

**MEETING of the Ordinance Subcommittee of the Town Council held Thursday, July 29, 2010 at 4:03 P.M. in the Town Building, 105 Harrisville Main St., Harrisville, RI 02830.**

**MEMBERS PRESENT: Councilors Nancy F. Binns, Margaret L. Dudley and Kevin D. Heitke**

**MEMBERS ABSENT: None**

**1) VOTED to accept the minutes of the regular meeting held on May 13, 2010, and dispense with the reading of said minutes.**

**Motion by Council President Nancy F. Binns. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Margaret L. Dudley and Kevin D. Heitke.**

**2) Consider and act on proposed amendments to Chapter 26, Traffic and Vehicles, to allow for handicap parking at the intersection of The Bridgeway and Sayles Avenue.**

**Robert Murray, Esq., representing WellOne, Pascoag, noted that Joe Casali, P.E. had not arrived.**

**VOTED to temporarily table until Mr. Casali arrives.**

**Motion by Council President Nancy F. Binns. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Margaret L. Dudley and Kevin D. Heitke.**

**3) VOTED to open consideration and action on proposed ordinances restricting off-road vehicles; and review of RIGL §11-44-26 Willful Trespass.**

**Motion by Council President Nancy F. Binns. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Margaret L. Dudley and Kevin D. Heitke.**

**A proposal to restrict parking on Gazza Road and Peach Orchard Road was reviewed.**

**VOTED to adopt the §26-32 to send to the full Town Council, as follows:**

**The Town Council of the Town of Burrillville hereby ordains as follows:**

**The Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 26 entitled Traffic and Vehicles is hereby amended by adding the following:**

**Sec. 26-32. No parking schedule of streets.**

**(b) Tow-away zones. All areas designated as no parking shall also be known as tow-away zones when parking at the designated location is deemed a threat to the public safety or public welfare by the town council. All areas designated tow-away zones by the town council shall be posted as such. In addition to fines imposed in accordance with §26-26 of this Code, all related charges, including towing and storage charges, shall be paid by the registrant of such vehicle or other authorized person designated by the registrant before any such vehicle shall be released. Towing and storage charges will be in compliance with public utility commission (PUC) regulations. Tow-away zones are designated as follows:**

**Street Side Location**

**Gazza Road Both Beginning at utility pole NET&T Co. #38 located 100 feet north from the intersection of Gazza and Peach Orchard Roads, and continuing to the Gloucester town line**

**Peach Orchard Road Both Beginning at the intersection with Gazza Road and continuing to the Gloucester town line**

**This ordinance will take effect ten (10) days after passage.**

**Motion by Councilor Kevin D. Heitke. Seconded by Council President Nancy F. Binns. The vote was unanimous. Voting in favor of the**

**motion were Council President Nancy F. Binns and Councilors Margaret L. Dudley and Kevin D. Heitke.**

**A proposal related to use of recreational and other vehicles on public and private property was reviewed. Timothy F. Kane, Town Solicitor, recommended that the language be changed by adding “controlled or leased” after “town-owned” in paragraph one, line three.**

**The administration suggested that the State law related to trespass is sufficient and no ordinance required.**

**Relative to the use of recreational vehicles:**

**VOTED to adopt and send to the full council for consideration and possible passage, as amended, as follows:**

**The Town Council of the Town of Burrillville hereby ordains as follows:**

**Chapter 26, Traffic and Vehicles, Article I. In General. is hereby amended by adding the following:**

**Sec. 26-4. Use of Recreational and Other Vehicles on Public and Private Property.**

**(a) No person shall operate, cause to be operated, park, walk or**

**drive a motor vehicle or motorized vehicle of any nature and kind (except for handicap or medical purposes) in town owned, controlled or leased public parks, public walkways, grassy areas, trails, recreational facilities, open space areas or in any area within the Town where motor vehicles are not allowed, except in designated parking and traveling areas, except for the specific purpose of authorized maintenance or operation of such area, or for public health, safety or handicapped purposes, or without first obtaining and having in his possession written permission from the town for such operation.**

**(b) No person shall operate, cause to be operated, park, walk or drive, or have in his possession while trespassing, a motor vehicle of any nature and kind which has been determined by the Department of Motor Vehicles for the State of Rhode Island as unsuitable for operation on the public way and is not eligible for registration for that use, including but not limited to any recreational vehicle, so-called “all-terrain vehicle”, motorcycle, dirt bike, minibike, moped, go-kart, motorized scooter or cycle, motorized tricycle, snowmobile or quad cycle, on a public street or highway, public park, public walkway, grassy area, trail, recreational facility, open space area, or in any area within the Town where motor vehicles are not allowed, or on the private property of another, without first obtaining and having in his possession written permission from the property owner for such operation. Any person granting such permission shall be responsible to insure that the noise and other condition generated by such use shall not be a nuisance or annoyance to the surrounding**

**neighborhood or neighboring properties. No such permission may be granted for any commercial or other use in violation of applicable zoning and ordinance regulations.**

**(c) Penalty - Any person violating Subsections (a) and (b) hereinabove shall be subject to a fine of \$100 for first offense, fine of \$200.00 for the second offense, third and subsequent offenses will be required to appear at Burrillville Municipal Court. Such other amounts as may hereafter be authorized , including but not limited to being held responsible for the cost of all environmental remediation. Any vehicle used in violation of this ordinance may be impounded and may be towed and stored at the owner's expense. All such fines shall be paid to the Burrillville Municipal Court, and such storage and towing fees paid to the entity designated by the police to tow and store such vehicles, or as may be otherwise required by any court of competent jurisdiction, including but not limited to the District Court of the State of Rhode Island or the Municipal Court of the Town of Burrillville.**

**(d) Eluding an Officer – No person illegally operating any vehicle in violation of subsections (a) or (b) hereinabove or otherwise shall elude a police officer upon being signaled to stop or upon being told to stop, including any action by a police officer in telling or signaling any vehicle operator to stop by any oral statement, siren, flashing light, hand signal or other signal, whether the police officer ordering or signaling the stop is in or on a vehicle or on foot. Such prohibited eluding shall include but is not limited to acts consisting of failing to stop, increasing speed, changing direction, turning off lights or**

**taking similar steps to avoid or escape from a police officer. Any person apprehended in violation of this section shall be subject to a fine of \$100.00 for first offense, fine of \$200.00 for the second offense, third and subsequent offenses will be required to appear at Burrillville Municipal Court.**

**This ordinance shall take effect ten (10) days after passage.**

**Motion by Council President Nancy F. Binns. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Margaret L. Dudley and Kevin D. Heitke.**

**2) Consider and act on proposed amendments to Chapter 26, Traffic and Vehicles, to allow for handicap parking at the intersection of The Bridgeway and Sayles Avenue.**

**Councilor Margaret L. Dudley, Chair, noted that Mr. Casali had arrived and called for discussion of item #2. Robert Murray, Esq., representing WellOne, noted that WellOne had requested three handicap parking spot on The Bridgeway, to be established in conjunction with the imminent building addition. Joe Casali, P.E., of Joe Casali Engineering, Inc. indicated that he was the engineer for the WellOne project and that he had also designed a master plan for the downtown Pascoag for the Town. Council President Nancy F. Binns indicated that the plan presented to the subcommittee addressed her concerns related to the adequacy of space for handicap parking.**

**VOTED to approve three (3) handicap spaces to be installed at the intersection of The Bridgeway and Sayles Avenue, per the plan set out by Joe Casali; and to forward to the Council.**

**Motion by Councilor Kevin D. Heitke. Seconded by Council President Nancy F. Binns. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Margaret L. Dudley and Kevin D. Heitke.**

**VOTED to approve the conceptual master plan as it is currently presented and have it sent to full Council for consideration and approval.**

**Motion by Council President Nancy F. Binns. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Margaret L. Dudley and Kevin D. Heitke.**

**4) Consider and act on proposed amendments to Chapter 4, Animals, §§4-4. Penalty and 4-71. Impound fees.**

**VOTED to adopt and send to the full Council for approval, as follows:**

**The Town Council of the Town of Burrillville hereby ordains as follows:**

**The Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 4 entitled Animals is hereby amended as follows:**

**Sec. 4-4. Penalty.**

**Except as otherwise provided in this chapter, penalties for violation of the provisions of this chapter shall be as follows:**

**First offense: \$20.00.**

**Second offense: \$30.00**

**Third offense: Owner shall be cited to appear before the Burrillville Municipal Court, and, upon conviction, said owner shall be fined in accordance with §11-5 of the ordinances of the Town of Burrillville.**

**Each day's violation may constitute a separate offense.**

**Sec. 4-71. Impoundment fees.**

**(a) Fees for impoundment of any animal impounded under this chapter shall be as follows:**

**First day animal is impounded: \$10.00.**

**Each additional day animal is sheltered: \$5.00**

**(b) Any animal impounded under this article may be reclaimed as provided in this article upon payment by the owner to the animal control officer of all applicable fines and fees.**

**This ordinance will take effect 10 days after passage.**

**Motion by Council President Nancy F. Binns. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the**

**motion were Council President Nancy F. Binns and Councilors Margaret L. Dudley and Kevin D. Heitke.**

**Michael C. Wood, Town Manager, acknowledged the efforts of the clerk is developing the proposal.**

**5) Discussion and consideration of regulations for implementation of No Bin/No Barrel program.**

**Timothy F. Kane, Town Solicitor, indicated that, in accordance with the recycling ordinance, the No Bin/No Barrel program should be implemented by regulations proposed by the Director of Public Works and adopted by resolution of the Town Council.**

**6) Consider and act on an ordinance relating to cemeteries.**

**There was discussion of the creation of ordinances by many other Rhode Island municipalities related to archaeological and historical burial sites in order to preserve historic cemeteries.**

**There was discussion of perpetual care of cemeteries.**

**VOTED to have the administration draft an ordinance regarding historical or archaeological cemeteries or burial sites.**

**Motion by Councilor Kevin D. Heitke. Seconded by Council President Nancy F. Binns. The vote was unanimous. Voting in favor of the**

**motion were Council President Nancy F. Binns and Councilors Margaret L. Dudley and Kevin D. Heitke.**

**There was discussion of the desirability drafting an ordinance that would provide for the establishment of cemeteries. Timothy F. Kane, Town Solicitor, indicated that the zoning ordinance currently prohibits establishment of cemeteries.**

**VOTED not to consider any additional ordinances regarding home site burials; to keep in place the zoning which currently prohibits such actions.**

**7) Review and discuss the items proposed for future meetings**

**It was noted for the record that three pieces of state legislation requested by the Burrillville Town Council related to taxation had been passed and the laws effective without further action by the Town Council.**

**8) VOTED to adjourn at 5:00 P.M.**

**Motion by Council President Nancy F. Binns. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Margaret L. Dudley and Kevin D. Heitke.**

**The meeting was recorded.**