

Law and Legislature Meeting March 26, 2024, at 6:30 p.m.

Members Present: Nick Smith, Ryan Paisley, Mary Ellen DeBenedictis, William Carrow, and Recording Secretary Sue Muncey.

Mr. Paisley brought the meeting to order at 6:30 p.m. at Clayton Town Hall. Mr. Paisley wanted to thank everyone for making the time to be here.

Discuss and Vote to Recommend Ordinance 2024-03 – An Act to Amend Article 1.1 of the Clayton Municipal Code Related to Buildings

Mr. Paisley read the synopsis. This act overhauls and redesigns the Town of Clayton's building code ordinance. It enumerates the various codes used by the town in building construction, their applicability, and notes the duties and powers of the code official. In addition, the act spells out the permitting requirement, submitted documents, fees, and inspections. Furthermore, this act includes provisions for temporary structures and uses, certificates of occupancy, service utilities, appeals, as well as violations and penalties. Finally, this ordinance adjustment contains sections for stop work orders, unsafe structures and equipment, and contractor licensing.

Mr. Smith stated he, the Vice Mayor, and the Code Enforcement Officer went through a lot on this one and checked over the adjustments that were made and the amendments that were done. Mr. Paisley stated the Code Enforcement Officer worked very hard on this and went through a lot of the International Building Codes, looking at codes that other towns have adopted. He put together a proposal that is really sufficient for the town. We are not reinventing the wheel, but it is certainly bringing us up to a modern standard. He deserves a lot of credit. He went back and forth for months on this. Mr. Paisley asked if there were any discussion, comments, or questions. Mr. Carrow asked if he was working his way to try to be able to do building inspections. He has been taking a lot of classes and training. Mr. Smith stated he didn't know as far as new construction. If so, he must get to the engineer level before I am comfortable having him do new construction. Mr. Carrow stated we had one before. Mr. Smith stated that person was not qualified. Mr. Paisley stated this is just making sure that we are up to date and enumerating a lot of that. The current ordinance talks a lot about Kent County more than it does the town. It is really a complete overhaul that was significantly needed.

Mr. Smith made a motion to accept Ordinance 2024-03 as it has been presented. Mr. Carrow seconded the motion. Motion carried unanimously.

Discuss and Vote to Recommend Ordinance 2024-04 – An Act to Amend Title 4 of the Clayton Municipal Code Related to Business and Contractor Licensing

Mr. Paisley stated similarly, this is a complete overhaul of what we had prior. It is quite an expansive document and again our Code Enforcement Officer worked very hard on this. It is going to be very beneficial to the town going forward. Mr. Paisley read the synopsis. This act renames Title 4 to deal with licensing and designates Article 4.1 to deal with business and contractor licensing and removes the previous language. In addition, this ordinance spells out the purpose, definitions, and requirements for a business license, as well as the contents of the application, the review of the license, its time period, renewal, and fees. Furthermore, it notes prohibitions against transferring a license and penalties for violations. The act also entails the suspension of a business license, inspections, and requirements to display. Finally, the act contains a provision for contractor's licenses. Mr. Paisley stated the last sentence is where we have some additional documentation. The Code Enforcement Office has been working with the Office Manager and other members of the staff, and since this ordinance was introduced, he has a couple of things which he wanted to add. The first of them in the business license section would be 4.1-1.3. So, the first thing he wants to add is a requirement that before we issue a business license, the business would first have attained one from the state. Is there any objection to including that? That I believe is standard practice so it would not be a significant amendment to the town now. Under the same number, exemptions - he would like to add an exemption for the sale of agricultural or nursery items grown on the premises of the property owner. There was something similar in the original proposal that was introduced last month. The only thing it did not include was nursery items that which I fully support. He would also like to add yard or garden garage sales. Mr. Smith stated a nursery versus somebody you know selling something in their backyard. Mr. Carrow stated along the same lines, what if we have a group that wants to come in and do a farmers' market and sell vegetables, fruits, and maybe jams? They did it in Smyrna on Glenwood Avenue and talked about trying to get one here. If we bring something like that in, does that mean each of the businesses or each of the groups have to get a business license? Number one - nonprofit organizations are exempt. So, let us use Railroad Days. They have their event every year in September. Does that mean each of the vendors that are in there has to get a business permit or do they fall in the Railroad Days because they are the ones sponsoring it? Mr. Paisley stated that conversation is one that we have had that was discussed at length. What we opted to do was when we go into Title 4 more after we get Title 3 done we are going to do specific ordinances for that because my personal opinion is that for events like Railroad Days, they do not need to be coming to town hall to get a license to participate in an event like that. Mr. Carrow asked what is our intent with the business license? What are we trying to accomplish with a business license? Are we trying to generate money? Are we trying to identify businesses in town? Mr. Paisley stated you hit the nail on the head. We are identifying businesses, but it is also making sure that commercial establishments in town are #1 operating in the correct place, that it is zoned for that purpose and #2 that it is safe for the people in the town that are patronizing it. Mr. Carrow stated he got an email from a gentleman about a business license. Mr. Smith stated he sent it directly to you. The email stated I have a completely web-based part-time business that I run from my home and only use by P.O. Box number as the address. No signs, no contact coming to the home of that nature. Is a business license still required? I do have a state license. You can go to his website and stuff like that. So according to the Town Manager, that was the way our current ordinance reads it requires you to have a business license. Mr. Carrow stated if you make him do it, then how are you going to go and look for all the other ones. Mr. Paisley stated he and

the Code Enforcement Officer discussed this at great length and we were going to put something to this effect in this ordinance. The reason we did not is because I believe it is addressed in the Zoning Ordinance. There is something about home-based businesses currently in the Zoning Ordinance. I would have to circle back with him and check, but I am pretty sure that it is addressed in the Zoning Ordinance. Mr. Carrow stated where does it stop. What are we gaining by making this individual get a business license? No one comes to the house and there are no signs. If he had not brought it to our attention, we would never have known about it. How many others are out there like that? Do we even want to approach this? Mr. Carrow continued reading the email. What the Town Manager said was according to our ordinance now, he would have to have one. If you read the information in Section 4.1-1 then anyone that is a vendor during any of the events that are put on by the town or the fire company, church, etc. within a town then those individuals are required to have a license. There are a lot of home-based businesses out there that do not have town licenses like selling from eBay, Amazon, or Facebook which would be no different than me selling my wares that I purchased as a business from a manufacturer and in turn sell them to organizations and other businesses without even touching their product, strictly selling it as a web-based business. I have no problem getting a business license. However, if I am correct in my above interpretation, then those businesses and individuals that are mentioned should also be required to have a license and not just pay for a vendor table or selling items from their home during special occasions. Mr. Paisley stated when we were talking about Christmas trees, this is a Zoning Ordinance and in Section 6.4-5.2 it talks about Christmas tree lot sales. There was an exemption that was placed for it. Mr. Smith stated there is also one here in the new ordinance that would exempt them. The firehouse is a 501, correct? Mr. Carrow stated yes. Mr. Smith stated they fall under the tree sales which is an exemption. Mr. Carrow stated so anything technically under that, anything they sponsor would fall under that. The 4th of July and Railroad Days are 501's. Mr. Smith stated we are to put on there nonprofit organizations exempt under the IRS Code 501c. Mr. Paisley asked about the intent. Mr. Smith stated the intent is when we have Railroad Days, 4th of July, Movie Nights, none of those particular vendors we bring in for those. Mr. Carrow stated they are brought in as a convenience to the people to come to Movie Night. Mr. Smith asked Mr. Paisley what his thoughts are. Mr. Paisley stated the reading of the Zoning Ordinance addresses this and says specifically that a home-based business does indeed require a license. We could go through and read this to debate it more. The Code Enforcement Officer and I discussed both the home-based business as well as the vendor. The conclusion that both of us came to in regard to the vendor ordinance was that we would address that when we go further deeper into Title 4. It is up to the committee whether or not you want to enshrine that here. Mr. Smith asked, "where is this? Mr. Paisley stated this is in the Zoning Ordinance. The question before us is #1 do you want to enshrine the home-based businesses? I do not know if we could do that within the business license ordinance because then you have two completely conflicting ordinances. The vendor ordinance you could put an exemption in here. If you want to move forward that you would help us have a subsidiary motion of. Who wants to do it? Who is in favor of adding an exemption for vendors as part of, for example, Railroad Days type of events hands up. Well, you would have to put that exemption in here. Mr. Smith stated you would have to adjust number one on the exemptions to include any event scheduled by the 501c. Mr. Paisley stated the next question is do you want to just do 501c events. So, for example if a commercial establishment was having an event in town similar to Railroad Days where they were having outside vendors coming in. At that point, do you? I mean they are two events that are practically the same. Don't you want to treat them the same versus like if Railroad Days has vendors? Mr. Smith stated not necessarily ones for profit. Mr. Paisley stated

what he was getting at is if you look at it from the vendor's perspective. If they come to Railroad Days and they are exempt but then a commercial establishment has an event, and those same vendors want to come back to the same area. Why then should those same people have to get a license? Mr. Carrow stated let me throw another wrench into it. We talked about 501c places being exempt. Let us look at our school. One of the schools in town decide they want to have a craft fair. They are not a 501c. Does that mean they have to get every one of their crafters coming in have to get a business license or vendors license? All the schools do it. They do it for fundraising for their different groups and stuff like that. Churches you might run into something. Mr. Smith stated so the way I see this to be worded and give them the exemption would be same day vending. Mr. Carrow stated or do we give them the option to request to be exempt. Mr. Smith stated if we put it in this terminology now, if we get it ironed out to where someone who is doing a same day vending event, one day vending event is excluded. So, if they come for Railroad Days, they are excluded because they are only there for the day. Mr. Carrow stated someone who has a business in and out of his house has no draw on our services, no draw on town services. He is just buying from here and selling to somebody else. Nothing even comes to his house. Mr. Paisley stated so here is the problem with that. Your Zoning Ordinance is done in conjunction with your Comp Plan. Once you finish your Comp Plan, that is when you adopt your Zoning Code. They are supposed to run together so theoretically you would not change a Zoning Code on principle because there might be applicable changes to that you need. Mr. Carrow stated we are in the process of doing that now. Mr. Paisley stated it is not going to be anytime soon. What you would have to do is you would have to look at how that section of the Zoning Code applies to the Comp Plan and if it would conflict in any way with how with the compliance. A comp plan is effectively a law, so you would have to change the comp plan in order to change the ordinance. They might not conflict and you can do this zoning change relatively easily, but you do not know until I do the necessary leg work. Mr. Smith asked if there is anything in this code that references home-based business. Mr. Paisley stated not in this ordinance because we figured we would do that later. We did have that discussion but when we started running into these roadblocks it was not included. Mr. Paisley stated with temporary, non-permanent vendors conducting business as a part and on site of a town-sanctioned event provided that the vendor's operations shall coincide with the hours of the parallel event. There was a discussion about food vendors. Mr. Paisley stated that is exactly where I am going with you need to also say that they need any other applicable license. So, for example, you cannot give shelter to a food truck that does not have a State Board of Health license. They still need that. Mrs. Muncey stated on the contractor license application we have that if they need something from the Board of Health. We must have a copy of that before we issue it. Mr. Smith stated so all of the applicable state laws still apply. That makes them exempt from what? Getting a license from us. However, they still need to abide by state law. If they are selling food, they have got to go through that process with the state. Mr. Paisley stated so temporary, non-permanent vendors conducting business as a part and on site of a town sanctioned event provided that the vendors operations shall coincide with the scheduled hours of the parallel event and the vendor shall comply with all other applicable state and county laws. Mr. Carrow stated so I'll go back to the schools. Having a craft show and stuff like that. They do not submit any type of paperwork. That is on their private property. Mr. Paisley stated I think at that point you are getting too far in the weeds. It is a valid point. Mr. Carrow stated the only time that permits are submitted is if it closes down streets. Mr. Smith told Mr. Paisley where you have town, put town or school district. Mr. Carrow asked about the home-based businesses. Mr. Smith stated it would be a business that has no foot traffic. Does not put a hinder on the town services. If you wait to go to the comp plan and make that change, then you have to

come back and make this change right? Mr. Paisley stated the issue is our comp plan has supremacy. The most authority in what a town does the comp plan reigns over everything. You have the charter, you have the comp plan, an ordinance cannot override a comp plan. So, what this ordinance says has to follow the company. The comp plan is under the state. The comp plan takes precedence. Mr. Carrow stated so basically the comp plan has to be changed first and then you have to come back and change this. Mr. Paisley stated just let me read this, so I get all the facts. So here is the home occupation section of the Zoning Ordinance. A home occupation is an activity carried out by an occupant of a dwelling conducted as an incidental and subordinate use of in the dwelling unit. This section permits a home occupation as an accessory use if it is compatible with the residential character of the neighborhood in which it is located and is conducted so as to not disturb or cause discomfort or annoyance to any reasonable person of normal sensitivity residing in the area. No home occupation shall be conducted on the premises until a permit is obtained. Application procedure and application for a home occupation permit shall be filed with the administrator. The application shall include a description of the proposed home occupation. The administrator shall forward the application to the Town Council for review at its next regularly scheduled meeting. Home occupations now comply with the following regulations. The home occupation use shall be confined to the principal residence of the individual, so engaged shall be included, excluded from any yard or accessory building, and shall be clearly incidental and supported to the primary residential use. No alterations shall be made in either the internal or external structure form of the residential building or the external appearance for the purpose of any home occupation. The removal of partitions or floors or parts thereof shall be construed as an alteration of the external or internal structure form and is therefore prohibited. No evidence of any home occupation shall be visible from off the lot where it is conducted. Employees of a home occupation shall be limited to permanent residence of the dwelling unit. The restriction would not apply to independent contractors, who make occasional or periodic visits to the site of a home. There is no sale of goods or displays of goods from the present premises. Any commercial vehicle used in conjunction with the occupation shall be subject to the provisions of this ordinance governing commercial vehicles and residential zones. No storage of equipment or materials used in the home occupation shall be outside the principal residence. No change shall be made in any non-communications utility line meter, utility line, meter, or service to accommodate a home occupation and utility shall not use unreasonably, any utility use shall not unreasonably exceed that normally or previously used at such. No equipment or process shall be used in any home occupation which emits radiation or creates noise, vibration, glare, fume odor, or electrical interference detectable to normal senses of the property used as of such home occupation. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference. The number of parking spaces available to a dwelling unit, unit housing, a home occupation shall comply with sections and/or street parking and loading. A home occupation shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the district. No vehicle repair or storage associated with the home occupation shall be permitted. The home occupation shall not involve the use of commercial vehicles for the delivery of material to or from the no home occupation shall be open to visitors without prior appointments. Mr. Smith stated it does not say anything about a license. Everything you just read to me is a physical description. Whatever business you are doing, it cannot be seen. It is going to stay in the house. You cannot alter the inside; you cannot alter the outside. Nothing that you read to me says you have to be licensed. Mr. Paisley stated what kind of permit it is talking about. Mr. Smith stated that is of any alterations to the building right. They are not submitting a permit for a license. That would be

an application for a license. That is a permit for some kind of construction. Mr. Paisley stated no home occupation shall be conducted on a premises until a permit is obtained. What does that mean? Here is the one point where I am getting at because it is the first time I have had the opportunity to read it. Home occupations shall be subject to all other state and local laws, ordinances, and licensing requirements. It is giving you a little bit of leeway. Mr. Smith stated it is saying that whatever state and local license requirements are applicable. We can change the licensing requirement right now today. Mr. Smith stated that our rule is going to be something to the effect of that addresses the cosmetic side. If you are going to do business at your home, fine, but you better not hinder anybody around you. We should not be able to see it. Mr. Paisley stated home-based businesses provided, however, that the nature of the venture does not require customers and or patrons at the dwelling where said enterprise is located and that the scope of the business does not require the delivery, mailing, and presence of any material that endangers the health, comfort, welfare and or safety of the people and or property of the Town of Clayton. Mr. Smith stated a daycare is not excluded based on that wording. Mr. Paisley stated because you do not want, I mean really what you are talking about is sales on the social media platform, people selling things on Facebook Marketplace. The material does not danger anyone. Mr. Carrow asked Mr. Paisley to read what he said again. Mr. Paisley stated home-based businesses provided, however, that the nature of the venture does not require customers and/or patrons to present to the dwelling where said enterprise is located and the scope of the business does not require the delivery, mailing, and/or presence of any material that endangers the health, comfort, welfare, and/or safety of the people and property of the Town of Clayton. Mr. Smith stated that fixes the problem. Mr. Carrow stated it still leaves a little bit of room for the welfare of residents. Mr. Smith asked what other changes we need to go over in this one. Mr. Paisley stated lawn and garden sales. Mr. Smith stated #2 is fruit and vegetable type stands which the property owner sells the items produced on their property. Mr. Paisley stated the original did not include nursery items.

Mr. Paisley stated the next change proposed by the Code Enforcement Officer comes under the contractor's license of the code. What he is asking here is a couple of things. First is liability insurance. When a contractor comes to the town, a mandatory requirement that when it comes to bodily injury or death. They must maintain a minimum limit of \$250,000 and then again, an aggregate limit of \$500,000 for damages arising out of personal injury or death of two or more persons on one occurrence. In addition, it would be if there is a requirement, that they must present proof of that before they can receive their contractor's license. Furthermore, there is also a provision for suspending or revoking a contractor's license for failure to correct work or defects. A pattern of code violations provides for the revocation on a pattern of suspensions. A hearing will be required prior to the revocation of a license. Evidence requirements – if they tried to reapply after their license was suspended there is also a new section that provides for application for contractors. Mr. Smith stated he is confused. What do you mean there is a new section? Mr. Paisley stated in addition to the business application requirements, the following information shall be provided. This is the terms of contractor's license – whether or not any principal of the business entity had a previous certificate of registration or contractor's license denied, suspended, or revoked and whether or not the principal has ever been convicted of a crime or offense related to fraudulent or dishonest conduct or behavior in Delaware or any other state within the past five years. Mr. Carrow asked if the liability insurance is standard. Are we asking for more than what is usually asked for or are we pretty much in line with what any other place would be? Mr. Paisley stated it is exactly what Smyrna has. Mr. Smith stated that is the standard, the lowest standard. Most of the

time it is a million. Mr. Paisley stated the Delaware Code does not' specify. Mr. Paisley asked if there was any objection to adding the presented liability and suspension to contractor license provisions and the other provisions listed. Those were all the additional amendments to what was introduced at the March Town Council meeting. He opened it up to any questions, comments, concerns for the business and contractor license ordinance as a whole.

Mr. Smith made a motion to approve Ordinance 2024-04 as it has been adjusted in this meeting. Ms. DeBenedictis seconded the motion. Motion carried unanimously.

Discuss and Vote to Recommend Ordinance 2024-05 – An Act to Create Article 8.9 of the Clayton Municipal Code Related to the Department of Inspections and Enforcement

Mr. Paisley stated this ordinance comes to us from the Code Enforcement Officer in close consultation with the Solicitor and the Solicitor's Deputy. The intent of this ordinance is that we do not have anything currently on record in the ordinance book that deals with enforcement, code enforcement and inspections. The practice is that we need to enshrine something especially as we look to the horizon and see possible future interactions between the code enforcement and members of the public. Mr. Paisley read the synopsis. This act codifies the Department of Inspection and Enforcement of the Town of Clayton into the municipal code. Furthermore, it notes the duties of the Code Official, their jurisdiction over licensing, applications, inspections, and permits. In addition, this includes provisions for required identification, right of entry, records of the department and liability. Finally, this act establishes the appeals process and the penalties for violations of the specified sections of code. Mr. Paisley stated the ladder section is really critical. When the code enforcement officer makes some kind of decision, we need to have something on file that is enshrining that appeal. That they have that appeal and right to it. The town has always made that available when any code enforcement decision was made. It needs to be enshrined in ordinance. Mr. Carrow stated this identifies his duties and what he can and cannot do.

Ms. DeBenedictis made a motion to adopt Ordinance 2024-05. Mr. Carrow seconded the motion. Motion carried unanimously.

Discuss and Vote to Recommend Ordinance 2024-06 – An Act to Amend Title 3 of the Clayton Municipal Code Related to Police Enforcement of the Laws of the State of Delaware, Houses of Prostitution and Gambling, and Skateboards

Mr. Paisley stated this ordinance is very simple. It is just technical corrections. Mr. Paisley read the synopsis. This act removes the Houses of Prostitution and Gambling sections of the Clayton Municipal Code as those crimes would now be handled via the State of Delaware Criminal Code and not Town Ordinance. In addition, it removes the prohibition against skateboards in the Town and makes a general update to the opening clause of the Police Title. Mr. Smith asked for some clarification on 4.2 that is being stricken. Mr. Paisley stated it is unlawful for a parent or other person having legal or custodial care of any child up to the age of 18 years or any other person having legal custody appointed by a court of

appropriate jurisdiction of such minor to permit or allow a child to violate 3.3-4.1 above. So basically, if a person is under 18 it places the liability with the parent. Mr. Smith stated thank you.

Mr. Carrow made a motion to accept Ordinance 2024-06 to amend Town of Clayton Title 3. Mr. Smith seconded the motion. Motion carried unanimously.

Discuss and Vote to Recommend Ordinance 2024-07 – An Act to Amend Article 3.2-3 of the Clayton Municipal Code Related to Use of Vehicle, Public Streets, or Public Place for Sleeping Quarters

Mr. Paisley read the synopsis. This act adds an exemption for commercial truck drivers and RVs to the section of the Clayton Municipal Code that prohibits using a vehicle on the streets of the town for sleeping quarters. Mr. Carrow asked how we address the truck drivers. Mr. Paisley stated so basically if someone has an RV and they are coming to see somebody in town, it gives them 72 hours. Mr. Carrow stated so it is just a short-term thing. Same thing with a truck driver. Let us say somebody goes to Metal Masters and they get there after they close, and they are waiting for the morning. That gives them permission to sleep in the truck. Mr. Paisley stated presuming that they had come from a long distance, they probably reached their permitted hours for the day. They need to stop. The reason we went to 72 hours is because that is applicable throughout the police title. Mr. Carrow stated if the owner does not want truck drivers sleeping on their property, they have that right because it is private property. Mr. Smith stated he thinks this is going to end up getting trumped by state law. The Homeless Bill of Rights is going to trump this. There is a state law that is going to come sooner or later. I am fine with the way it is written. It is in our best interest. Mr. Carrow stated it gives the Police Department some kind of written ordinance.

Mr. Smith made a motion to approve Ordinance 2024-07 as it has been presented. Mr. Carrow seconded the motion. Motion carried unanimously.

Discuss and Vote to Recommend Ordinance 2024-08 – An Act to Amend Article 3.3-7 of the Clayton Municipal Code Related to Basketball Poles and Other Items Left in the Roadway

Mr. Paisley read the synopsis. This act removes the prohibition of placing a basketball pole on the street and maintains the moratorium on storing one on the public avenues. In addition, it removes the stipulation that places liability for a basketball pole left on the roadway on the nearest homeowner and clarifies that at no time shall a basketball pole or similar device impede traffic. Finally, this includes grammatical corrections to the existing language. Mr. Carrow stated so basically, we are saying now they can leave it in the street. Mr. Paisley stated you cannot leave it in the street. Mr. Smith stated that is not what the synopsis just said. Mr. Paisley stated it says you cannot place it. Mr. Smith stated it says this act removes the prohibition of placing a basketball pole on the street, right? Mr. Paisley stated I am placing it, not leave. The intent is if you have a basketball game, they can put it in the street to play the game, but afterward they need to remove it off the street. Mr. Smith stated he does not agree with this. Mr. Paisley stated it says it shall be unlawful for any person to store or keep. And we removed place upon any street or public sidewalk, any portable stationery, or fixed objects. Do you really want the police

department to have to when they see a game of kids playing basketball to have to go and fine them because they are playing basketball in the street? Mr. Smith stated no but this ordinance also says that when the three kids that live up the street put the basketball down in the cul-de-sac. Is it not the responsibility of the person's house they put it in front of? Mr. Paisley stated that is what it currently reads. Not anymore. That is what I am removing. I do not think that is right. Under this change, it is the person who placed it there. Mr. Carrow agreed. It should be the responsibility of the person who placed it there. Mr. Smith stated it could overhang in the street. They were using the service median in between the sidewalk and the street. The street sweeper would get tangled up in it. Mr. Carrow stated fire equipment also. Mr. Paisley stated it shall be unlawful for any person to place, store, or keep. This proposal would change that. To read it shall be unlawful for any person to store or keep. They can place it on the street, you cannot store it on the street, and you cannot keep it on the street. If the police come by and they see a game with kids playing basketball, they are not going to do anything. But if they come back 10 minutes later and all the kids are gone and the basketball pole is still in the street, this still gives them the authority to act because it is prohibited. There is also a thing in here that says it is unlawful for them to impede pedestrian or motor vehicle traffic at any time. Mr. Smith stated I am okay with it except for in Section D violation subsequent A or B. I think that there should be an implementation of a written warning to begin with. Most people are not going to know these ordinances. Mr. Carrow stated the police do have the authority. Mr. Smith stated but not now. This ordinance says the first offense be fined \$50.00. So, I think that the first offense should be a written warning, so it is documented. The second offense should be the \$50.00. Mr. Carrow stated we need to give them some type of opportunity for an outlet. I would much rather have them playing basketball. Mr. Paisley stated any person who violates this section shall be issued a written warning addressed to the accused or their guardian for the first offense, and for the second offense be fined up to \$50 and for any subsequent offense shall be fined up to \$100.00. Mr. Smith stated that makes him feel better.

Mr. Smith made a motion to approve Ordinance 2024-08 as it has been amended in this meeting. Mr. Carrow seconded the motion. Motion carried unanimously.

Mr. Paisley stated let the record reflect that all members of the committee were present with the exception of Councilman Flatter.

Mr. Smith made a motion to adjourn. Ms. DeBenedictis seconded the motion. Motion carried unanimously. Meeting adjourned at 7:50 p.m.

Recording Secretary,

Sue Muncey