

Law and Legislature Meeting May 29, 2024, at 6:30 p.m.

Members Present: Nick Smith, Ryan Paisley, William Carrow, Marvin Pedigo, Ryan Quackenbush, and Recording Secretary Sue Muncey.

Mr. Paisley brought the meeting to order at 6:30 p.m. at Clayton Town Hall. All members were present except Mr. Flatter.

Discuss and Vote to Recommend Ordinance 2024-12 – An Act to Amend Article 3.2-7 of the Clayton Municipal Code Related to Making, Creating, or Permitting of Unnecessary Loud, Disturbing, or Unnecessary Noise Prohibited.

Mr. Paisley stated this is the final ordinance from the police title. The reason that it is on tonight's agenda is when the committee last met on April 23rd to consider this ordinance, they requested an amendment for Section 3.2-1.4. The problem with that section which is on page one is that it created different times for the violation, so if you violated between certain hours, there were different ramifications. The committee wanted to streamline the proposal. The amendment removes the different time segments and creates a uniform violation and then it also amends the bottom of the ordinance to implement a tiered fine system whereby if a violation occurred between the hours of 10 pm and 8 am, the overnight hours, the fine would be double of what it would be any other time. Mr. Smith had no comments. Mr. Pedigo asked what is the trigger for nightwork or any roadwork between the hours of 7 pm and 8 am? Mr. Paisley responded if you see in Section 3.2-1.5 there is a subsection F clause that exempts noise generated as a result of municipal services.

Mr. Carrow made a motion to recommend that Council adopt Ordinance 2024-12 with the proposed Amendment #1 as it has been presented. Mr. Smith seconded the motion. Motion carried unanimously.

Discuss and Vote to Recommend Ordinance 2024-14 – An Act to Amend Article 2.2-2 of the Clayton Municipal Code Related to Handling and Disposition of Garbage, Trash, and Rubbish

Mr. Paisley gave a shout out to the Code Enforcement Officer. He has been working with different property owners, developers, and people in the community with some reoccurring issues that we have had in regard to rubbish and garbage laying around. This ordinance seeks to beef up what we already have on the books and give him more room to enforce it. Mr. Paisley read the synopsis: This act provides updates to the Town of Clayton's trash, garbage, and rubbish ordinance including the new contracted trash service provider. It establishes additional definitions of solid waste, refuse and non-collectible items such as tires, furniture, mattresses, appliances, food, hazardous waste, and other items

as well as procedures for special pick up and related fees of these items. Furthermore, this amendment addresses littering and the storage of non-collectible solid waste including tires, appliances, furniture, mattresses, and hazardous waste items increases nuisance violations related to trash and non-collectible items on public and private property. Additionally, the act spells out the violations, penalties, and fees as well as the Town's ability to order abatement action or perform abatement action at the expense of the property owner. The purpose of this amendment is to reduce the "junk yard" appearance of properties which provides a negative curb appeal and decreases property value.

Mr. Quackenbush gave the example of 221 Clayton Avenue. There was really not much we could enforce before other than possibly public nuisance. This will really let us hit all of those properties that are really turning into junk yards and storage lots. Mr. Smith asked about the part that was stricken. Does it need to be lined through in the copy that is submitted? Mr. Paisley stated it is in the opening clause. Mr. Smith stated there is no intro date. Mr. Paisley stated it was introduced at the May council meeting. Mr. Quackenbush said it was sent to Scott and Liam responded.

Mr. Smith made a motion to recommend to Council to adopt Ordinance 2024-14 as it has been presented. Mr. Pedigo seconded the motion. Motion carried unanimously.

Discuss and Vote to Recommend Ordinance 2024-15 – An Act to Create Article 4.1-6 of the Clayton Municipal Code Related to Mobile Food Vendors

Mr. Paisley gave a shout out to the Code Enforcement Officer for spending a lot of time digging through a lot of different ordinances from a lot of different towns to compile an ordinance that is useful to Clayton. Mr. Paisley read the synopsis: This act codifies the Mobile Food Vendor into the municipal code. Furthermore, it notes the licensing, operation, and setup of food truck operations. In addition, this includes provisions for restrictions on parking, traffic safety, cleanliness of the operating area, licensing and health inspection requirements, food truck, trailer, and tow vehicle registration and insurance requirements. With the increase in population, town events, and demand for food trucks, it is important to have an ordinance establishing guidelines and penalties for non-compliance. Mr. Paisley stated we needed something on record, so we are taking adequate steps to protect our people who are using these food trucks.

Mr. Carrow asked if a person does one event, do they need a license (i.e., a community event)? Mr. Paisley stated it is a one-year license. Mr. Quackenbush stated it is similar to a contractor's license. He looked at Smyrna, Middletown, and the Division of Public Health. Mr. Carrow asked do we take everything from the state? Mr. Quackenbush stated yes, the same as a contractor's license. This covers things like where they can park. We do not want them to interfere with traffic. They are responsible for the cleanliness of the area. Mr. Carrow asked including events the town sponsors? Mr. Paisley stated there is a section that deals with public events. It basically says that it could be located on public property in the course of these events. Mr. Smith stated without a license? Mr. Paisley stated he believes it is about to get licensed. Mr. Quackenbush stated they would still need to get one. Mr. Smith asked if there was a fee. Mr. Quackenbush said yes. The fee is either \$25 or \$50. Mr. Carrow asked if food trucks would take away business from established buildings. Mr. Quackenbush stated no mobile

vendor shall be located within 50 feet of the primary entrance of a restaurant measured at a street line. Mr. Pedigo asked what if the established business gets a food truck. Mr. Carrow stated we could use Kee's as an example. Mr. Paisley stated it depends on the method. He read the definition. Mr. Smith stated they are not preparing food. Mr. Pedigo asked if they would be hit twice or have a provision. Mr. Smith stated he did not think so. The approval would be through the Board of Health. Mr. Quackenbush stated every mobile unit has a license number. Mr. Smith asked about a provision to waive the fee. Mr. Paisley stated there are exemptions. Mr. Smith stated if you force for them to apply, you guarantee they will take the proper steps. You can waive the fee, but they still have to apply. Mr. Pedigo stated he doesn't disagree with this. The fee waiver is a goodwill gesture. Mr. Smith stated this can be addressed in the fee schedule. Mr. Quackenbush stated there are not that many in town – he supports that. Mr. Carrow asked about businesses out of state. Mr. Smith stated to amend to a state of origin business license. Mr. Paisley read the changes. Mr. Carrow asked when this will take effect. Mr. Paisley stated upon signature of the ordinance. We can put it on the June agenda. Mr. Smith stated he is inclined to say \$50 for the fee. Mr. Paisley stated we do not need to go high, keep it lower than others. Mr. Carrow asked what the other towns charge. Mr. Quackenbush stated Middletown charges \$500 for 12 months. He was talking to different businesses. Mr. Paisley asked about the effect date. There are events for the summer. Mr. Carrow stated there are events coming up. Mr. Smith stated we can do it January 1, 2025. Mr. Carrow stated the last event of the year is in December. Mr. Smith asked that the Code Enforcement Officer draw up a simple letter that the new ordinance is taking effect January 1. Mr. Carrow stated we want to be proactive.

Mr. Smith made a motion to recommend to Council to accept Ordinance 2024-15. Mr. Pedigo seconded the motion. Motion carried unanimously.

Discuss and Vote to Recommend Ordinance 2024-16 – An Act to Create Town of Clayton Ordinance Article 4.1-76 Peddling and Soliciting

Mr. Paisley stated we previously had this. It was moved to a different area of the ordinance. Mr. Paisley read the synopsis: This ordinance significantly overhauls the Town of Clayton's solicitation and peddling article and moves it to a new section of Title 4. Furthermore, this act requires that prospective solicitors apply and attain a license from the Town before engaging in such activities and sets the application requirements and process. Additionally, this act prohibits soliciting after 8:00 p.m. and before 8:00 a.m. while also establishing prohibited conduct, like making fraudulent statements, refusing to leave, and excessive noise, and also sets areas where no peddler can solicit. This ordinance also sets penalties for violations of the act, which includes separate fines for individuals and corporations and provides for the revocation of the license. Finally, this act sets exemptions for attempts to solicit support for or against political and religious causes and issues, candidates, non-profits, fire and ambulance companies, constables, vendors and businesses, local deliveries, and others.

Mr. Smith asked where the ordinance was currently. Mr. Paisley stated in Title 4 Section 4.1-2. Mr. Smith stated you need to put that in here. Mr. Paisley stated he can put in the clause. Mr. Smith stated somewhere in the ordinance it needs to be referenced. Mr. Paisley stated it is very standard. They need to come and get a license where they are supplying us with a bunch of different information, background

information, of what they intend to solicit. We created a tier fine. If they are in violation their license can be revoked. Mr. Carrow asked about kids selling stuff. Mr. Paisley stated it is in the exemption. Mr. Quackenbush asked about the ID badge. The Town of Smyrna takes a photocopy of their driver's license. They attach that to their license. It did not talk about a fee. It should be on the fee schedule. Mr. Smith asked individual or corporation. Mr. Paisley stated all peddlers shall apply with the Department of Inspections & Enforcement for a solicitor's license before engaging in any activities described in this article. Such applications shall be made at least 24 hours including weekends and holidays prior to the date a peddler seeks to begin. Conducting activities described within this article and shall be subject to the approval of the code official. In the next section it states an individual makes an application for themselves and one or more additional individuals, all applicable personal information specified above shall be included for each prospective peddler who will be operating under the license. Only one license shall be issued for application, but separate identification badges shall be used for each peddler. Mrs. Muncey asked could we list all the names on the application and tier the fee by the number of people. Mr. Carrow asked if you could cap the number of people. Mr. Smith stated limit the number. Mr. Quackenbush stated we can limit the number of people and the solicitor could figure out the schedule. Mr. Paisley stated no more than 20 different peddlers. Mr. Quackenbush stated we need to figure a fee schedule.

Mr. Pedigo made a motion to recommend to Council to accept Ordinance 2024-16. Mr. Smith seconded the motion. Motion carried unanimously.

Mr. Carrow made a motion to adjourn. Mr. Smith seconded the motion. Motion carried unanimously. Meeting adjourned at 7:28 p.m.

Recording Secretary,

Sue Muncey