

Codes and Ordinances Committee

Councilor Peter Lachapelle, Chair
Councilor Tom Abbott
Councilor Chris Rice
Councilor Laura Hainey
Councilor Daniel Fitzpatrick



Others Present

Terence O'Rourke, City Attorney
City Councilor David Walker

**CODES AND ORDINANCES COMMITTEE
Of the Rochester City Council
Thursday, October 7, 2021
Council Chambers
6:00 PM**

Minutes

1. Call to Order

Chairman Lachapelle called the Codes and Ordinances Committee meeting to order at 6:00 PM. Deputy City Clerk Cassie Givara took a silent roll call attendance. All Councilors were present except for Councilor Abbott, who was excused.

2. Public Input

There was no one present to speak during public input.

3. Acceptance of the Minutes

3.1 August 5, 2021

Councilor Rice **MOVED** to accept the minutes of the August 5, 2021 Codes and Ordinances Committee meeting. Councilor Fitzpatrick seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

4. Code of Ordinances Review

4.1 Amendment to Chapter 254 of the General Ordinance of the City of Rochester regarding storage of Recreational vehicles, travel trailers, campers and boats.

Attorney O'Rourke gave a brief background on the suggested amendment to chapter 254. He reported that there were areas of the City where RVs, boats or campers have been parked for long periods in the grassy areas off the right-of-way, obstructing views of the roadway. He said that the issue was in need of more immediate attention as opposed to the time taken for a zoning amendment. Attorney O'Rourke reported that Planning Director Saunders had drafted some language based upon the verbiage from a similar situation in her previous municipality. The new language would prohibit these types of vehicles from being parked within 10-feet of the lot line. He stated that there was nothing in the existing ordinance which covered this particular situation.

Councilor Walker spoke about eliminating the provision for the 10-foot setback from the property line in the proposed amendment. He said that there were many areas of the City where residents would be able to safely park their campers alongside their houses, but the size of the lots would not allow these vehicles to be 10-feet back, leaving the owners in noncompliance if they stored their recreational vehicles in these spaces. Councilor Walker said that he had received complaints about detached trailers being stored off the right-of-way in this same manner and suggested that verbiage be added to prohibit this activity for detached trailers as well.

Councilor Hainey stated that she felt the ordinance as written did not specifically mention obstructing the right-of-way, and the proposed verbiage would require residents to utilize carports, enclosed structures, or their rear yard to store recreational vehicles. This could cause a hardship for residents who do not have enclosed structures or carports and who do not have adequate room in their rear yard. Councilor Walker suggested that there be an amendment made to remove the terms "carport" and "enclosed structure" and rather state that vehicles need to be stored to the side or rear of a residence, not obstructing the right-of-way. Councilor Rice spoke of instances where disallowing these vehicles to be parked in front of a residence would be a hardship to property owners even when their vehicles would not be causing any obstruction.

Attorney O'Rourke cautioned against amending the language to expressly prohibit parking in the right of way. He stated that there are gravel portions or unpaved areas within the right-of-way where it is legal to park. He gave an example of a person driving a recreational vehicle who visits a friend and parks their vehicle in such an area temporarily. It was discussed that the problem arises with these vehicles being stored in a manner which obstructs the right of way, and that should be the intent of the amendment. Councilor Rice suggested that the word "storage" would need to be defined and there may need to be specific time limits designated.

Councilor Fitzpatrick requested that the amendment be sent back to the legal department to be reworked with the changes discussed this evening.

Councilor Hainey asked if the parties causing the issue that triggered this discussion had been approached to rectify the situation. Councilor Walker answered that the resident in question had been contacted multiple times and was not amenable to changing their parking habits. Councilor Rice said that in this particular situation, the resident was detaching his trailer and storing it in an obstructive manner.

Chairman Lachapelle reiterated that this item would go back to legal for further work. Councilor Rice suggested the City Attorney look into the ordinances for other cities across the county to see how other municipalities handle this issue. There was a brief discussion regarding

the importance of getting this ordinance on the books in a timely manner. Councilor Fitzpatrick suggested that the Codes and Ordinances Committee could vote to send to full council language restricting long-term storage in the right-of-way with additional verbiage to be added later. It was discussed that the term “long-term” would also need to be defined eventually.

Attorney O’Rourke suggested the following language: *“Recreational vehicles, travel trailers, campers, automobile utility trailers, and boats shall not be stored off the travel portion of the roadway within the City’s right-of-way.”* Councilor Rice reiterated the issue of detached trailers being stored separate from their primary mode of transport, and suggested language to specify this. This would allow for contractors and other businesses to park in these areas and perform a service on a short-term basis. Attorney O’Rourke suggested that “storage” could be defined as a period of time not to exceed 48-hours. He amended the passage to read, *“Recreational vehicles, travel trailers, campers, automobile utility trailers, and boats shall not be stored off the travel portion of the roadway within the City’s right-of-way. To store shall mean for a continuous period of more than 48-hours.”* Attorney O’Rourke stated he would confer with the police department to determine whether it was legal to park a detached trailer in the City right-of-way and, dependent on the answer, he could add verbiage.

Councilor Rice **MOVED** to send the amendment as drafted by the City Attorney to full Council at the November 3 meeting. Councilor Fitzpatrick seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5. Ethics Committee & Code

Chairman Lachapelle stated there were no additional edits suggested by either the School Board or Police Commission at this time. Councilor Fitzpatrick **MOVED** to send the Ethics Code to the full council. Councilor Rice seconded the motion. Councilor Hainey stated that she felt the Ethics Code was still lengthy and cumbersome, but supported a vote in order to have the document in place, which could later be amended. Chairman Lachapelle said that the motion could be amended to include the date in which this Code will go into effect. Chairman Lachapelle stated that when he makes the motion to full Council in November, he would add language to specify that the Code goes into effect following the inauguration. There was a discussion regarding the hyperbolic language contained in the Code and potentially amending it at a future date. The **MOTION CARRIED** by a unanimous voice vote.

6. Other

Chairman Lachapelle reminded the Committee that due to the Municipal election occurring on November 2, the Regular City Council meeting will be held on Wednesday, November 3 and the November Codes meeting would be cancelled. He stated that the Codes and Ordinances Committee would reconvene on Thursday, December 2, 2021.

Chairman Lachapelle spoke about the ordinance review the committee had been undertaking for each City department. The Department of Public Works’ chapters were anticipated to take several meetings in order to review the large amount of revisions and proposed amendments. He suggested postponing the review of these chapters until after the New Year due to the potential

change in committee members following the election and inauguration. There was a discussion about any amendments and recommendations from the Codes Committee being voted on by a new Council in January 2022. It was decided that unless there was an urgent matter, any ordinance reviews would take place in the New Year with the newly seated Codes & Ordinance Committee members.

7. Adjournment

Chairman Lachapelle **ADJOURNED** the Codes & Ordinance Committee meeting at 7:04 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk