

Proposed Ordinance Changes

The following are proposed additions to Title II, Chapter 3 – Acts of Nuisance. They do not replace existing sections.

Title II

Chapter 3

Acts of Nuisance.

The following acts are declared to be acts of nuisance and shall be subject to fine or other penalty as herein provided:

Section 12 (New)

Use of tobacco products, electronic cigarettes or vaping on the Association (Main) beach.

Rationale: This is intended to prohibit smoking or vaping on the beach. The overall direction in society is to restrict where people can smoke or vape. The dangers of second hand smoke are well documented. We should not be subjecting our children and grandchildren to this. Cigarette butts also contribute to litter on the beach.

Section 13 (New)

Operation of a golf cart on Point O' Woods roads between the hours of Midnight and 6 am during the months of May through September.

Rationale: Golf carts are becoming more and more of a nuisance late at night. Most of the traffic at that time of night would seem to be teenagers joyriding. Gas carts also contribute to noise and disturb those sleeping.

Section 14 (New)

Jumping into Three Mile River from Point O' Woods property

Rationale: Jumping into Three Mile River is dangerous. There is boat traffic and rocks and those who jump endanger themselves and others.

Section 15 (New)

Pursuant to Charter Section 1.5(27), the Association hereby finds and concludes that the keeping of grass and/or weeds on property at a length of over eight inches is a nuisance to the other members and property owners within the Association.

In the event of a violation a notice will be sent by Point O' Woods Association, Inc. to the record owners of the property at their last known address and the owners shall have seven days to comply from the date the notice is mailed. In the event compliance is not achieved within said time period Point O' Woods Association Inc. and/or its designee shall be deemed appointed the authority to enter onto the property for the purpose of cutting and/or

removing the grass and weeds. Each day the property is not in compliance will constitute a separate violation. The following areas and vegetation are exempt: gardens; landscaping plants including ornamental grasses; naturally wooded areas, regulated wetlands; meadows; natural dune grass or other sea grasses; any plant or vegetation that is protected under law. Pursuant to Charter Section 1.5(51), in order to provide for the prompt payment of the costs incurred by the Association to remedy the nuisance defined in this Ordinance, the Association may place a lien against the real property where a nuisance was abated and remedied.

Rationale: Letting grass grow without cutting it is not only unsightly, but also a health hazard. This will allow POW to have the grass cut and bill the property owner. If the bill is unpaid, a lien may be placed on the property.

Section 16 (New)

Dumping any debris, including yard waste, into any stream, watercourse or body of water within the territorial limits of Point O'Woods.

Rationale: One such watercourse has been adversely affected by continuous dumping of leaves and other yard waste by abutting landowners to the point where it is causing upstream flooding. Point O'Woods will be spending significant taxpayer money to abate the problem.

The following is intended to amend existing ordinances. Underlined words are being added and [bracketed words] are being deleted.

Title II

Chapter 3

Acts of Nuisance.

The following acts are declared to be acts of nuisance and shall be subject to fine or other penalty as herein provided:

Section 10. AMENDED

[Bathing, fishing and swimming in Three Mile River adjoining the beach at Champion Road to the end of the steel bulkhead discharging into Long Island Sound.] Fishing from POW property between the west bridge over Three Mile River and the seaward end of the jetty.

Rationale: Per State Regulations (Public Trust) we cannot regulate bathing, fishing or swimming in Three Mile River. Although we cannot prohibit anybody from fishing in Three Mile River, we can prohibit fishing from Point O' Woods property.

Title VII
Financial Controls

Section 3. AMENDED

All expenditures over \$7,500 will require that at least three competitive bids be solicited, except in case of an emergency or natural disaster where urgent circumstances do not allow for the solicitation of three bids and urgent action is required to protect the health, welfare and/or safety of residents. Where possible, local contractors are to be given preference and the bids are to be from the same written bid specifications.

Section 9. AMENDED

All contracts for goods and services costing in excess of \$7,500 are to be authorized by the Board and executed by the President or Vice President. Notwithstanding the foregoing, in the event of an emergency or natural disaster, where immediate action is required to protect the health, welfare and/or safety of residents, only those contracts costing \$20,000 or greater will need preapproval of the Board. However, under such urgent circumstance where the contract cost is in excess of \$7,500, but less than \$20,000, approvals by the appropriate commissioner and the President or Vice President is required and the contract shall be placed on the agenda for the next regular Board meeting for discussion and ratification.

Rationale: In an emergency quick action is often needed to prevent injury or death and to promote the health, safety and welfare of our citizens. All of our roads are private and we are solely responsible for keeping them clear to always provide access for emergency vehicles – such as firetrucks, ambulances and police cars - and providing ingress and egress to our residents. A natural disaster is one example where fallen trees can prevent access to our streets. When such emergency arises, which can cause power and Internet outages, even a virtual Board meeting may not be feasible. In person meetings may not be feasible as people often scatter during a natural disaster or may be elsewhere. This change allows some immediate work to be done to at least address the urgency while still maintaining controls to regulate spending.