell asked the Council, assuming we can get a lawyer to look into whether we can do this, would you support such an ordinance.

Councilor Laffin stated that he is not supportive of the concept. He stated that it is not strong enough to just do an ordinance that can be changed by another council. He stated that there are already mechanisms in place during the annual budget process to manage the funds. He believes it would involve a Charter change.

Councilor Morgenstein stated that she is in favor of supporting inquiring how to do it. She noted that Charters do get opened.

Councilor Marrone stated that he has reservations but doesn't think it's a bad idea. He believes we are reacting to a current situation as opposed to the future. He stated that he is not supportive.

Councilor Tatta stated that even if we get an outside attorney say we could do it, she doesn't see the need. She is not supportive.

Chairman Shortell added that he is not supportive. He counted four opposed but noted that three councilors are absent.

Councilor Zandri noted that anything we pass can be undone. The Charter is harder to undo. He disagrees with the thought that it is not necessary. He stated that the State does it. If we think it's important we should do it. We can move money in any budget cycle and the Mayor can choose not to use it and it goes back into the budget. He suggests creating an ordinance that specifies what needs to happen. If we continue putting money in surplus, people are not getting representation from that tax money. If it's forced that it must be allocated it can be used to fix an additional road or put new windows on the town hall. He stated that he is not going to look to move money to an outside lawyer at this point. He stated that he needs to think about how to go forward.

Councilor Marrone stated that he sees the problem and agrees with 90% of the point. He just doesn't agree with the solution. His goal is to get to a more honest budget with less gimmicky elements. He believes the solution is more in how we budget than what we do with extra money. He agrees that it's a real problem, but he disagrees with the proposed solution.

Councilor Laffin stated for the last few years the surplus has gone down. He agreed that anything can be undone, the difference here is when Council enacts an ordinance, and it's for 48,000 people. This ordinance would limit Council's power. He stated that the only effective way to do this is through the Charter. He stated that he doesn't with the premise.

Mr. Ciardullo stated the general fund process that is being discussed has been that way forever. It affects taxation and would benefit all the community. He agrees there are quirky things in the budget that add up to excess taxation. This is a small step in remedying that. He stated that the Council has demonstrated that it has more power than it thinks it has. He stated that this should go to the Council for a vote.

Chairman Shortell proposed removing the item from the agenda. Councilor Zandri agreed and said he'd think about it some more and put it back on at some point.

Chairman Shortell declared the meeting adjourned at 8:00 pm.

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary



Town of Wallingford, Connecticut

TOWN ATTORNEY
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MEMORANDUM

TO: Christopher K. Shortell, Chairman, Ordinance Committee
Vincent Cervoni, Vice Chairman, Ordinance Committee
Town Council Members


CC: William W. Dickinson, Jr., Mayor
Ken Michaels, Director, Department of Parks and Recreation
Recreation Commission Members

FROM: Janis M. Small, Corporation Counsel

RE: Park Fees

DATE: February 23, 2021

Chapter XVI of the Town Charter provides that the Recreation Commission is advisory to the Department. It also states that the Town Council, by ordinance, may give the Commission other duties and powers. In §151-9 of the Town Code of Ordinances, the Town Council gave the Commission the power to set a facility permit fee structure and related requirements by regulation. The Town Council is free to amend the ordinance as it deems appropriate.



Janis M. Small
Corporation Counsel

JMS/bjc



Town of Wallingford, Connecticut

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MEMORANDUM

TO: Christopher K. Shortell, Chairman, Ordinance Committee
Vincent Cervoni, Vice Chairman, Ordinance Committee
Town Council Members

FROM: Janis M. Small, Corporation Counsel

RE: Littering and Dumping Ordinance

DATE: February 23, 2021

Enclosed is a rough draft of a revised ordinance for discussion. After further discussion, I will finalize the draft for review and approval.



Janis M. Small
Corporation Counsel

JMS/bjc

Enclosure

CHAPTER 139

LITTERING AND DUMPING

**Article I.
Litter Control**

139-1. Findings.

The Town Council finds that in order to create and maintain a healthful and clean environment, it is necessary to implement a litter control program that will serve to reduce litter and littering, to collect and remove litter and to promote and maintain the environmental quality of the Town of Wallingford and the public health and welfare of its citizens.

§ 139-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

~~BUSINESS—Employment, occupation, profession or commercial activity engaged in for gain or livelihood.~~

LITTER – Any discarded, used or unconsumed substance or waste material, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can or part thereof, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material which has not been deposited in a designated litter receptacle.

LITTER RECEPTACLE – A receptacle suitable for the depositing of litter and designated for such deposits.

PERSON – Any individual, firm, partnership, association, corporation, business or other legal entity of any kind.

PUBLIC PROPERTY – Includes all streets, sidewalks, public ways and any public parks, spaces, grounds, buildings or any property owned or controlled by the Town of Wallingford

~~SANITARY INSPECTOR—The Sanitary Inspector of the Town of Wallingford.~~

~~TOWN—The Town of Wallingford.~~

§ 139-3. Prohibited actions; responsible parties.

A. No person shall throw, scatter, spill, place or cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter: upon any public property; ~~upon any private property not owned by him; or upon any private property owned by him in such quantity or of such quality as to constitute an unsanitary condition or a detriment to the health, safety and/or welfare to any inhabitants of the Town.~~ This prohibition shall not apply when such

property has been designated for the disposal of garbage or refuse or when such litter is deposited into a designated litter receptacle in such manner that the litter will be prevented from being carried away by the elements.

~~A.~~ B. No person shall throw or deposit litter on any private property within the Town, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that the litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

~~B.~~ C. The owner or lessee of any property being used for recreational or commercial activity, which activity takes place in the yard of such property and involves invitees of the owner or lessee of the property for such recreational or commercial activity, shall be responsible for any litter thrown, scattered, spilled, blown or placed onto any adjoining public or private property by such invitees while on the owner's or lessee's property for such purposes. For purposes of this section, it shall be a rebuttable presumption that any litter found on such adjoining property was thrown, scattered, spilled, blown or placed there by such invitees. The owner or person in control of any private property shall control litter on his property so as to keep it from being blown by the elements upon the sidewalk, street or other private property. In the event litter is blown from such property onto adjacent public or private property, the owner or person in control of such property shall be responsible for clearing the litter from such adjacent public or private property.

~~C.~~ D. Persons who place their household garbage or household waste at curbside in plastic bags or open containers shall be responsible for collecting such garbage or waste immediately upon its being scattered upon public or private property as the result of the bags being torn open by animals or other-causes or the open containers being knocked or blown over.

~~D.~~ E. Persons hauling trash shall be responsible for collecting any litter immediately upon its being spilled or scattered upon public or private property while in the process of emptying any dumpsters or other containers of waste and/or while in the process of driving their vehicles along Town roads while hauling trash.

~~E.~~ F. No litter which consists of household garbage shall be left at curbside for a period of more than 24 hours.

~~F.~~ G. It shall be a rebuttable presumption that litter which identifies the address of a business or of a housing unit was thrown, scattered, spilled or placed at the location where it was found by the occupant of such business address or the resident of such housing unit.

~~G.~~ H. When any litter is thrown, blown, scattered or spilled from any vehicle, the operator thereof shall be deemed prima facie to have committed such offense.

~~H. I.~~ It is found that products, such as advertising circulars and free sample newspapers and magazines, not solicited by the owner or resident of the property to which delivered have a tendency to become litter when not deposited in any receptacle or upon any porch on such property, and, therefore, no person shall deliver such items to such property by depositing the same at curbside or upon the lawn, driveway or sidewalk.

~~I. J.~~ No person ~~owning or occupying a place of business~~ shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. ~~All p~~Persons owning or occupying ~~places of business within the Town property~~ shall keep the sidewalk in front of ~~their business premises such property~~ free of litter.

~~K.~~ No person shall deposit litter which is generated from private residential or commercial uses in a public receptacle.

~~§ 139-4. Enforcement.~~

~~This article shall be enforced by the Sanitary Inspector or his designee and by the Police Department, acting separately or jointly.~~

~~§ 139-54. Penalties for offenses; procedure; written warning.~~

~~A.~~ Any person who violates ~~this article § 139-3~~ shall be fined \$ _____ \$90 for each and every day that the condition which caused the violation is not abated for the first offense and \$ _____ for the second and each additional offense. Each day such a violation is committed or permitted to continue shall constitute a separate offense. ~~Service of the citation shall be either in-hand by the enforcement official or by any State Marshal or by certified mail, return receipt requested. The citation shall specify the condition deemed to be in violation and shall advise that the person cited may contest his or her liability before a hearing officer by delivering or mailing an appeal on a citation appeal form available in the Town Clerk's Office, Room 108 in the Town Hall, to Room 308 in the Town Hall, 45 South Main Street, Wallingford, Connecticut, within 10 days of the date of service.~~

~~B.~~ The official charged with enforcement of this article shall initiate the process by issuance of a written warning containing the following information:

~~(1) The specific condition deemed to be in violation;~~

~~(2) That abatement of said condition must be accomplished by a date certain which shall not exceed seven days from the date of the warning.~~

~~(3) That, upon request and for good cause shown, the said official may grant additional time for abatement;~~

- ~~(4) That any violator shall be fined \$90 for each day that the condition remains not abated.~~
- ~~(5) That if any citation for violation is issued, the person may contest his liability before a hearing officer by delivering or mailing his appeal on a citation appeals form available in the Town Clerk's Office, Room 108, Town Hall, 45 South Main Street, Wallingford, Connecticut, within 10 days of the date of service of the citation.~~

~~B. The fine for the littering of material, as defined above, with a total volume of less than one (1) cubic foot, on public property or in a public receptacle as prohibited in §139-3k, shall be \$ _____ for each occurrence.~~

~~**§ 139-6. Appeal; hearing procedure; Citation Hearing officer.**~~

- ~~A. Any person cited for a violation of this article may appeal the citation within 10 days of the date of service of citation on a citation appeals form available in the office of the Town Clerk, 45 South Main Street, Wallingford, Connecticut.~~
- ~~B. The Mayor shall appoint a Citation Hearing Officer, other than an employee of the Health Department or an employee of the Police Department, who shall serve until his successor is appointed.~~
- ~~C. The hearing procedure shall be as set forth in § 7-152c of the General Statutes except as modified herein.~~
- ~~D. Any person who requests a hearing shall be given written notice of the date, time and place for the hearing, which hearing shall be not less than nor more than 30 days from the date of service of the citation, provided that the hearing officer may grant, upon good cause, any reasonable request for postponement or continuance. The Hearing Officer may consider any documentary evidence on behalf of the enforcement official and on behalf of the person contesting his liability and shall render his decision within five days of the close of the hearing, unless he determines to inspect the premises, in which case, he shall render his decision within five days of such inspection.~~
- ~~E. If the Hearing Officer determines the person is not liable for the violation, he shall dismiss the citation in writing. If he determines the person is liable for the violation, he shall enter and assess the fine and shall mail, or cause to be served upon such person, a notice of said assessment which shall be payable upon the date of its entry. Failure to pay such assessment can result in a Superior Court judgment.~~
- ~~F. A person against whom an assessment has been noticed may file an appeal, in the form of a petition to reopen the assessment, with the Superior Court for the Judicial District of New Haven at Meriden, within 30 days of the mailing or service of the notice of such assessment.~~

§139-5. Dumping Prohibited

A. Dumping is defined in Connecticut General Statutes §22a-248(12), as amended, and means: To discard (A) more than one cubic foot in volume of litter at one time or (B) furniture, garbage bags, or contents thereof or other similar materials. Material which has been placed at a location with an intent to leave it indefinitely at such location, or material which has not been removed from a location within forty-five (45) days is deemed discarded.

Dumping also means to discard automobiles or automobile parts, large appliances, tires, bulky waste, or other similar material.

B. Pursuant to §22a-250 et seq., and as defined in §22a-248, no person shall dump any material upon any public or private property within the town not owned by such person except when (1) such property is designated by the State or town for dumping, and (2) such person is authorized to use such property. It shall not be a defense under this subsection that the dumping occurred with the permission of the property owner. The town, upon complaint or on its own initiative, may investigate any violation of this section.

C. The fine for dumping under this section shall be as follows:

(1) The fine for placing a total volume of more than one (1) cubic foot of materials into a public receptacle shall be \$ _____.

(2) The fine for dumping shall be \$ _____ for the first offense and \$ _____ for the second and subsequent offenses.

D. If the Chief of Police or authorized enforcement official, after investigation, finds that there has been a violation of this section, he or she may send a notice to the owner of the property where such violation has occurred by certified mail, return receipt requested, to the address of record for property tax purposes. Such notice may include:

(1) A reference to the law alleged to have been violated;

(2) A short and plain statement of the matter asserted or charged;

(3) A demand that such property owner remove any material dumped in violation of this section to a solid waste facility approved by the town; and

(4) A statement that such property owner has the right to a hearing to contest the violation finding and the date, time and place for the hearing. Such hearing shall be fixed for a date not later than ten (10) days after the notice is mailed. The hearing shall be completed within fifteen (15) days after such hearing commences, and a decision shall be rendered within ten (10) days of the completion of such hearing.

(5) The fine for each day the violation exists.

E. The Citation Hearing Officer shall hold a hearing upon the alleged violation unless such property owner fails to appear at the hearing. If such property owner fails to appear at the hearing or if, after the hearing, the Citation Hearing Officer may find that material has been dumped on such owner's property in violation of this section, and that such material has not

been removed to an approved solid waste facility, and request that the enforcement officer order that the property owner remove such material to an approved solid waste facility with ten (10) days. The Citation Hearing Officer shall have served by State Marshal or send a copy of any order issued by certified mail, return receipt requested, to such property owner. The person may appeal from an order of the Citation Hearing Officer under this article in accordance with the provisions of Connecticut General Statutes §8-8.

§139-6. Enforcement.

- A. The Ordinance shall be enforced by the Police Department and any person appointed and authorized by the Mayor.
- B. For violations of §139-3, the enforcement official shall serve a written citation in person or by certified mail, return receipt requested. The citation shall state the violation and the amount of the fine. The citation shall also state that the person may contest the citation by filing an appeal with the Town Clerk within ten (10) days of the date of the citation; that if the person does not appeal, the person will be deemed to have admitted liability; that an assessment and judgment shall be entered against them; and that such judgment may issue without further notice.
- C. The citation procedure set forth in CGS §7-152c shall apply to citations issued under §139-3 of this ordinance.
- D. Enforcement under this Ordinance is not exclusive. Enforcement may be through remedies available through other ordinances or statutes

**ARTICLE II
Objectionable Products**

§ 139-7. Purpose.

The Town Council finds that in order to create and maintain a healthful and clean environment and to reduce litter and non-degradable wastes, it is necessary to regulate the sale and use of certain objectionable products at public functions.

§ 139-8. Definitions.

As used in this article, the following terms shall have the meanings indicated:

OBJECTIONABLE PRODUCTS – Silly string.

SILLY STRING – An aerosol can from which string-shaped foam material may be sprayed.

§ 139-9. Possession, use or sale prohibited.

No person, firm or corporation shall possess, use, offer for sale or sell the

DRAFT

product commonly known as "Silly String" during the following time periods and at the following places:

- A. Time periods: on days of operation of carnivals, festivals and the Taste of Wallingford requiring a permit from the appropriate Town of Wallingford agency and on days of public parades.

- B. Places: at or upon public parks, public buildings, public streets, public sidewalks and public parking lots and/or any other public property.

§ 139-10. Exemption.

This article shall not apply to objectionable products in transit or storage in interstate commerce.

§ 139-11. Penalties for offenses.

Any person who violates this article shall be subject to a fine of \$25.