

Sec. 18-1. Excavation Permit Required; Permit Fee; Bond; Repaving Fee.

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CHAPTER 18. STREETS AND SIDEWALKS.

ARTICLE 1. RULES AND REGULATIONS.

Sec. 18-1. Excavation Permit Required; Permit Fee; Bond; Repaving Fee.

(a) No person shall make any excavation of any part of any street, sidewalk, or public place of the town, or dig below the surface thereof, without a permit from the Director of Public Works.

(b) The fee for the excavation permit shall be as provided by the Town Council in the Schedule of Fees.

(c) No excavation permit shall be issued until the applicant has posted a bond, submitted certificates of insurance, and signed a Hold Harmless Agreement. The bond shall be in an amount to be determined by the Director of Public Works as sufficient to cover the estimated cost of repairing the street or sidewalk, or any other item damaged by the permittee's operation. The certificates of insurance shall evidence coverage by a Comprehensive General Liability policy (CGL) with a \$1,000,000 per occurrence limit, an auto liability policy with a \$1,000,000 per occurrence limit, and statutory Workers Compensation coverage. Said certificates must name the Town of East Hartford as an additional insured against liability arising from the excavation activities. The certificates must be submitted to and approved by the Finance Director or his/her designee. The Hold Harmless Agreement, available from the Director of Public Works, will hold the Town harmless from any and all claims or damages to property or injuries to persons arising out of the permitted activity.

Effective: 5/24/91

(d) In addition to the bond required in this section, the Director of Public Works may elect to charge a fee which has been approved by the Town Council for the repaving of any public road or street, with the Town assuming responsibility for a final permanent patch.

Effective: 11/17/82

Sec. 18-2. Excavations in Streets; Barricades and Lights Required.

(a) No person shall make an excavation or dig any hole, drain or ditch in any sidewalk, street, highway or thoroughfare in the town without providing sufficient light at night and a temporary fence or suitable barricade or obstruction around or in front of such excavation during the day to warn pedestrians and persons in vehicles of the excavation.

(b) No person shall place or otherwise use any device that gives off light by means of an open or enclosed flame produced by the burning of any petroleum product as a warning light or signal.

Sec. 18-3. Tampering with Warning Lights or Barricade.

No person shall remove, extinguish or destroy any light or lamp that has been placed upon any public street or sidewalk for the purpose of warning pedestrians or persons traveling in vehicles at night that such street or sidewalk has been closed to public use. May 24, 1991

Sec. 18-4. Temporary and Permanent Patching of Street Paving.

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Sec. 18-7. Officers to Prevent Obstruction.

(a) No person shall make an excavation or dig any hole, drain or ditch in any sidewalk, street, highway or thoroughfare in the town without providing sufficient light at night and a temporary fence or suitable barricade or obstruction around or in front of such excavation during the day to warn pedestrians and persons in vehicles of the excavation.

(b) No person shall remove, destroy or otherwise interfere with any obstruction or barricade placed upon any public street or sidewalk in the Town for the purpose of preventing accidents or warning pedestrians or persons traveling in vehicles that the street or sidewalk has been closed to traffic.

Sec. 18-4. Temporary and Permanent Patching of Street Paving.

Temporary patching and permanent patching of street paving shall be done according to the regulations established by the Director of Public Works which regulations shall be presented to the Mayor and then to the Town Council for approval.

Sec. 18-5. Failure to Comply; Repair of Pavement by Town.

Failure of the permittee to comply with Section 18-4 shall make him subject to suspension of any further permits in the Town, or if the work is not satisfactory to the Director of Public Works, the contractor shall be notified by registered mail, allowing him five (5) days to correct such pavement cut. Otherwise, the Town will make the necessary repairs and bill the contractor for the cost of such repairs.

Sec. 18-6. Obstruction of or Encroachment on Streets, Sidewalks, Public Places; Permit Required; Fee.

(a) No person shall obstruct or place any obstruction on or encroach on any street, sidewalk or other public place without a permit from the Director of Public Works.

(b) Before a permit is issued, a Certificate of Insurance, evidencing coverage by a Comprehensive General Liability (CGL) policy with a \$1,000,000 per occurrence limit must be submitted to and approved by the Finance Director or his/her designee. Said Certificate must name the Town of East Hartford as an additional insured against liability arising from the permitted activity. In addition, the applicant shall sign a Hold Harmless Agreement, available from the Director of Public Works, that will hold the Town harmless from any and all claims or demands for damages to property or injuries to persons arising out of the permitted activity.

Effective: 5/24/91

(c) The fee for the permit to obstruct or place any obstruction on or encroach on any street, sidewalk or other public place shall be as provided by the Town Council in the Schedule of Fees.

Effective: 11/17/82

Sec. 18-7. Officers to Prevent Obstruction.

Any member of the Police Department of the Town shall have authority to keep open and free from obstruction the streets and public places of the town, and to require all persons unlawfully

Sec. 18-8. Closing Street;
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Sec. 18-10. Sidewalk Sales;
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obstructing such streets and public places to desist therefrom whenever the act of obstruction is done in view of such officer.

Sec. 18-8. Closing Street; Permit Required.

(a) If any street is to be completely closed to vehicular traffic for any reason, the person closing the street shall obtain a permit from the Director of Public Works before closing such street. Such permit shall be in addition to any other permit required in this Code.

(b) The fee for a permit to completely close a street shall be as set by the Council in the Schedule of Fees, provided that the Director may waive the permit fee for non-profit block or neighborhood parties.

(c) The street closing permit shall allow the permittee to close the street for not more than twenty-four (24) hours.

(d) Upon the issuance of the permit provided for herein, the Director of Public Works shall notify the Chief of Police and the Fire chief of the closing of the street.

(e) In the event of any emergency, the permit to close the street need not be obtained before the street is closed, but the person closing the street shall notify the Director of Public Works, Chief of Police and the Fire Chief of such closing within one (1) hour of such closing.

Sec. 18-9. Depositing Snow-on Streets; Sidewalks, Public Ways.

No occupant or owner shall deposit or place any snow from property occupied or owned by him in or upon any street, sidewalk, or other public way of the Town in such manner or to such an extent as unreasonably to impede or cause inconvenience to public travel.

Sec. 18-10. Sidewalk Sales; Placing Merchandise on Sidewalks.

(a) No person shall erect or maintain any booth, stand or counter on any sidewalk for the purpose of barter, sale or trade, or keep or maintain upon the streets, or alleys, any wagon, cart wheel, vehicle, movable booth or stand, for the purpose of barter or trade, except as provided in this Section.

(b) No person shall place any article of merchandise or wares, or any case or box for containing the same, or any packing boxes, upon any sidewalk, street or highway, except for purposes of transit or delivery, and for such time and in such manner as shall be reasonably necessary for such purposes: provided the sidewalk sale of merchandise by a merchant on the sidewalk in front of his premises shall be allowed upon approval by the Council, said approval to be considered at a regular meeting of the Council. Notice of the application to the Council shall be published in a newspaper having a circulation in the Town at least five (5) days previous to the next regular meeting of the Council. Expenses of publication of such notice shall be paid for in advance by the applicant. If the application is approved by a majority vote of the Council, the Chairman shall give written approval to the applicant to hold such a sale.

Sec. 18-11. Building Materials on Streets and Sidewalks; Public Ground; Permit

CHAPTER 18. Streets and Sidewalks

Sec. 18-15. Damaging and Defacing Sidewalks or Streets; House Numbers.

Sec. 18-11. Building Materials on Streets and Sidewalks; Public Ground; Permit Required; Fee.

(a) No person shall place any building material, during the erection or repair of any building, or otherwise, in any street, sidewalk or public ground without obtaining a permit therefore, subject to such conditions as may be prescribed in any particular case in writing by the Director of Public Works.

Effective: 11/17/82

(b) Before a permit is issued, a Certificate of Insurance, evidencing coverage by a Comprehensive General Liability (CGL) Policy with a \$1,000,000 per occurrence limit must be submitted to and approved by the Finance Director or his/her designee. Said Certificate must name the Town of East Hartford as an additional insured against liability arising from the permitted activity. In addition, the permittee shall sign a Hold Harmless Agreement, available from the Director of Public Works, which will hold the Town harmless from any and all claims or demands for damages to property or injuries to persons arising out of the permitted activity.

Effective: 5/24/91

(c) The fee for placing building material in any street, sidewalk, or public ground shall be as provided by the Town Council in the Schedule of Fees. Effective: 1/1/83

Sec. 18-12. Escape of Water Onto Streets.

No person shall cause the escape or flow of water in such quantity as to cause flooding, or impede vehicular or pedestrian traffic, or create a hazardous condition to such traffic, or cause damage to the public streets. January 1, 1993

Sec. 18-13. Throwing Objects.

No person shall throw, kick or project in any manner whatever, any stone, ball, snowball or any other object in any public street or other public place.

Sec. 18-14. Throwing Glass or Nails on Streets.

No person shall purposely or negligently place, throw or cause to be placed or thrown, in, upon or across any thoroughfare any broken glass, tacks, nails, pieces of iron, wire, bottles or other similar substances.

Sec. 18-15. Damaging and Defacing Sidewalks or Streets; House Numbers.

(a) No person shall loosen or remove any plank, board, block, brick, stringer or support from any sidewalk or crossing. July 2, 1980

(b) No person shall cut, carve, paint, mark, engrave or inscribe upon any sidewalk, curbing, pavement or other public part of any street, any sign, mark, advertisement or effigy, other than to show the sidewalk contractor's nameplate.

(c) Nothing in this Section shall be construed to prohibit the painting and marking of curb faces with home address numbers.

Sec. 18-16. Building on or Obscuring Prospect of Building Line.

CHAPTER 18. Streets and Sidewalks

Sec. 18-20. Numbering of Houses, Buildings, Lots.

Sec. 18-16. Building on or Obscuring Prospect of Building Line.

No person shall erect, locate or continue any structure, building or part of a building or any appurtenance thereto, or on or obscure the prospect of the building line of a street or public way.

Sec. 18-17. Minimum Clearance of Signs or Wires. (See Sec. 3-33)

No person shall place or maintain any temporary sign, banner, wire or other thing within a highway, at less than a height of sixteen (16) feet above the roadway or ten (10) feet above the sidewalk.

Sec. 18-18. Transporting Waste Through Streets.

(a) No person shall transport any material, waste or otherwise, through the streets of the Town in such a manner as to drop or scatter such material upon the streets.

(b) No person shall transport any papers, leaves or other light materials likely to be blown from any open-bodied vehicle unless such body is covered so as to prevent such materials from being blown or otherwise scattered in any public place.

Sec. 18-19. Parking Lot Entrances and Exits; Enclosure.

All areas used for the parking of motor vehicles, whether free or for a fee, shall be so arranged as to permit not more than one entrance and one exit, except by authorization of the Police Chief. There shall not be permitted more than one separate entrance and one separate exit for each parking area on any one street. No such entrance or exit shall exceed twenty (20) feet in width at the street line.

Effective: 9/23/88

Sec. 18-20. Numbering of Houses, Buildings, Lots.

(a) The Director of Public Works may, at his discretion and without notice, assign to each house, or to any part of a house or to each lot or any part of a lot fronting upon any street in the town, a number by which it shall be known. He may, with Council approval, alter such numbers and renumber such house, parts of houses, lots and parts of lots.

(b) Prior to the acceptance of a new street by the Town, it shall be the duty of the Director of Public Works to see to it that land abutting such street has been assigned a street number at such measured intervals or distance as, in his opinion, the public interest shall require.

(c) Whenever the Director of Public Works has assigned numbers to or has renumbered any property fronting on any street, he shall send to the owner of the properties to which numbers have been assigned on the street a written statement informing him of such numbering and renumbering and it shall be the duty of each owner to immediately affix the number to the building standing on the property or, in the event there is no such building at the time of the statement, to affix the number to any building thereafter erected.

(d) In the event the owner fails to affix the number referred to above within thirty (30)

Sec. 18-21. Size and Location of House Numbers.

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Sec. 18-23. Removal of Snow and Sleet From Areas Around Fire Hydrants.

days after the receipt of the statement or erection of the building, whichever is later, then the Director of Public Works may do so and the expense of so doing, including material and labor, shall be borne by the owner.

(e) The Director of Public Works shall deliver to the Director of finance the bill for numbering premises in the Town. The Finance Department shall collect from the property owner, designated by the Director the total amount of such bill, plus a penalty of eight per cent (8%) of such amount; provided, that on each bill the minimum penalty shall be two dollars and fifty cents (\$2.50) and the maximum shall be fifteen dollars (\$15.00). Such expenses shall become a lien upon the premises in connection with which it was incurred and such lien shall exist from the date such numbers were affixed. Such lien shall expire six (6) months after the date on which it begins to run, unless a certificate thereof containing a statement of the amount of such lien and a description of the premises upon which it is claimed shall be lodged for record by the Finance Department in the office of the Town Clerk.

(f) The Director of Public Works shall report to the prosecuting attorney of the circuit court any case of refusal or neglect to comply with the statement provided in Subsections (a), (b), (c), and (d) within thirty (30) days after the issuance of such statement.

Sec. 18-21. Size and Location of House Numbers.

(a) The numbers required by Section 18-20 shall be at least two and one-half (2-1/2) inches in height and of a design that is easily readable. The numbers shall be displayed immediately above the main doorway or entrance of the house or structure or to the immediate left or right of such entrance at a height of not less than three (3) feet above the bottom of the entranceway. In the event that such house or structure shall have a porch or other addition which obstructs or hinders the view of such front entranceway, then such numbers shall be attached to the front of the porch or other addition so that the numbers shall be easily discernable during daylight, from the street or roadway in front of such house or structure.

(b) This Section shall not preclude the display of house numbers easily readable from the street on any post or other fixture in lieu of the above requirement.

Sec. 18-22. Accumulation of Snow on Roof Near Public Way.

No occupant or owner shall permit any snow to remain on the roof, awnings or overhangs of any building in such a condition that the same may slide therefrom upon any street, sidewalk or public way of the Town. July 8, 1994

Sec. 18-23. Removal of Snow and Sleet From Areas Around Fire Hydrants.

(a) The owner, agent of the owner or occupant of any property which abuts any fire hydrant shall, within eight (8) hours after the cessation of any fall of snow and/or sleet, remove any snow or sleet which may have accumulated on top of and within a radius of three (3) feet from any part of such hydrant and shall thereafter, ensure that such hydrant remains clear of snow and sleet and visible from the street.

(b) Every owner, agent or occupant found to have violated any provision of subsection

Sec. 18-24. Definitions.

CHAPTER 18. Streets and Sidewalks

Sec. 18-25. Compliance with Procedures and Regulations; Methods of Initiating

(a) above shall be issued a written warning by the town's Fire Chief or his designees directing such owner, agent or occupant to cure such violation within three (3) hours after the issuance of the warning. If such violation is not corrected within the time set out in the warning, the owner, agent or occupant will be issued an infraction ticket by the Fire Chief or his designees which will subject such owner, agent or occupant to a fine of fifty (\$50.00) dollars for the first violation. Failure by the owner, agent or occupant to cure the violation after issuance of the infraction ticket will result in the issuance of an additional infraction ticket by the Fire Chief or his designees for each day the violation remains unabated, each of which will subject the owner, agent or occupant to a fine of ninety (\$90.00) dollars.

(c) The town may, at any time after the issuance of the first infraction ticket to an owner, agent or occupant, cure such owner, agent or occupant's continuing violation by causing the removal of the snow and sleet obstruction which caused the issuance of the citation and recover its costs from the offending owner, agent or occupant, plus legal interest thereon, as provided in Connecticut General Statutes Section 7-148(c)(6)(C)(v), by filing a lien against the property owned, managed or occupied by the offending owner, agent or occupant.

Voted June 7 1994
Published June 17 1994

ARTICLE 2. CONSTRUCTION AND MAINTENANCE OF SIDEWALKS AND CURBS.

Sec. 18-24. Definitions.

- (a) As used in this Article:
- (1) Curb and walk layer shall mean any person legally holding a license as curb and walk layer from the licensing authority in this jurisdiction.
 - (2) Sidewalk shall mean cement concrete walkways four (4) feet wide and five (5) inches thick constructed in such a manner as to meet all specifications set forth by the Director of Public Works.

Sec. 18-25. Compliance with Procedures and Regulations; Methods of Initiating Construction.

(a) Original or initial sidewalks shall be installed in accordance with the procedures, rules, regulations and specifications as set forth by the Director of Public Works upon such streets and portions thereof as the Director of Public Works shall determine under the authority granted him by Chapter V, Section 8 of the Charter.

(b) The proceeding for the installation of sidewalks may be initiated by either of the following methods:

- (1) Whenever the Director of Public Works, pursuant to a property owner's petition, finds the same to be necessary and in the public interest.

Sec. 18-26. Driveway Approaches; Permit; Fee.

CHAPTER 18. Streets and Sidewalks

Sec. 18-27. License, Permit and Order Required.

(2) Whenever the Director of Public Works shall on his own information and initiative find the same necessary and in the public interest.

Sec. 18-26. Driveway Approaches; Permit; Fee.

- (a) No driveway shall be constructed beyond the property line into a sidewalk area or public way in the Town without first obtaining a permit from the Director of Public Works or his designee. Such driveway shall conform with lines, grades and specifications required by the Director of Public Works or his designee. The provisions of this subsection shall not apply to reconstruction or repair of an existing driveway.
- (b) No permit shall be issued pursuant to this section unless the applicant for such permit has obtained all approvals from the Planning and Zoning Commission, Zoning Board of Appeals or Inland Wetlands Commission as required by law.
- (c) In determining whether to grant or deny such permit, the Director or his designee shall consider the application's compliance with the Town of East Hartford's Manual of Technical Design, sound engineering principles and public safety interests.
- (d) No permit shall be issued pursuant to this section unless: (1) the applicant submits a Certificate of Insurance, evidencing coverage by a Comprehensive General Liability (CGL) policy with a one million dollar per occurrence limit approved by the Finance Director or the director's designee. Such certificate shall name the Town of East Hartford as an additional insured against liability arising from the construction of such driveway; (2) such applicant signs a hold harmless agreement approved by the Corporation Counsel that will hold the Town of East Hartford harmless from any and all claims and demands for damages to property or injuries to persons arising out of the construction of such driveway and (3) such applicant pays the fee for such driveway permit as provided by the Town Council in the Schedule of Fees.

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Sec. 18-27. License, Permit and Order Required.

- (a) No person shall lay any sidewalk, curb or gutter without the license, permit and order of the Director of Public Works.
- (b) Before any permit is issued under this Chapter, Certificates of Insurance, evidencing coverage by a Comprehensive General Liability (CGL) policy with a \$1,000,000 per occurrence limit, an Auto Liability Policy with a \$1,000,000 per occurrence limits and statutory Workers' Compensation coverage, must be submitted to the Director of Public Works and be approved by the Finance Director or his/her designee. Said certificates must name the Town of East Hartford as an additional insured against liability arising from the work. In addition, the applicant shall sign a Hold Harmless Agreement, available from the Director of Public Works, which will hold the Town harmless from any and all claims or demands for damages to property or injuries to

Sec. 18-28. Installation of Sidewalk; Responsibility of Abutting Property Owner.

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Sec. 18-31. Curbs; Installation and Maintenance Costs.

persons arising out of the permitted activity. Effective: 5/24/91

Sec. 18-28. Installation of Sidewalk; Responsibility of Abutting Property Owner.

Whenever the Director of Public Works shall order the installation of public sidewalks, the installation shall be the responsibility of the abutting property owner at his expense and within a reasonable time.

Sec. 18-29. Maintenance of Sidewalk by Property Owner.

(a) All public sidewalks, whether installed heretofore or hereafter, shall be maintained, repaired, replaced and kept clear by the abutting property owner at his expense.

(b) The Town of East Hartford shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the Town of East Hartford is the owner or in possession and control of land abutting such sidewalk, other than land used as a highway or street.

Effective: 7/6/83

Sec. 18-30. When Sidewalk Installation Required Simultaneous With Building Construction.

(a) The owner of lands on which any structure is hereafter erected, fronting on presently accepted highways or streets in the Town, except those streets within the confines of an industrial park which shall be subject to Town plan regulations, shall install suitable walks of such construction and material as shall be approved by the Director of Public Works. The walks shall be installed concurrently with the construction of the structure, but in those instances where the existing street or highway is not properly aligned, graded or drained, the installation of such walks may be postponed by the written permission of the Director of Public Works.

(b) The Department of Inspections and Permits shall affix a copy of this regulation to all building permits issued by it.

(c) As used in Subsection (a) of this Section, industrial park shall mean an area of land zoned and exclusively used for industrial purposes, containing three (3) or more businesses not generally opened to the public for retail sales, and containing a roadway or network of roadways intended primarily for commercial vehicles and with access to the public streets limited to one (1) or two (2) points.

Sec. 18-31. Curbs; Installation and Maintenance Costs.

The cost of installation of curbs and the repair, maintenance or replacement of

Sec. 18-32. Failure to Install Walks; Installation by Town; Assessment of Costs.

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Sec. 18-35. Maintenance of Sidewalks; Removal of Litter and Obstructions.

existing curbs on Town accepted streets shall be totally assumed by the Town.

Sec. 18-32. Failure to Install Walks; Installation by Town; Assessment of Costs.

(a) Whenever the owner of any premises fronting upon any street **in the** Town neglects or refuses to comply with orders from the Director of Public Works to install public sidewalks, the Director shall cause the construction of the sidewalks, the expense of the same to be recovered from the owner by the Town.

(b) The Assessment of the cost of such installation upon the properties benefited thereby shall be on a "per front foot basis."

(c) When total costs and final assessments of the installation for public sidewalks are ascertained, the Director of Public Works shall cause liens to be filed against all abutting properties.

Sec. 18-33. Failure to Repair Walks; Repair by Town, Assessment of Costs.

(a) Whenever the owner of any premises fronting upon any street in the Town neglects or refuses to keep his sidewalk in good repair, or fails to perform any of the duties imposed upon him by any Section of this Article, after the expiration of the time within which he is required by notice to do so, the Director of Public Works shall cause work or repairs to be done and the expense of the same to be recovered from the owner by the Town, in addition to the penalty incurred by him for such neglect or refusal.

(b) Upon delivery to the Director of Finance by the Director of Public Works of any assessment for replacing, cleaning or repairing a sidewalk, the Director of Finance is authorized to collect from the property owner designated by the Director of Public Works the total amount of such bill, plus a service charge of eight per cent (8%) of the amount of the bill; provided that the minimum service charge on any bill shall be two dollars and fifty cents (\$2.50) and the maximum service charge shall be fifteen dollars (\$-15-.00).

(c) Whenever the property owner fails to pay the costs, charges and penalties, the Director of Finance shall cause a lien to be filed against said property.

Sec. 18-34. Ordering Replacement of Sidewalk Beyond Repair.

The Director of Public Works, when notified by the Director of Inspections and Permits that an existing sidewalk is in such condition that it cannot be suitably repaired and the public interests so requires, may order the owner of land fronting upon any street in the Town to replace the sidewalk laid in front of such property by laying a concrete sidewalk of such composition, width, and thickness and within such reasonable time as the Director may prescribe.

Sec. 18-35. Maintenance of Sidewalks; Removal of Litter and Obstructions.

Sec. 18-36. Maintenance of Tree Belt.

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Sec. 18-38. Removal of Snow, Ice, Sleet, Debris and Obstructions From Sidewalks.

Every person owning land within the Town upon or adjacent to which is a sidewalk, whether constructed by him or not, shall at all times keep the sidewalk in safe condition for the use of the public and shall have repaired all defects which may occur in the sidewalk and at all times remove therefrom all obstructions or any substance, and all litter of leaves, grass, gravel, dirt or other things which would in any way impede or imperil public travel upon sidewalk or to render it unsafe.

Sec. 18-36. Maintenance of Tree Belt.

(a) The abutting owner shall maintain the ground surface of the tree belt, if any, between the sidewalk and the curb in a neat and graded manner, free and clear of all bushes and trees, unless planted by the Town, standing grass, and litter of every sort and free of holes and defects which would constitute a danger to pedestrians.

(b) As used in this Section, abutting owner shall mean the owner of land whose property line abuts any street right of way, regardless of the distance between any paved street or sidewalk and the owner's property line.

Sec. 18-37. Maintenance of Sidewalks Abutting Town Property.

It shall be the duty of the Director of Public Works to repair all sidewalks located in streets and abutting property belonging to the town or under the control of any department or agency of the Town, together with curbs abutting Town streets, except driveways not owned by the Town.

Sec. 18-38. Removal of Snow, Ice, Sleet, Debris and Obstructions From Sidewalks.

(a) The owner, agent of the owner or occupant of premises bordering on any street or public place within the town where there is an established sidewalk shall cause to be removed therefrom any and all snow, ice, sleet, debris or any other obstruction. Snow and sleet shall be removed within eight (8) hours after the same shall have fallen or formed upon the sidewalk if the fall or formation of snow and sleet has occurred during daylight hours. If the fall or formation of such snow and sleet occurs between sunset and sunrise, same shall be removed from the sidewalk within eight (8) hours after sunrise. Obstructions other than snow, ice and sleet shall be removed immediately after they have appeared on a sidewalk.

(b) Any formation of ice upon a sidewalk shall be removed immediately, except that, when weather conditions are such as to make the removal of ice from a sidewalk impracticable, the sidewalk shall be made safe and convenient for travel by covering the ice with sand, salt, sifted ashes or some other suitable substance that will provide adequate traction.

(c) Every owner, agent or occupant to have violated any provision of subsections (a) or (b) above shall be issued a written warning by the Town's Director of Inspections and Permits or his designees directing such owner, agent or occupant to cure such violation within three (3) hours after the issuance of the warning. If such violation is not corrected within the time set out in the warning, the owner, agent or occupant will be issued an infraction ticket by the Sidewalk Inspector which will subject such owner, agent

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or occupant to a fine of fifty (\$50.00) dollars for the first violation. Failure by the owner, agent or occupant to cure the violation after issuance of the infraction ticket will result in the issuance of an additional infraction ticket by the Director of Inspections and Permits for each day the violation remains unabated, each of which will subject the owner, agent or occupant to a fine of ninety (\$90.00) dollars.

(d) The Town may, at any time after the issuance of the first infraction ticket to an owner, agent or occupant, cure such owner, agent or occupant's continuing violation by causing the removal of the snow, ice, sleet, debris or obstruction which caused the issuance of the citation and recover its costs from the offending owner, agent or occupant, plus legal interest thereon, as provided in Connecticut General Statutes Section 7-148(c)(6)(C)(v), by filing a lien against the property owned, managed or occupied by the offending owner, agent or occupant.

(e) **Liability for Snow and Ice on Public Sidewalks**

- (1) The provisions of Connecticut General Statutes, Section 7-163a, are hereby adopted and are set forth in subsections (2) and (3) hereof.
- (2) Notwithstanding the provisions of Section 13a-149 of the Connecticut General Statutes or any other general statute or special act, the Town of East Hartford shall not be liable to any person injured in person or property caused by the presence of snow, ice, sleet, debris or other obstruction on a public sidewalk unless the Town of East Hartford is the owner or person in possession and control of land used as a highway or street, provided that the Town of East Hartford shall be liable for its affirmative acts with respect to such sidewalk.
- (3) **Responsibility of owners and abutters.**
 - (a) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of snow, ice, sleet, debris or other obstruction on such sidewalk toward the portion of the sidewalk abutting his property as the municipality had prior to the effective date of this chapter and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.
 - (b) No action to recover damages for injury to the person or to property caused by the presence of snow, ice, sleet, debris or other obstruction on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two (2) years from the date when the injury is first sustained.

Sec. 18-38 (a-e)
Voted: June 7, 1994
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Sec. 18-39. Curb and Walk Layer; License Required; Fee.

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Sec. 18-42. License Expiration.

Sec. 18-39. Curb and Walk Layer; License Required; Fee.

(a) No person shall lay in any street, any new curb or sidewalk, or relay any existing curb or sidewalk without first having obtained an annual license as a curb and walk layer from the Town.

(b) Such license will be issued with the approval of the Director of Public Works to any person who shall make proper application therefor, file a satisfactory bond and satisfy the Director that he is suitable and competent and intends to lay curbs, walks, and combined curbs and gutters in accordance with the rules, regulations and specifications of the Town on file in the office of the Director of Public Works; provided, that this section shall not prevent the making without such license of minor repairs to an existing sidewalk by the owner of the property in front of which such sidewalk is located, or by such owner's agent with remuneration,.

(c) The fee for the curb and walk layer's license shall be as provided by the Town Council in the Schedule of Fees.

Sec. 18-40. License Application; Contents.

The applicant for a curb and walk layer's license shall state in his application his actual place of business, together with the name under which the business is done, and shall notify the Director of Public Works of any subsequent change in either.

Sec. 18-41. Bond and Insurance Required.

(a) Every person making application for a license as a curb and walk layer shall file with the Director of Public Works a satisfactory bond of a regular indemnity or surety company authorized to transact business in the town, and approved by the Director of Public Works, in the sum of five thousand (\$5,000) dollars and conditioned substantially that the applicant, his employees and agents shall faithfully perform such work in all respects and shall replace and restore that portion of any street in which the applicant, his employee and agents, shall make any excavation to as good as that in which the same was before such work was performed. Personal bonds of private citizens or of firms or companies not regularly engaged in issuing such bonds will in no case be accepted.

(b) The licensee shall also file with the director of Public Works certificates of insurance, evidencing coverage by a Comprehensive General Liability (CGL) policy with a \$1,000,000 per occurrence limit, an Auto Liability Policy with \$1,000,000 per occurrence limit, and statutory Workers' as an additional insured against liability arising from the curb/walk laying activities and must be kept in force throughout the term of the license. In addition, the licensee shall sign a Hold Harmless Agreement, available from the Director of Public Works, that will hold the town harmless from any and all claims or demands for damages to property or injuries to persons arising from the licensee/s activities.

Effective: 5/24/91

Sec. 18-42. License Expiration.

Sec. 18-43. Suspension or Revocation of License.

CHAPTER 18. Streets and Sidewalks

Sec. 18-46. Barricading and Lighting Excavations.

All curb and walk layers' licenses shall expire on December 31, of each year.

Sec. 18-43. Suspension or Revocation of License.

Whenever any licensed curb and walk layer violates any of the provisions of this Article pertaining to such licensee, or of any such rules, regulations and specifications adopted by the Director of Public Works, the Director may order the suspension or revoking of the license of such curb and walk layer. Any suspension will be for a period of not less than thirty (30) days. Cancellation of insurance or bond automatically suspends the license.

Sec. 18-44. Permit Required; Fee.

(a) No curb and walk layer shall commence any work upon any street, curbing, sidewalk, gutter or driveway in the town until he has applied for and secured a permit to do so from the Director of Public Works.

(b) The fee for the curb and walk layer's permit shall be as provided by the Town Council in the Schedule of Fees.

(c) The permit shall be kept on the job during the continuance of the work and shall be available for inspection by all authorized persons.

(d) The permit shall be signed by the curb and walk layer, or by his authorized agent. Permit shall specify the location of the property and the nature of the work to be done, and shall contain an agreement to be signed by the curb and walk layer that he will do the contemplated work in accordance with the rules, regulations and specifications pertaining to such work as set forth by the Director of Public Works, and that he will indemnify and save the Town harmless from all damages caused by his acts or omissions, or acting under the permit applied for.

Effective: 11/17/82

Sec. 18-45. Work Guarantee.

A curb and walk layer shall guarantee the work done under each permit issued him for a period of two (2) years after completion against any failure caused by defective materials or defective workmanship, and, if so ordered, shall at his own expense make good any such defects to the satisfaction of the Director of Public Works.

Sec. 18-46. Barricading and Lighting Excavations.

Any person doing sidewalk, curb or driveway construction shall suitably barricade and light any excavation on public property, and he shall be personally liable for any injuries or damages which ensue as the result of negligent failure to properly barricade or light the work or excavation site.