

ORDINANCE REVIEW COMMITTEE FINAL REPORT 9/15/2021

Submitted by Committee Members:

Homar Gomez, City Councilor
Thomas Peak, City Councilor
Lindsey Rothschild, City
Councilor - Chair

Sam Charron, Precinct 5 resident
Kae Collins, Precinct 4 resident
Nataly Gomez, Precinct 2 resident
Helen Korczak, Precinct 3 resident

Global recommendations:

Proposed Action: Review and revision by the Ordinance Committee

Throughout the document, the Committee recommends a shift towards gender- neutral language.

The language in Secs. 4-3. Wage Theft Ordinance¹¹, Section 4-3.1 Definitions, d) Veterans states specifically that for a person to qualify as a veteran, that person must have been honorably discharged from the military. Between World War II and 2018, it's estimated that more than 100,000 gay members of the US Military were discharged with dishonorable or less-than-honorable status due to sexual orientation (Justia LGBTQ Legal Resource Center justia.com). Between the years of 1993 when the "Don't Ask Don't Tell" law went into effect, and September 2011 when the statute was fully repealed, an estimated 13,000 service members received dishonorable or less than honorable discharges. Once "Don't Ask Don't Tell" was repealed during President Obama's second administration, rather than automatically reversing those discharges, veterans were required to apply for a reversal and subsequent eligibility for veterans' benefits including medical care, pensions, and the GI Bill which provides funds for education. The ban on transgender service members serving openly was reinstated in 2019 and removed by President Biden by executive order at the start of his term in 2021. As of July 2018, only 500 service members had gone through the appeals process, requiring veterans to hire lawyers, and 80% of those discharges were corrected. Legislation to automatically reverse those discharges has been proposed but not yet passed.

The Committee recommends that the City explore the legal viability of broadening the State definition to include Veterans whose dishonorable or less than honorable discharge status was a result of their sexuality, gender, or gender expression.

The Committee believes that the City should examine ordinances which are infrequently enforced. There is a concern that such ordinances could be enforced in an unfair manner. If the City regularly chooses not to enforce an ordinance, then either removing or more precisely defining that ordinance could be beneficial.

Many fines and fees, especially those passed decades ago, are very low, having not kept up with inflation. The Committee recommends a global review of these fines and fees.

Proposed Action: Refer to the Ordinance Committee for review and revision

| Ordinance | Recommendation |
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| Sec. 1-4 | Strike "authorizes any act from being performed"; replace with "prohibits any act". |
| Sec. 1-7 | Language be updated to note that the City Ordinances are available online. The Committee also recommends that the City not charge for a copy of the City Ordinances if a resident does not have internet access. |
| Chapter 2, Article 3 | There are several boards and committees which require their members to be registered voters. There are a number of reasons why an individual might not be able to register to vote, including citizenship/immigration status, and some of those people may be valuable contributors to a board or committee. The Committee recommends that "registered voter" be changed to "resident". |
| Sec. 2-51 | No term length is given for members of the Council on Aging. This is out of sync with city policy, which has been to treat those as three-year appointments. The Committee recommends formally establishing a term length of three years for members of the Council on Aging. |
| Sec. 2-83 | The committee recommends that the City strike the words "if appropriate" from the second paragraph, therefore always requiring a public hearing. |
| Chapter 5 | The Committee found much of Chapter 5 to be outdated. It is unclear what activity this section seeks to enforce or how reliably it is enforced, outside of Article 3. Garage Sales. In speaking with City Clerk Barbara LaBombard, the Committee came to the conclusion that the City's current garage sale ordinance imposes an administrative burden on the clerk's office which is not necessarily covered by the small fees. The Committee recommends that the Council eliminate or rework most of this section. The Police Department also described Sections 5-1, 5-3, and all of Section 5, Article II as obsolete. |
| Sec. 6-1 | The Police Department noted that the language as it currently stands is not sufficiently detailed and sometimes does not stand up in court. This should be reviewed and updated. (This is under purview of the Building Dept.) |
| Sec. 6-5 | Eliminate this ordinance. Outdated. (Keeping Swine) |
| Sec. 6-6 | Outdated. Eliminate or revise. (Sale of certain non-intoxicating beverages) |
| Sec. 6-7 | The Police Department noted that State Law covers Section 6-7: Swimming in the Nude. Potentially - eliminate from city ordinances. |
| Sec. 6-21 | <p>There are accessibility concerns when it comes to the use of plastic straws. A member of the Commission on Disability gave the opinion that the harm that requiring a person with a disability to have to ask for a plastic straw is not worth the benefit of restricting plastic straws.</p> <p>See attached letter from a Member of the Commission on Disability.</p> |
| Sec. 7-15 | This needs updating. Griffenhagen and Associates are no longer providing reports. The Collins Center Report is now being used. |
| Sec. 7-16 | Updating needed. |

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| Sec. 8-1 | (a) This paragraph is written as one sentence and is difficult to decipher. Revise text to be easier to comprehend and update. |
| Sec. 8-21 | Needs updating. "Injure the feet of horses" |
| Sec. 8-23 | Needs updating. "Play any game of ball, football, quoits..." |
| Sec. 8-35 | Needs updating. "Any coal, trunk, bale..." |
| Sec. 8-61 | Needs updating. "Lighted lanterns" |
| Sec. 8-62 | Needs updating. "Coal hole" |
| Chapter 8 Article V. | This section on signs should be reviewed for accuracy with current practices. The Board of Public of Works reported not having any issues of this kind come before them in recent history. Do these fall under the Board of Public Works, Zoning or the Building Inspector? This should be reviewed and clarified. |
| Sec. 8-76 | The ordinance only relates to non-profit organizations (churches, civic organizations or for community drives or celebrations) "In regard to the issuance of such permits and the location, and character of the matter displayed the discretion of the Board of Public Works shall be final." This absolute discretion resting with the Board of Public Works feels problematic. Please review. Why is this here? Should this be part of the zoning ordinance, Section X? |
| Chapter 11 | The Animal Control ordinances need to be updated to match current practices. |

Proposed Action: Refer to the Public Safety Committee for review and revision

| Ordinance | Recommendation |
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| Sec. 3-76 | The City should formalize its current practices around helmet enforcement for youth on bicycles, which prioritizes education and connection to helpful resources over fines and potential impoundment. |
| Sec. 6-8 | The Committee expressed concern around enforcement. The Police Department also stated that the current ordinance is outdated. The Committee recommends striking this ordinance. |
| Sec. 6-9 | The Police Department noted that Section 6-9 is also outdated, and that the matter is now covered by legislation surrounding hunting licenses. |
| Sec. 6-15 | The Police Department noted that the list of ordinances subject to non-criminal disposition is not an exhaustive list and should be updated. They also noted that the city fine for violating the handicapped parking ordinance is \$50, as opposed to a \$500 state fee. |
| Sec. 8-4 & 8-5 | Concern that these could be enforced with bias. These two are also redundant and could be combined. Review and revise. |
| Chapter 8, Article III Division 2 | This section greatly impacts those in our community with disabilities and those with limited access to transportation. See attached letter from the Commission on Disability. Needs revision to be more inclusive. |