

Robert J. Rank

2021 JAN 25 A 9 42

TOWN CLERK
EAST HARTFORD

MICROSOFT "TEAMS"
ORDINANCE COMMITTEE

JANUARY 27, 2021

Due to the coronavirus outbreak, Town Hall is closed. Pursuant to Governor Lamont's Executive Order No. 7B, this meeting is accessible through "Microsoft Teams" 1 929-235-8441 Conference ID: 566 696 200 #

TO: Councillors Sebrina Wilson and Esther Clarke

FROM: Rich Kehoe, Chair

RE: Wednesday, January 27, 2021 @ 5:30 PM

AGENDA

1. CALL TO ORDER
2. APPROVAL OF MINUTES
 - A. June 23, 2020
3. OPPORTUNITY FOR RESIDENTS TO SPEAK
4. OLD BUSINESS
 - A. Chapter 11 - Fire-related Ordinances
5. NEW BUSINESS
 - A. ATV Nuisance
 - B. Tree Warden/Tree Board
 - C. Italian and Native American Heritage Day
 - D. Mayor and Registrar of Voters Salaries
 - E. Bulky Waste Permit/Enforcement
6. ADJOURNMENT

c: Mayor Leclerc
Town Council
Rich Gentile, Assistant Corporation Counsel
John Lawlor, Public Works Director
Fire Chief John Oates

Robert J. Oates

MICROSOFT "TEAMS"

2020 JUN 29 A 9:21

ORDINANCE COMMITTEE

TOWN CLERK
EAST HARTFORD

JUNE 23, 2020

PRESENT Rich Kehoe, Chair; Councillors Sebrina Wilson and Esther Clarke
Via "Teams"

ALSO Marcia Leclerc, Mayor
PRESENT Rich Gentile, Assistant Corporation Counsel
Via "Teams" John Oates, Fire Chief

CALL TO ORDER

Chair Kehoe called the meeting to order at 5:32 p.m.

APPROVAL OF MINUTES

March 16, 2020 Meeting

MOTION By Sebrina Wilson
seconded by Esther Clarke
to **approve** the March 16, 2020 meeting minutes.
Motion carried 3/0.

OPPORTUNITY FOR RESIDENTS TO SPEAK

None

OLD BUSINESS

Chapter 11 Fire-related Ordinances

The Chair noted that the Committee had reviewed the initial memo from the Fire Chief in October 2019. The issues are divided into four categories: (1) open burning; (2) regulating fire lanes; (3) regulating fire hydrants; and (4) addressing hoarding in single-family dwellings.

Open Burning

The Committee reviewed open burning issues and looked for a clean way in which to regulate the burning of materials outside the home in a residential area. The Committee decided the best approach was to prohibit any open burning on residential property of any

material and then create exceptions for where such burning would be legal. Authorized burning would include: (1) a chiminea or other equipment that is specifically designed for the safe burning of materials; (2) a grill for cooking; and (3) a fire pit arrangement which the fire pit would be solely for recreational enjoyment would be no more than 3' in diameter, located at least 25' from any structure and 10' from the property line and that the owner of the property has provided adequate extinguishing capability. The Committee also decided that a more effective enforcement approach would be to provide for a warning by the Fire Department and if the warning is not obeyed and/or the individual has a second or subsequent violation then that would engender a fine.

The Committee also felt that it was appropriate to prohibit the burning of any material in a manner that creates a fire hazard so that the town could enforce an ordinance to prohibit someone who has a fire pit or a chiminea but is emitting flaming embers that could land on a dried surface and create a fire.

Corporation Counsel will develop a draft ordinance and circulate it for discussion.

Fire Hydrants

It was agreed that the Committee would create an ordinance that clearly establishes the duties of a property owner to clear and otherwise protect from snow accumulation any fire hydrant on their property. There should also be a system whereby the Fire Department could enforce a provision that ensures that private fire hydrants that are not operated and maintained by the MDC would need to be maintained to MDC standards and also would allow for the Fire Department to order the owner of a private fire hydrant to make the required repairs to bring it up to those standards. Private fire hydrants are located generally in condominium complexes and other large private residential property.

Fire Lanes

The Committee agreed to draft an ordinance that clarifies the property owner's duty to properly designate a fire lane and to ensure that vehicles are not blocking the fire lane.

Hoarding

Fire Chief Oates noted that the maintaining of potential fire hazards in single family homes is not something which is covered under the fire code and that there needs to be a mechanism to ensure that fire hazards in private homes caused by hoarding materials that may block an exit would be properly addressed by the town. The Committee thought that the blight ordinance and/or our health ordinances may provide that kind of enforcement and will review those to determine if there needs to be a specific ordinance under the fire protection chapter.

The goal is to have a draft ordinance ready for review by mid-July, with the hopes that an adopted ordinance will be in place by the beginning of September.

ADJOURNMENT

MOTION By Esther Clarke
seconded by Sebrina Wilson
to adjourn (6:25 p.m.)
Motion carried 3/0.

cc: Mayor Leclerc
Rich Gentile, Assistant Corporation Counsel
Fire Chief John Oates

Fire Protection ordinance updates 01/23/21

Summary: These changes:

1. Establish a clear open burning regulation in town ordinances consistent with state law as provided in Conn. Gen. Stat. section 22a-174(f) which allows open burning on residential property under certain circumstances and allows the town to appoint an open burning official to monitor and permit such open burning. Such official must be certified by the Department of Energy and Environmental Protection Commissioner.
2. Generally, the ordinance bars open burning, allowing such burning only for cooking on appliances like barbecues, fire pits and chimineas with restrictions and otherwise only by permit issued by the open burning official with safety conditions.
3. Clarifies a property owner's responsibilities relative to fire lanes designated by the fire marshal on commercial property to maintain such fire lanes free from obstructions that would inhibit fire apparatus
4. Requires owners of public and private fire hydrants to maintain them in a manner that allows firefighters to easily access them in an emergency and provides that failure to do so is a violation of the property maintenance code which establishes fines and the ability of the town to recover costs of its addressing the violation such as clearing debris, snow and ice from around the hydrant.
5. Further requires owners of private fire hydrants to follow the MDC standards for properly maintaining such hydrants
6. Requires owners of one or two family residences to maintain such property in a manner that allows access to such structure and property by firefighters in an emergency. Failure to do so would be a violation of the town's property maintenance code.

CHAPTER 11. FIRE PROTECTION

Sec. 11-1. Hindering or Obstructing Fire Apparatus or [Firemen] Firefighter.

- a) No person shall hinder or obstruct any fire apparatus or any [fireman] firefighter, in freely passing along the streets to or from a fire, or in any manner from operating at any fire.
- b) No person shall locate any vehicle, fence or any other thing in any front or side yard of any dwelling so as to hinder or obstruct any [fireman] firefighter from free access to the front or rear of any such dwelling.

Sec. 11-2. [Burning Rubbish or Waste. The burning of any rubbish or waste material by any person upon any land within the Town shall not be permitted unless approved by the Town official designated by the State Department of Environmental Protection to grant such permits. Any police officer shall have authority to order such person to desist therefrom.

Sec. 11-3. Burning Grass, Brush and Weeds. No person shall ignite or cause to be ignited any dry grass, brush or weeds.

Sec. 11-4. Bonfires. No person shall make or maintain any bonfire in any street, highway or public place in the Town without permission from the Fire Chief and the Director of Health. At least one member of the Town Fire Department shall be present at any such bonfire. The Fire Chief may, at his discretion, require the person desiring to make or maintain any bonfire to pay for the use of the Fire Department's equipment and salary of the fireman at the bonfire]

Open burning. (a) No person shall burn any material outside of any building.

(b) Notwithstanding the provisions of subsection (a), a person, on a residential property, may cook food for human consumption outside of any building in an appliance manufactured for the safe cooking of such food.

(c) Notwithstanding the provisions of subsection (a), a person may, on a residential property, burn clean, non-processed wood in a fire pit, chiminea or other similar equipment provided (1) its use is solely for recreational enjoyment, ceremonial or religious purposes, (2) such equipment is no more than three feet in diameter at its widest point, (3) such equipment is located at least twenty-five feet from any structure and at least ten feet from the property line and (4) the fire is supervised at all times and there are adequate means to extinguish the fire including but not limited to water access, fire extinguishers, hoses, sand and shovels.

(d) Notwithstanding the provisions of subsection (a), a person may burn, on residential property, trees, branches, and brush that are no more than three inches in diameter at its widest point without the fire emissions passing through a flue or stack if such person is issued a permit by the open burning official nominated (replace with appointed?) by the mayor pursuant to subsection (f) of section 22a-174 of the general statutes. Such permit shall be conditioned on (1) such burning complying with all applicable state and local laws; (2) reasonable safety precautions including limitation on the size of such fire to an area no larger than ten feet by ten feet, the maintenance of adequate extinguishing materials, the location of the fire more than fifty feet from any structure, the ability of the open burning official or designee to revoke such permit and order the immediate extinguishment of any fire found to be in violation of the permit.

[Sec. 11-5. Discharging Volatile or Inflammable Liquids into Sewers or Street or Drain. No person shall discharge, pour naphtha, gasoline, or other volatile, inflammable liquid into any public sewer and/or street or private drain connected therewith in the Town or under the jurisdiction thereof, or into, or upon any street within the Town. Any person discharging, pouring or permitting to be discharged or poured any volatile or inflammable liquids into any public sewer or private drain, shall pay the expense of flushing the public sewer and/or streets by the Town.

Sec. 11-6.] Sec. 11-3 Fire Lanes. (a) [Upon finding that the parking of any vehicle in any area would hinder or obstruct the free access of fire-fighting equipment to any structure, the] The Fire Marshal may designate any portion of any roadway, parking lot or parking area in (replace with of) any street[shopping center or mall] or property containing a commercial building or apartment complex as a fire lane. The owner of such property shall keep a designated fire lane

reasonably free from ice, snow and any other obstruction and shall clearly designate such fire lane with signage, striping and other markings approved by the Fire Marshal.

(b) No person shall park any vehicle in any designated fire lane unless the operator remains in the vehicle.

[(b) The owner, manager or operator of any shopping center or mall or apartment units or complex is authorized to have any vehicle parked in any posted fire lane towed away at the vehicle owner's expense. The owner, operator or manager shall not be liable for any costs incurred by the towing of such vehicle.]

[Sec. 11-7.] Sec. 11-3a Smoke Detectors Required. Effective upon adoption of this Ordinance, all residential buildings designed to be occupied by two [(2)] or more families shall have installed a smoke detector capable of sensing visible and invisible smoke particles and providing an alarm suitable to warn the occupants.

[Sec. 11-8.] Sec. 11-4 Fire Hydrants; Use: Obstruction.

(a) No person shall open any fire hydrant unless authorized by the Chief of the Fire Department.

(b) [No person shall obstruct or interfere with the use of any fire hydrant by placing any building materials, dirt, articles, merchandise or rubbish in the immediate vicinity of any such hydrant unless authorized by the Fire Chief.] The owner of a private property on which a fire hydrant is located shall maintain the area around the fire hydrant , keeping the area clear of weeds, rubbish, shrubs, fencing or any other material that could prohibit access of such fire hydrant for use or maintenance.

(c) The owner of a private property on which a fire hydrant is located shall, within eight hours after the cessation of any snow or sleet or eight hours from sunrise after such cessation whichever is later (this phrasing is really awkward. I understand and support the intent. It just reads badly), remove any such accumulation on such hydrant and within a three foot radius of such hydrant. A three foot wide path shall be cleared from the hydrant to the adjacent street. Any owner who is in violation of this subsection may be issued a warning by the Fire Chief or designee directing such owner to take action to comply with the provisions of this subsection within three hours of the delivery of such notice to such owner.

(d) No person shall shovel, snowblow, plow or otherwise place snow or ice onto any fire hydrant except if such person is authorized by the town to clear a public road from such snow or ice.

(e) Any violation of this section, except subsection (d), shall be a violation of the Property Maintenance Code of the Town of East Hartford as contained in Article 3 of Chapter 7 of the town ordinances.

Sec. 11-4a Private fire hydrants

- (a) Any owner of property who is required to install private fire hydrants as a condition of site plan approval or to enhance fire protection, shall install and maintain a private water main and hydrants in accordance with the specifications and standards of the Metropolitan District Commission.
- (b) Any person who owns fire hydrants in accordance with subsection (a) shall annually pay for a maintenance service provided by the Metropolitan District Commission. The owner of such hydrants shall comply with the provisions of section 11-4 of the town ordinances [keep such hydrants clear of all obstructions and snow and ice, to assure access to such hydrants by town firefighters]. Such person shall maintain a file of hydrant maintenance reports on site for inspection by the Fire Chief or designee.
- (c) The Fire Chief may order the owner of such hydrant to repair a defective hydrant by providing written notice of such order to the such owner.
- (d) No person shall shovel, snowblow, plow or otherwise place snow or ice onto any fire hydrant except if such person is authorized by the town to clear a public road from such snow or ice.
- (e) Any violation of this section, except subsection (d), shall be a violation of the Property Maintenance Code of the Town of East Hartford as contained in Article 3 of Chapter 7 of the town ordinances

Sec. 11-5. Access by firefighters on private property

The owner of any property on which a one or two family residence is located shall maintain a safe and unobstructed means of egress from such residence to a public sidewalk or street. Exits from dwelling units, stairways and handrails shall be maintained in a manner required the town's building, fire and property maintenance codes.

ATV NUISANCE ORDINANCE
(January 3, 2021)

Section 13-1 of the Town of East Hartford Code of Ordinances is repealed and the following is substituted in lieu thereof:

(a) As used in this Article: “snowmobile” and “all-terrain vehicle” shall have the same meaning as contained in section 14-379 of the Connecticut General Statutes; “dirt bike” and “mini-motorcycle” shall have the same meaning as contained in section 14-390m of the Connecticut General Statutes.

(b) Public nuisances affecting public safety shall mean: (A) All ice not removed from public sidewalks and all snow not removed from public sidewalks as required by Town ordinance; (B) All limbs of trees which project over a public sidewalk, less than eight feet above the surface thereof or less than ten feet above the surface of a public street; (C) All obstructions of streets, alleys, sidewalks or cross-walks and all excavations in or under the same, except as permitted by the ordinances of the town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished; (D) All open and unguarded pit, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk; (E) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside; (F) The operation on public property, private residential property or non-residential private property within one thousand feet of a residential property of any dirt bike, all-terrain vehicle, snow mobile, mini-motorcycle or other motorized vehicle not authorized for use on a street or road, provided that this subdivision shall not apply to motorized vehicles used in the operation of a farm or in the maintenance of property such as a riding lawn mower.

(c) The owner of any dirt bike, all-terrain vehicle, or mini-motorcycle that is operating or has operated in violation of the provisions of this section shall forfeit possession of such vehicle to the town of East Hartford which shall take ownership of such vehicle subject to any bona fide lien, lease or security interest unless such owner did not know or could not have reasonably known that such vehicle was being used or was intended to be used in violation of this section. Any seized vehicle shall be sold at public auction by the town and the proceeds deposited in the town’s general fund.

(d) Any person found in violation of this section regarding the operation of an all-terrain vehicle shall be fined not more than one thousand dollars for the first violation, not more than one thousand five hundred dollars for the second violation and not more than two thousand dollars for the third and any subsequent violation.

TREE WARDEN POWERS AND DUTIES
(January 3, 2021)

Section 1. Section 20-1 of the Town of East Hartford Code of Ordinances is repealed and the following is substituted in lieu thereof:

(a) The Mayor shall appoint a tree warden in accordance with the provisions of Section 23- 58 of the Connecticut General Statutes.

(b) The tree warden shall have the powers provided by Sections 23-59 and 23-65 of the Connecticut General Statutes and carry out the duties prescribed in such sections. [He shall also have the power to: 1. approve all plantings of trees, shrubs or vines on public property within the lines of a sidewalk in accordance with regulations adopted pursuant to this section and to declare any tree located on public property to be a landmark tree if such tree meets the criteria of a landmark tree contained in regulations adopted pursuant to this section; 2. order the treatment, trimming or removal and destruction of dangerous or diseased trees, shrubs or vines located on public or private property; 3. order the trimming or removal of trees, shrubs or vines located on private property which have branches or foliage overhanging any street, sidewalk or public way in a manner which presents a danger to pedestrians or vehicles or which extend into any travel lines of any street, sidewalk or other public way; 4. order the cutting of grass and weeds to a maximum height of nine 5. inches on any part of a lot which abuts a public street or sidewalk or to a 6. maximum height of six inches on any part of a lot which abuts another lot or 7. lots, regardless of whether or not such lot or lots have structures thereon.

(c) Any order issued pursuant to subsection (b) shall specify a period of time for compliance of not less than five days from the date of such order. In the event any order issued by him is not complied with, the tree warden may have the work prescribed by such order performed by the Town and the Town may collect the expense thereof from the person or persons to whom such order was issued.

(d) The tree warden may, after consultation with the Tree Board, prescribe regulations for the care, planting, pruning, removal and preservation of trees and shrubs within his jurisdiction and the criteria for designating a landmark tree.

(e) Any person who objects to an order from the tree warden pursuant to this section may petition for reconsideration of such order in writing to the tree warden within five days of issuance of the order. Upon receipt of such petition, the tree warden shall hold a public hearing on such petition in accordance with Section 29-59 of the Connecticut General Statutes. Within three days after such hearing, the tree warden shall issue a decision on such petition.

(f) Any person aggrieved by a decision issued by the tree warden pursuant to subsection (e) may appeal such decision to the Tree Board within ten days from the date of the tree warden's

decision. The Tree Board shall hold a hearing on such appeal within thirty days of receipt of the notice of appeal.]

Section 2. Sections 20-2 through 20-4, inclusive, of the Town of East Hartford Code of Ordinances are repealed.

ITALIAN AND NATIVE AMERICAN HERITAGE DAY
(January 3, 2021)

Sec 1. The Town of East Hartford Code of Ordinances is hereby amended by adding a new Section 1-16 as follows:

- (a) Notwithstanding any provision of town contracts or state or federal law, the Town of East Hartford shall recognize the second Monday in October as "Italian Heritage Day".
- (b) The Town of East Hartford shall also recognize the Friday after Thanksgiving as Native American Heritage Day.
- (c) The Town shall conduct appropriate ceremonies or recognition activities to further the public's understanding of the many contributions of Italians and Native Americans to the community of East Hartford and the United States and to ensure that the history of such peoples is accurately portrayed.

SALARIES OF ELECTED OFFICIALS
(January 23, 2021)

Summary: This proposal provides an increase in the mayor's salary starting after the November election for the next two years which, by tradition, has reflected the increase in inflation over the two years since the last change in salary. The salary is rounded up slightly to eliminate odd salary amounts.

The proposal also increases the registrars' salary by \$2,000 and the deputy registrars' salary by \$1,000 starting a year from now in January. This reflects the continuing increase in responsibilities by the registrars. It also changes the requirement that the office remain open to the public 24 hours a week because the vast majority of registrations are performed online or through the DMV. However, it is expected that the registrars would work no less than 24 hours per week on average.

Sec. 1 Section 2-3 of the Town of East Hartford Code of Ordinances is repealed and the following is substituted in lieu thereof:

Beginning November 14, 2007, the Mayor's salary shall be \$78,723, which is a zero increase and beginning on November 14, 2008, the Mayor's salary shall be \$81,400 which is an increase of 3.4%, representing the increase in the consumer price index for 2005. Beginning November 11, 2014 and annually thereafter, the Mayor's salary shall increase by fifty percent of the increase in the consumer price index-all urban consumers for the preceding calendar year, provided that the Mayor's salary for November 11, 2013 shall be increased by fifty percent of the consumer price index-all urban consumers for the calendar years 2006 through 2012 inclusive. Effective November 2015, the Mayor's salary will be \$90,067 which is based on the increase in the 2013 consumer price index. Effective November 2016, the Mayor's salary will be \$91,688 which is based on the increase in the 2014 consumer price index. Effective November 13, 2017, the Mayor's salary shall be \$93,522 which is an increase of 2% and effective November 1, 2018, the Mayor's salary shall be \$95,392 which is an increase of 2%. Effective November 11, 2019, the Mayor's salary shall be \$97,777 which is an increase of 2.5% based on the increase in the 2017 Consumer Price Index. Beginning November 1, 2020, the Mayor's salary shall be \$100,221 which is an increase of 2.5% based on the Consumer Price index for 2018. Effective November 8, 2021, the Mayor's salary shall be \$102,000 which is based on the 1.7% increase in the Consumer Price Index for 2019. Effective November 1, 2022, the Mayor's salary shall be \$103,000 which is based on the 1% increase in the Consumer Price Index for 2020.

Sec. 2. Section 2-3b of the Town of East Hartford Code of Ordinances is repealed and the following is substituted in lieu thereof:

Beginning [on January 1, 2020, the salary for each registrar of voters shall be \$ 26,000 and the salary for each of the deputy registrar of voters shall be \$9,000 and beginning] January 1, 2021

the salary for each registrar of voters shall be \$27,000 and the deputy registrar of voters shall be \$9,000 and beginning January 1, 2022, the salary for each registrar of voters shall be \$28,000 and the salary for the deputy registrars of voters shall be \$10,000 provided: (1) the registrar of voters office shall [be open to the public] work no less than twenty-four hours per week; (2) the registrar of voters and deputy registrar of voters shall conduct no less than four voter outreach session in locations outside of town hall annually; (3) the registrars of voters and deputy registrars of voters shall take state mandated training for such offices; (4) the registrar of voters and the deputy registrar of voters shall comply with all state election law requirements; and (5) the registrars of voters shall provide an annual written report to the mayor and town council within two months after each election which shall consist of an overview of the office's activities for the year, an appraisal of the conduct of voting process for the previous election including any primary or special elections and recommendations for improving the election process. The Town Council may reduce the salary of a registrar of voters or a deputy registrar of voters if it determines that such person violated any provision of this section.

TOWN COUNCIL OFFICE

DATE: January 14, 2021
TO: All Councillors
FROM: Rich Kehoe, Chair
RE: Bulky Waste Permit Fee

The Town Council originally set the fees for bulky waste permits more than 10 years ago. The fee structure and amounts have not been reviewed since that time. In particular, there is some concern that too many residents are illegally putting bulky waste to the curb without notifying the town and without having a permit, creating an unsightly mess.

The Town Council should work with the Administration to determine the best structure and amounts that are responsive to the needs of the residents of East Hartford and provide some revenue to offset the costs of disposing of such bulky waste.

C: Marcia Leclerc, Mayor