

CHAPTER 1. GENERAL PROVISIONS

Sec. 1-1. Designation and Citation of Code.

The ordinances embraced in the following Chapters and Sections shall constitute and be designated "the Code of Ordinances, Town of East Hartford, Connecticut", and may be so cited. The Code may also be cited in the provisions which follow, as "this code".

Sec. 1-2. Rules of Construction; Definitions.

(a) In the construction of this Code, and of all ordinances, the following rules shall be observed, unless the content clearly indicates otherwise:

- 1) Bond shall mean an obligation in writing, binding the signatory to pay a sum certain upon the happening or failure of an event.
- 2) Building shall mean any structure intended to have walls and a roof.
- 3) Business shall mean any profession, trade, occupation and any other commercial enterprise.
- 4) Clerk shall mean the Town Clerk.
- 5) Council shall mean the Town Council of the Town of East Hartford.
- 6) County shall mean the County of Hartford.
- 7) Definitions given within a Chapter or Article apply to words or phrases under such Chapter or Article.
- 8) Designee, following an official of the Town, shall mean the authorized agent, employee or representative of such official.
- 9) Gender: A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.
- 10) Joint Authority: All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- 11) Keeper and Proprietor shall mean and include persons, firms, association, corporations, clubs and co-partnerships, whether acting by themselves or a servant, agent or employee.
- 12) Mayor shall mean the Mayor of the Town of East Hartford.
- 13) Nuisance shall mean any act, thing, occupation, condition or use of property which shall continue for such length of time as to:
 - (A) Substantially annoy, injure or endanger the comfort, health, repose or safety of any person;
 - (B) In any way render any person insecure in life or in the use of his property; or
 - (C) Unlawfully and substantially interfere with, disturb, obstruct or tend to obstruct any person in the reasonable and comfortable use of his property.

Sec. 1-2. Rules of
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Sec. 1-2. Rules of
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- 14) Number: A word importing the singular number only may extend and be applied to several persons and things, as well as to one person and thing.
- 15) Oath shall mean any form of attestation by which a person signifies that he is bound in conscience to perform an act or to speak faithfully and truthfully, and includes an affirmation or declaration in cases where by law, an affirmation may be substituted for an oath.
- 16) Occupant shall mean tenant or person in actual possession.
- 17) Operate shall mean carry on, keep, conduct, maintain, manage, direct or superintend.
- 18) Ordinances shall mean ordinances of the Town of East Hartford and all amendments and supplements thereto.
- 19) Owner shall mean one who has complete dominion over particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, owner means any part owner, joint owner, owner of a community or partnership interest, life tenant, tenant in common, or joint tenant of the whole or part of such building or land.
- 20) Parade shall mean any march, procession, motorcade, or promenade consisting of persons, animals, or vehicles, or a combination thereof, having a common purpose, design, destination, or goal, upon any public place, which parade, march, procession, motorcade, or promenade does not comply with normal and usual traffic regulation or control.
- 21) Person shall mean any individual, natural person, Joint Stock Company, partnership, voluntary association, society club, firm, company, corporation, business trust, organization, or any other group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them, including an executor, administrator, trustee, receiver, or other representative appointed according to law.
- 22) Personal Property includes every species of property, except real property, as herein defined.
- 23) Property shall include real and personal property.
- 24) Public Officer shall mean Department Head.
- 25) Public Place shall mean and include any public street, road or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, stadium, athletic field, park, playground, public building or grounds appurtenant thereto, school buildings or school grounds, public parking lot or any vacant lot, the elevator, lobby, halls, corridors and areas open to the public of any store, office, or apartment building, or any other place commonly open to the public.
- 26) Real Property shall include lands, tenements and hereditament.
- 27) Reckless or Recklessly shall mean conduct performed in a heedless, careless or wanton manner with disregard or indifference towards the possible consequences or effect on rights of others.
- 28) Sidewalk shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.
- 29) Signature shall mean the name of a person, mark or symbol appended by him to a writing with intent to authenticate the instrument as one made or put into effect by him.

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Sec. 1-3. Captions.

Sec. 1-5. Amendments to Code; Effect of New Ordinances; Amendatory Language.

- 30) State shall mean the State of Connecticut.
- 31) State Law or General Law shall refer to the General Statutes of Connecticut, Revision of 1958, as amended.
- 32) Street shall mean and include streets, avenues, boulevards, roads, alleys, lanes, viaducts, recreation and park lands used for vehicular traffic, and all other public ways in the Town; and may include private ways over which the Town exercises jurisdiction.
- 33) Tenant or Occupant applied to a building or land, shall include any person holding a written or oral lease of or who occupies the whole or a part of such building or land, either alone or with others.
- 34) Tense: Words used in the past or present tense include the future as well as the past and present.
- 35) Time of Performance means the time within which an act is to be done as provided in any Section or any order issued pursuant to any Section, when expressed in days, and is computed by excluding the first and including the last day. If the last day is Sunday or a legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Sunday or a legal holiday, from midnight to midnight, is excluded.
- 36) Town shall mean the Town of East Hartford, in the County of Hartford, and the State of Connecticut.

(b) Words and phrases shall be construed according to the common and approved usages of the language, but technical words and phrases and others that have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such meaning.

Sec. 1-3. Captions.

The captions of the Sections of this Code are intended as mere catchwords to indicate the contents of the Section and shall not be deemed or taken to be titles of such Sections, nor as any part of the Section; nor shall they be construed to govern, limit, modify, alter, or in any other manner, affect the scope, meaning or intent of any provision of this Code.

Sec. 1-4. Territorial Applicability.

This Code shall refer only to the commission or omission of acts within the territorial limits of the town and to that territory outside the town over which the town has jurisdiction or control by virtue of any Constitutional or Charter provision, or any law.

Sec. 1-5. Amendments to Code; Effect of New Ordinances; Amendatory Language.

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Sec. 1-6. Code Provisions as
Continuations of Existing
Ordinances.

Sec. 1-8. Conflicting
Provisions.

(a) All ordinances passed subsequent to this Code which may amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repeated chapters, sections and subsections, or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby.

(b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code, in substantially the following language: "That Section of this Code of Ordinances, Town of East Hartford, Connecticut, is hereby amended to read as follows: ." The new provisions shall then be set out in full as desired.

(c) In the event a new Section not heretofore existing in the Code is to be added, the following language should be used: "That the Code of Ordinances, Town of East Hartford, Connecticut, is hereby amended by adding a section to be numbered , which section reads as follows: "

(d) All Sections, Articles, Chapters or provisions desired to be repealed should be specifically repealed by Section, Article, or Chapter number, as the case may be.

Sec. 1-6. Code Provisions as Continuations of Existing Ordinances.

The provisions appearing in this Code, insofar as they relate to the same subject matter and are substantially the same as those ordinance provisions previously adopted by the Town and existing at the effective date of this Code, shall be considered as restatements and continuations thereof, and not as new enactments.

Sec. 1-7. Effect of Repeat of Ordinance; Revival.

(a) Neither the adoption of this Code nor the repeal hereby of any Ordinance of this Town shall in any manner affect the prosecution for violation of Ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty at the effective date due the unpaid under such Ordinance, nor be construed as affecting any of the provisions of such Ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any Ordinance, and all rights and obligations hereof appertaining shall continue in full force and effect.

(b) Whenever any Ordinance repealing a former Ordinance, clause or provision is repealed, such repeal shall not be construed as reviving such former Ordinance, clause or provision, unless expressly provided therein.

Sec. 1-8. Conflicting Provisions.

(a) If the provisions of different Chapter, Articles, Divisions or Sections of this Code conflict with or contravene each other, the provisions of each Chapter, Article, Division or Section shall prevail as to all matters and questions growing out of the

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Sec. 1-9. Prohibited Acts
Include Causing, Permitting,
Aiding.

Sec. 1-12. Altering Code.

subject matter of that Chapter, Article, Division or Section.

- (b) If clearly conflicting provisions are found in different Sections of the same Chapter, the provisions of the Section last enacted shall prevail unless the construction is inconsistent with the meaning of that Chapter.

Sec. 1-9. Prohibited Acts Include Causing, Permitting, Aiding.

Whenever in this Code any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

Sec. 1-10. Notices; Service and Proof.

(a) Unless otherwise specifically provided, whenever a notice is required to be given pursuant to any Section of this Code, such notice shall be given either by personal delivery to the person to be notified or by deposit in the United States Mail in a sealed envelope, postage prepaid, addressed to the person to be notified at his last known business or residence address as the same appears in the public records or other records pertaining to the matter for which such notice is served, or by any other method of delivery approved by law. Service by mail shall be deemed to have been completed at the time of deposit in the post office or any United States mailbox.

(b) Proof of giving any notice may be made by the certificate of any officer or employee of this Town or by affidavit of any person over the age of eighteen (18) years who actually accomplished personal service in conformity with this Code or other provisions of law applicable to the subject matter concerned, or by a return receipt signed by the recipient notified by United States Mail.

Sec. 1-11. Severability of Code.

It is declared to be the intention of the Council that the Sections, Subsections, paragraphs, sentences, clauses and words of this Code are severable. If any Section, Subsection, paragraph, sentence, clause or word is declared unconstitutional or otherwise invalid by the lawful judgment or decree of any court of competent jurisdiction, its unconstitutionality or invalidity shall not affect the validity of any of the remaining Sections, Subsections, paragraphs, sentences, clauses and words of this Code, since the Sections or parts of Sections would have been enacted by the Council without and irrespective of any unconstitutional or otherwise invalid Section, Subsection, paragraph, sentence, clause or word being incorporated into this Code.

Sec. 1-12. Altering Code.

No person shall change or amend by additions or deletions, any part of this Code or any

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Sec. 1-13. Same Offense
Punishable by Different
Sections of Code.

Sec. 1-15. Regulations
Promulgated by Directors

Ordinance of the Town, or insert or delete pages or portions, thereof, or alter or tamper with such Code in any manner whatsoever with intent that any provisions of this Code or other Ordinance of the Town shall be misrepresented or with intent to commit a fraud thereby.

Sec. 1-13. Same Offense Punishable by Different Sections of Code.

In all cases where the same offense is made punishable or is created by different Sections of this Code, the Corporation Counsel may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.

Sec. 1-14. General Penalty.

(a) Whenever in this Code or in any Ordinance of the Town any act is prohibited or is made or declared to be unlawful or an offense, misdemeanor or public nuisance or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any such provision of this Code or any Ordinance shall be punishable by a fine not exceeding Ninety-Nine (\$99.00) Dollars, or imprisonment for a term not exceed six (6) months, or by both such fine and imprisonment, unless a different penalty is prescribed by law.

(b) Each day any violation of any provision of this Code or any Ordinance shall continue, shall constitute a separate offense.

(c) The imposition of any punishment hereunder shall not prevent the enforced abatement of any unlawful conditions by, the Town.

(d) The suspension or revocation of any license, certificate or other privilege conferred by the Town, shall not be regarded as a penalty for the purpose of this Code, but shall be in addition thereto.

Sec. 1-15. Regulations Promulgated by Directors

(a) Directors appointed by the Mayor to supervise the operations of administrative departments listed at Section 5.4 of the Town Charter may, when authorized by the Town Council by ordinance, promulgate and enforce administrative regulations that will assist such directors and departments in carrying out their prescribed duties. Such administrative regulations shall be consistent with Federal and State laws and regulations, the Town Charter and Ordinances enacted by the Town Council regarding the operations of such departments.

(b) Such regulations shall not become effective and enforceable until they have been reviewed and approved by the Corporation Counsel, Mayor and the Town Council.

Effective: July 8, 1994

Sec. 1-16. Indigenous People's Day

Notwithstanding any provision of town contracts or state or federal law, the Town of East Hartford shall recognize the second Monday in October as "Indigenous People's Day".

Effective: 05-20-21

Sec. 1-17. Naming of Town
Facilities

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Sec. 1-17. Naming of Town
Facilities

Sec. 1-17. Naming of Town Facilities

(a) The naming of any town facility which shall include a (1) public street, (2) building or structure including a school, or any portion of such building or structure, or (3) public parks, or any portion of such parks, shall be approved by the Town Council in accordance with the procedure established in this section. The provisions of this section shall not apply to facilities under the control of the Board of Education.

(b) The Mayor shall make a recommendation for the naming of any town facility to the Town Council. The Town Council, prior to taking any action on such recommendation, shall hold a public hearing on such recommendation at a special meeting called for such purpose.

(c) The naming of any facility shall have some relevance to the facility's intended use or location, a memorializing of any person or persons' significant contribution to the town of East Hartford or to such facility provided that such person shall be deceased.

(d) Notwithstanding the provisions of subsection (c), the Town Council may waive such criteria by unanimous vote.

Effective 10-05-23

Board and Commission
Procedures

**CHAPTER 2. The
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CHAPTER 2.

ARTICLE 1.

Sec. 2-1. ADMINISTRATION

GENERAL PROVISIONS

Boards, Commissions, and Committees Guidelines.

The following guidelines shall govern boards, commissions and committees established by ordinance. Effective: 3-17-84

1. Members shall be electors of the Town provided that ex-officio members shall be exempt from this provision.
2. Members shall serve without compensation.
3. Members may be reimbursed for their necessary expenses.
4. Secretaries may receive compensation for their services if voted by the Board or commission, provided the board or commission does not have a clerk.
5. All fees charged, donations made or such other funds provided to the board or commission shall be turned over to the Finance Director and deposited in the General Fund.
6. Minority representation shall be according to State Statute.
7. Ex-officio members of the boards, commissions, and committees will not have voting powers. They may designate a member of their department to act in their behalf.
8. Members of the administration shall serve as non-voting members. Outside funding to any board or commission, amount and purpose should be stated annually as a note with the budget request.
9. Members of the boards and commissions may be removed by the Mayor for cause; notice to members must be in writing stating reason; members may appeal such removal by Mayor to the Council.
10. Members of boards and commissions shall be appointed by the Mayor with the consent of the Council.
11. Each board and commission shall elect its own chairman, vice chairman, secretary, and any other official it deems necessary from within its membership at the first meeting held after December 1st in the odd numbered years and at any other time that the board or commission deem necessary. Each board or commission shall establish such by-laws and regulations as are necessary to achieve its purpose set out within the Ordinance establishing it.
12. Members of boards and commissions shall serve until successors are sworn in.
13. Vacancies shall be filled in the same manner as the original appointment for the remainder of the unexpired term.
14. Each board and commission shall keep a record of its meetings and activities and shall make an annual report to the Council and the Mayor at least thirty days prior to submitting its annual budget request.

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15. Members' terms shall expire December 1st of the year in which the term would otherwise expire.
16. Members shall be sworn in before participating as active members of the board or commission. The date of such oath of office shall be reported to the Town Clerk.
17. Notwithstanding the provisions of Article 2 of Chapter 15 of the Code of Ordinances, no member of the planning and zoning commission, zoning board of appeals, board of assessment appeals or inland wetlands commission who is an employee of the town or board of education shall participate in any discussion or vote on any matter involving a person or property in which such employee has taken any enforcement or regulatory action in the employee's official capacity.

Effective 03-21-19

Board and Commission Procedures

Section 2-1a. (a) The Mayor shall designate a person, who may be a town hall employee, to serve as permanent clerk to the boards and commissions of the town.

(b) The permanent clerk shall keep current the portion of the town's official website dedicated to each board or commission, including the posting of meeting notices and minutes and membership. The chair of each board or commission shall notify the permanent clerk of (1) the call of a meeting including the agenda for such meeting, (2) the minutes for each meeting and (3) any changes to the membership of such board or commission. The permanent clerk shall post such information to the town's website for each board or commission.

Sec. 2-1b. Each board or commission shall, by majority vote of the membership present and voting, appoint a clerk who has been certified pursuant to section 2-1c. Such clerk shall provide such administrative services as required by such board or commission including but not limited to the recording and filing with the permanent clerk the minutes for each meeting and the submission of an annual list of the attendance of each member of such board or commission. Such clerk shall be certified in accordance with the provisions of section 3 of this act, except that adjudicatory boards including the inland wetlands and environment commission, planning and zoning commission, zoning board of appeals and the board of assessment appeals may appoint a town employee to serve as clerk. Such clerk shall be paid a stipend in accordance with a fee schedule approved by the Town Council.

Sec. 2-1c. No person shall serve as a clerk of a board or commission unless such person has been certified by the Mayor. In order to be certified, a person must complete a town approved training course which shall include the taking of minutes, Roberts Rules of Order and the Freedom of Information Act.

Sec. 2-1d. (a) Each person appointed to a board or commission shall within ninety days of such appointment complete a training course approved by the town which shall include Roberts Rules of Order and the Freedom of Information Act. In addition, adjudicatory boards and commissions members shall complete a training course, including a test, on the subject matter of such board or commission and when it is appropriate to recuse from participating in a discussion to avoid a conflict of interest. All appointees shall be subject to, and shall comply with, the provisions of Article 2 of Chapter 15 of the Town of East Hartford Code of Ordinances.

Sec. 2-2. Number of Justices
of the Peace

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(b) On or before January 31, 2018 and annually thereafter, each board or commission clerk shall submit to the permanent clerk an annual list of the attendance for each board or commission member. Any member who fails to attend thirty percent or more of such meetings shall be deemed to have met the persistent non-attendance standard set forth in Section 4.3 (e) of the Town Charter and presumed to have resign from such board or commission provided that upon recommendation from the Mayor the Town Council may reinstate such member for good cause shown, including lengthy illness, business or professional commitments.

Sec. 2-1e. In order to encourage participation on the town's boards and commissions, the permanent clerk shall ensure that the town's website contains prominent notice to the public of the opportunity to participate on the boards and commissions. The website shall contain an application form which an interested person may complete and submit to the permanent clerk designated pursuant to section 1 of this act. The permanent clerk shall forward such application to the Mayor and the Town Council.

Sec. 2. The provisions of this Act shall be effective March 1, 2018. Effective March 1, 2018

Sec. 2-2. Number of Justices of the Peace

The number of Justices of the Peace for this town shall be fixed at forty-five.

Effective 05-17-96

ARTICLE 2. MAYOR 1*

Sec. 2-3. Mayor's Salary

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. Effective November 7, 2023, the Mayor's salary shall be \$104,000 which is based

Sec. 2-3a. Council Review of Elected Officials' Salaries. **CHAPTER 2. The Administration**

on the Consumer Price Index for 2021. Effective November 1, 2024, the Mayor's salary shall be \$107,000 which is based on the Consumer Price Index for 2022.

Effective: 02-01-23

Sec. 2-3a. Council Review of Elected Officials' Salaries.

On November 1, 1998, and every two years thereafter, the Ordinance Committee of the Town Council shall review all the salaries of all elected officials of the Town and make recommendations to the Town Council.

Effective: 11-12-01

Sec. 2-3b. Salaries of Registrars And Deputy Registrars Of Voters

Beginning January 1, 2023, the salary for each registrar of voters shall be \$30,000 and the deputy registrar of voters shall be \$11,000 and beginning January 1, 2024, the salary for each registrar of voters shall be \$32,000 and the salary for the deputy registrars of voters shall be \$12,000 provided: (1) the registrar of voters shall 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.

Effective: 02-01-23

Sec. 2-4. Automobile

The Town shall furnish an automobile for the use of the Mayor during his term of office.

Sec. 2-5. Vacation

The Mayor shall have four weeks' vacation each year except that if the Mayor has served at least four years, such Mayor shall receive five weeks' vacation each year thereafter. The Mayor shall be entitled, upon leaving office, to any accumulated vacation time up to fifty days.

Effective: 05-16-19

Sec. 2-6. Medical Insurance
and Related Benefits

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Sec. 2-6. Medical Insurance and Related Benefits

The Mayor shall be entitled to medical insurance and other related benefits presently provided for Town employees, at his option, except that the Mayor shall not be entitled to any compensation for accumulated sick days.

Effective: 10-16-86

1* Charter reference: as to election, appointment, and duties. see Chapter IV.

ARTICLE 3. BOARD OF TAX REVIEW

Sec. 2-7. Board of Tax Review Established; Membership.

There is established a Board of Tax Review consisting of three (3) members.

Sec. 2-8. Powers and Duties

The Board of Tax Review shall hear appeals from taxpayers of the Town who seek readjustments of their taxes and shall have the powers and duties as set forth in the Statutes of the State of Connecticut.

ARTICLE 4. COMMISSION ON AGING

Sec. 2-9. Established; Membership; Term.

(a) There is established a Commission on Aging. The Commission shall consist of seven members. Annually, either two or three members shall be appointed for a term of three years. The Director of Health and Social Services or designee shall serve as an ex-officio member.

Effective 09/09/02

Sec. 2-10. Duties.

The Commission on Aging shall study the conditions and needs of persons who are 60 years of age or older in the community in relation to housing, economic, employment, health, recreational and other matters. It shall analyze the services for such persons provided by the community, both by public and private agencies, and shall make recommendations to the Mayor and the Town Council regarding the development and integration of services provided by public and private agencies.

Effective 09-19-02

Sec. 2-12. Joining of Regional Council of Elected Officials. **CHAPTER 2. The Administration**

ARTICLE 5. PLANNING AND ZONING

DIVISION 1. REGIONAL COUNCILS.

Sec. 2-12. Joining of Regional Council of Elected Officials.

The Town hereby joins the Regional Council of Elected Officials as defined by Section 4-124c, General Statutes, created by ordinances of the towns, cities, and boroughs within its planning regions as defined by the State Development Commission.

Sec. 2-13. Town Representation.

The representative of the Town to the Regional Council of Elected Officials shall be the Mayor.

Sec. 2-14. Powers and Duties.

The Regional Council shall have such powers, purposes, responsibilities and duties as stated in Section 4-124c, General Statutes.

Sec. 2-15. Regional Council of Governments.

The Town of East Hartford hereby adopts Section 4-124i through 4-124p of the Connecticut General Statutes, providing for the formation of a regional council of governments within a planning region as defined or re-defined by the Director of the Office of State Planning, and does hereby join such regional council of governments when and as such council is duly established in accordance with said Statutes upon the adoption of said Statutes by not less than sixty (60) per cent of all municipalities within such planning region. The adoption of such sections of the General Statutes is intended to include the provisions of Special Act #2480 of the 1973 Session of the General Assembly respecting additional representation for the core city within the Capital Region on a regional council of governments, and a nonvoting advisory regional forum there under, consistent with proposed by-laws of such regional council of governments, dated January 25, 1973, and endorsed by the existing regional council of governments on May 3, 1973.

Sec. 2-16. Established.

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DIVISION 2. PLANNING AND ZONING COMMISSION 2*

Sec. 2-16. Established.

There is established a Town Planning and Zoning Commission.

Sec. 2-17. Membership. 3*

(a) The planning and Zoning Commission shall consist of seven (7) voting members and three ex-officio members as follows: the Mayor, Town Engineer and Director of Development.

(b) No more than four of the voting members of the Commission shall be members of the same political party.

Sec. 2-18. Appointment and Terms of Members.

Voting members of the Planning and Zoning Commission shall be appointed so that not more than two (2) members' terms expire in any one year. As members' terms expire, appointments to the Commission shall be for five (5) year terms.

Sec. 2-19. Meetings; Records of Proceedings.

(a) All meetings of the Commission shall be held at the call of the chairman and at such other times as the Commission may determine, and all hearings shall be open to the public. The Chairman, or in his absence or inability to act, the acting chairman, may administer oaths and compel the attendance of witnesses.

(b) The Commission shall keep minutes of its proceedings, showing the vote, of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of its hearings, examinations and other official acts. Each rule or regulation, and each amendment or repeal thereof, and each decision or official act of the Commission shall immediately be filed in the office of the Commission, and shall be public record.

2* State law reference: As to planning and zoning, see Sec. 8-1 et seq., C.G.S. Charter reference: As to authority to establish Planning and Zoning Commission, see Sec. 5-15.

3* Charter reference: As to appointment of members, see Sec. 4.3(d).

Sec. 2-20. Alternate Members Created; Qualifications.

In addition to the regular members of the Planning and Zoning Commission, a panel of alternates consisting of three members shall be appointed. No more than two (2) of the alternate members shall be from the same political party, and none of the alternate members shall be members of the Zoning Board of Appeals.

Sec. 2-21. Alternate Members; Appointments; Term. **CHAPTER 2. The Administration**

Sec. 2-21. Alternate Members; Appointments; Term.

Alternate members of the Planning and zoning Commission shall be appointed for a term of five (5) years, such terms to be staggered so that one (1) member is appointed each year.

Sec. 2-22. Designating Alternate for Absent Member.

If a regular member of the Planning and Zoning Commission is to be absent from scheduled hearing or meeting, the chairman of the Commission shall designate an alternate from the panel, choosing alternates in rotation so that they shall each act an equal number of times, insofar as is possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

Sec. 2-23. Powers and Duties.

The Planning and Zoning Commission shall have all the powers and duties of a planning commission and zoning commission as provided in the State Statutes, town Ordinances and regulations pertaining thereto.

DIVISION 3. ZONING BOARD OF APPEALS. 4*

Sec. 2-24. Board Established; Membership; Restriction.

There is established a Zoning Board of Appeals of five members, not more than three of whom shall belong to the same political party.

Effective 03-21-19

Sec. 2-25. Appointment and Terms of Members. 5*

Appointments to the Zoning Board of Appeals shall be made for a term of five (5) years. Such terms shall be staggered so that one (1) term expires each year.

Sec. 2-26. Alternate Members Created; Appointment; Term.

In addition to the regular members of the Zoning Board of Appeals, there shall be a panel of alternates consisting of three (3) members. Not more than two (2) of the alternate members shall be from the same political party and no member shall be a regular member of the Zoning Board of Appeals. The alternate members of the Zoning Board of Appeals shall be appointed for a term of five (5) years, such terms to be staggered so that one (1) member is appointed each year.

Sec. 2-27 Designating
Alternates for Absent
Members.

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Sec. 2-27 Designating Alternates for Absent Members.

If a regular member of the Zoning Board of Appeals is to be absent from a scheduled hearing or meeting, he may designate an alternate from the panel of alternates to act in his place. If he fails to make such designation or if he is disqualified, the chairman of the Board shall designate an alternate from the panel, choosing alternates in rotation so that they shall each act an equal number of times insofar as is possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

4*Charter reference: As to creation and powers of Zoning Board of Appeals, see Sec. 5.22.

5*Charter reference: As to appointment of members, see Sec. 4.3(d).

Sec. 2-28. Organization; Records; Expenses.

- (a) All meetings of the Board shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence or inability to act, the acting chairman, may administer oaths and come the attendance of witnesses.
- (b) The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and examinations and other official acts. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the Board shall immediately be filed in the office of the Board and shall be a public record.
- (c) The necessary expenses of the Board shall be paid for by the Town.

Sec. 2-29. Powers and Duties.

- (a) The Zoning Board of Appeals shall:
 - (1) Hear and decide appeals where it is alleged there is an error in any order, requirement or decision made by the official charged with the enforcement of provisions, by-laws, ordinances or regulations in effect under the provisions of the Charter, or applicable State Statute;
 - (2) Hear and decide all matters, including special exceptions, upon which it is required to pass by the specific terms of the zoning ordinances, rules and regulations; and
 - (3) Determine and vary the application of the zoning ordinances, rules or regulations in harmony with their general purposes and intent and in accordance with general or specific rules therein contained and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where owing to conditions especially affecting such parcel, but not affecting generally the zoning district in which it is situated, a literal enforcement of such ordinances, rules or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.

Sec. 2-30. Appeal Procedure. **CHAPTER 2. The
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Sec. 2-30. Appeal Procedure.

- a) The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement or decision of the official charged with the enforcement thereof or to decide in favor of the appellant any matter upon which it shall be required to pass under any ordinance, rules or regulations or to effect any variation in such ordinance, rule or regulation.
- b) An appeal may be taken to the Zoning Board of Appeals by any person aggrieved or by any officer, department, board or agency of the Town aggrieved and shall be taken within such time as shall be prescribed by a rule adopted by the Board by filing a notice of appeal specifying the grounds thereof with the Planning and Zoning Commission or the officer from whom the appeal has been taken and with the Board.
- c) The officer from whom the appeal has been taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- d) An appeal shall stay all proceedings in the action appealed from unless the Planning and Zoning Commission or the officer from whom the appeal has been taken shall certify to the Zoning Board of Appeals after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life and property, in which case, proceedings shall not be stayed, except by a restraining order which may be granted by the court of record on application on notice to the Planning and Zoning Commission or the officer from whom the appeal shall have been taken and due cause shown.
- e) The Board shall fix a reasonable time for the hearing of any appeal, but in no event more than sixty (60) days after the date of filing such appeal, and give due notice thereof to the parties and to the public and decide the same within thirty (30) days after the hearing.
- f) Public notice of the time and place of such hearing shall be published in a newspaper having a substantial circulation in the Town at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days and the last not less than two (2) days before such hearing. At such hearing any party may appear in person and may be represented by agent or attorney.
- g) The Board may reverse or affirm wholly or partly or may modify any such order, requirement or decision appealed from and shall make such order, requirement or decision as in its opinion should be made in the premises and shall have all the powers of the officer from whom the appeal has been taken, but only in accordance with the provisions of the zoning regulations and the Town's Charter.
- h) The board shall state upon its records the reasons for its decisions.

Sec. 2-31. Rules, Regulations and Decisions Continue in Effect.

All legally adopted rules, regulations and decisions of the Zoning Board of Appeals shall continue in full force and effect until changed or amended as provided in the Town Charter.

Sec. 2-33. Director;
Appointment;
Qualifications.

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ARTICLE 6. DEPARTMENT OF YOUTH SERVICES

Sec. 2-32. Established; Purpose.

There is established the Department of Youth Services for the purpose of informing, educating, and counseling the youth of East Hartford with regard to social issues. The Department shall also coordinate all activities of the various Town Departments involving youth activities and problems and train department personnel in handling youth problems. The Town shall provide such budget, quarters, and a staff as may be deemed necessary.

Sec. 2-33. Director; Appointment; Qualifications.

(a) There is established the unclassified position of Director of Youth Services whom the Mayor shall appoint and may remove. The Director shall have a master's degree or its equivalent in any one or more of the following fields: Sociology, social work, education or psychology. It is further desirable that the Director of Youth Services have experience or training in:

- (1) Family life education;
- (2) Counseling (1:1 or group);
- (3) Counseling on narcotics and drug abuse;
 - (A) Drug abuse or dependence;
 - (B) Referral counseling for drug dependency; and
- (4) Counseling on teenage social problems.

Sec. 2-34. Duties of Director.

The Director of Youth Services shall administer the office, compile statistics, submit recommendations to the Mayor, represent the Town at local, State and Federal functions, coordinate local activities, solicit the aid of service organizations and investigate and apply for funds available from local, State and Federal governments, and other sources and notify the Town Council of the results.

Sec. 2-35. Assistant Director.

- (a) There is hereby created the position of Assistant Director of Youth Services, who shall be appointed by the Director with the approval of the Mayor. The Assistant Director shall have a bachelor's degree or its equivalent in any of the following fields: sociology, social work, education or psychology.
- (b) The Assistant Director shall aid the Director in the performance of his duties and shall perform such other duties as the Director may require.

Sec. 2-36.

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**ARTICLE 7. INLAND WETLANDS/ENVIRONMENTAL
COMMISSION ¹**

Sec. 2-36. Definitions.

a) As used in this Article:

- (1) Pollution shall mean, but is not limited to, the contamination by any means of the air or water, the disposal of solid wastes, the use of pesticides or herbicides, offensive odors, excessive noise, litter, junked automobiles, the control of rodents, vermin and insects, the protection of fish, wildlife and trees, the preservation of historical, cultural, educational and aesthetic values, the maintenance of public health standards and the protection of recreational facilities.
- (2) Watercourses shall mean rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, public or private, which are contained within, flow through or border upon the town.

Sec. 2-37. Established; Membership; Purpose.

The Inland Wetlands/Environment Commission consisting of seven (7) members is hereby established for the purpose of protecting, preserving, maintaining, and using our inland wetlands and watercourses as required by Public Act No. 72-155 to conserve natural resources and protecting the integrity of the environment within the territorial limits of the town.

Sec. 2-38. Membership; Appointment and Term; Ex-Officio Members.

(a) No more than four members shall belong to the same political party. Appointments to this Commission shall be for terms of four years, such terms to be staggered so that not more than two members are appointed in any one year.

(b) The Mayor and Directors of Parks and Recreation, Environmental Services, Development, Public Works, and the Town Engineer, shall serve as ex-officio members of the Commission.

(c) Initial appointments to this Commission shall be made as follows: two members whose initial term shall end in 1981; two members whose initial term shall end in 1982; two members whose initial term shall end in 1983; and one member whose initial term shall end in 1984.

^{6*}=State law reference: See Gen. Stat., Sec. 22a-36 to 22a-45.

Sec. 2-39. Alternate Members
Created; Qualifications.

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Sec. 2-39. Alternate Members Created; Qualifications.

In addition to the regular members of the Inland Wetlands/Environment Commission, a panel of alternates consisting of three (3) members shall be appointed. Not more than two (2) of the alternate members shall be from the same political party and none of the alternate members shall be members of the Zoning Board of Appeals.

Sec. 2-40. Alternate Members; Appointments; Term.

Alternate members of the Inland Wetlands/Environment Commission shall be appointed for terms of four (4) years, such terms to be staggered so that one (1) member is appointed each year.

Sec. 2-41. Designating Alternates for Absent Members.

The chairman of the Inland Wetlands/Environmental Commission shall designate an alternate from the panel to act in the place of any absent member. The chairman shall choose alternates in rotation so that they shall each act an equal number of times insofar as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

Sec. 2-42. Duties.

- a) The Inland Wetlands/Environmental Commission shall conduct research into the utilization and possible utilization of land areas of the Town, may coordinate the activities of the unofficial bodies organized for similar purposes, and may advertise, prepare and distribute books, maps, charts, plans and pamphlets as necessary for its purpose. It shall keep an index of all open areas publicly and privately owned including wetlands and watercourses for the purpose of obtaining information on the proper use of such areas. It may from time to time recommend to the Mayor, the Council, or the Town Planning and Zoning Commission, plans and programs for the development and use of such areas, which may include the acquisition of conservation easements. It may exchange information with the Commissioner of Environmental Protection, and may request the Commissioner, with prior approval of the Town Council, to assign technical personnel to it for assistance in planning its overall program and for coordinating State and local conservation activities.
- b) The Commission shall investigate pollution problems within the Town including alleged violations of clean air and clean water, standards as establish by the State Department of Environmental Protection. It shall recommend to the Council procedures, ordinances, rules and inter local agreements to abate and prevent such problems. It shall conduct such surveys as may be required determine the source and nature of pollution hazards, review State, local and metropolitan district air and water effluent records, and conduct public hearings for the purpose of obtaining information leading to the abatement of pollution. The Commission shall keep records of such surveys, inspections or hearings.

Sec. 2-43. Powers; Fines for
Violations of Inland-Wetlands
Regulations and Hearing
Procedures.

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***Sec. 2-43. Powers; Fines for Violations of Inland-Wetlands
Regulations and Hearing Procedures.***

- a) The Inland Wetlands/Environmental Commission may recommend to the Council the acquisition of land and easements in the name of the Town. The Commission may receive gifts of funds and land in the name of the Town, provided such acquisition receives prior approval of the Council. All funds received by the Commission from any source shall be turned over to the town Treasurer and become part of the General Fund of the Town; provided that, with the specific approval of the Council, the Commission may agree to accept from any source funds, earmarked by the donor for a particular purpose, not inconsistent with the general duties and powers of the Commission.
- b) The Town Engineer or his designees may issue citations to persons who commit violations of Inland-Wetlands Regulations. No citations may be issued against the State or any State official or employee acting within the scope of his employment.
- c) Citations may be issued for the following violations of the Inland-Wetlands Regulations, and the amount of the civil fine for each violation shall be as follows:

<u>Nature of Violation</u>	<u>Amount of Civil Fine</u>
1. Carrying on, without a permit, activities in the buffer zone which do not pose an immediate danger to a wetland or watercourse	\$ 75.00
2. Carrying on, without a permit, activities in the buffer zone which map pose an immediate danger to a wetland or watercourse.	\$150.00
3. Carrying on, without a permit, activities in a wetland or watercourse which causes limited and/or correctable damage to the wetland or watercourse	\$200.00
4. Excavating in, filling or draining of any portion of a wetland or watercourse	\$750.00
5. Carrying on, without a permit, any activity which causes sediment to flow into any wetland or watercourse or otherwise causes the pollution of any portion of a wetland or watercourse.	\$750.00
6. Conduct in an inland-wetland/watercourse, without a permit, of any other regulated activity in a regulated area not listed above.	\$250.00

Sec. 2-43. Powers; Fines for
Violations of Inland-Wetlands
Regulations and Hearing
Procedures.

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- d) Any such citation may be (1) personally served on the person named in the citation; (2) served by certified mail, return receipt requested, to the person named in such citation or; (3) served on the property where the violation has occurred. The Town Engineer or other issuing authority shall maintain an original or certified copy of the citation.
- e) Such citation shall include the following provisions: (1) that the person may pay the fine specified in the citation to the Tax Collector within thirty days of receipt of such citation or service on the property where the violation occurred; (2) the allegations against him and the amount of the fines; (3) that the person may contest liability before a Hearing Officer appointed by the Mayor as provided in subsection (h) of this section, by delivering, in person or by mail, within ten days of the date of the notice, a written demand for a hearing; (4) that if the person cited does not demand such a hearing, an assessment and judgment will be entered against him; and (5) such judgment will issue without further notice.
- f) If the person who is served such citation wishes to admit liability for any alleged violation, he may, without requesting a hearing, remit the full amount of the civil fine, either in person or by mail, payable to the Town of East Hartford Tax Collector. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who fails to pay such fine or demand a hearing shall be deemed to have admitted liability, and the Tax Collector shall certify such failure to the Hearing Officer. The Hearing Officer shall thereupon assess the civil fines provided for in the citation.
- g) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of such notice, provided the Hearing Officer may grant upon good cause shown any reasonable request by such person for a postponement. The presence of either the Town Engineer or the person who issued the citation shall be required at the hearing if so requested by the person named in the citation. Such request must be included with the appeal. A person wishing to contest liability shall appear at the hearing and may present evidence in his behalf, and may be represented by agent or attorney. The Town Engineer or his designee may present evidence on behalf of the Town. If the person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable provisions of the Inland-Wetlands Regulations. The hearing shall be conducted in accordance with the rules of evidence as established in Connecticut General Statutes §4-178. The Hearing Officer shall render a decision within ten days of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, he shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, he shall assess the fines against such person as provided in the citation.
- h) If the assessment by the Hearing Officer is not paid to the Tax Collector within ten days of the decision of the Hearing Officer, the procedures set out in Connecticut General Statutes §7-152(f) shall apply.
- i) The Mayor shall appoint one or more citation Hearing Officers to conduct the hearings provided in subsection (f) of this section. Neither the Zoning Enforcement Officer, the Building Official nor any employee, agent or member/ of the Inland-Wetlands

Sec. 2-55. Members;
Qualifications; Appointment
and Terms; Ex-Officio
Members.

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Commission who exercises Wetlands Commission authority may be appointed as a
Hearing Officer.

Voted: 1-19-99
Published: 1-28-99
Effective: 2-19-99

***The Commission for Emergency Medical Services [EMS] – Sections 2-45 through 2-46 –
was repealed effective 03-21-19. The Human Rights Commission – Sections 2-47 through
2-53 – was repealed effective 03-21-19***

ARTICLE 10. ECONOMIC DEVELOPMENT COMMISSION

Sec. 2-54. Established.

The Economic Development Commission consisting of nine members is hereby
established for the purpose of furthering the economic growth and development of the
community to its best advantage.

***Sec. 2-55. Members; Qualifications; Appointment and Terms; Ex-
Officio Members.***

- a) The Commission shall consist of two members of the Council and seven others, at least
five of whom shall be electors of the Town. The two Council members shall not belong to
the same political party; and of the seven others, not more than five shall belong to the
same political party.
- b) Initial appointments to this Commission shall be made as follows: two members whose
terms shall end in 1980; two members whose terms shall end in 1981; and three
members whose terms shall end in 1982. Thereafter, each Commission member shall
be appointed for a term of three years. Members of the Council shall serve only during
their terms of office.
- c) The Director of Development and the Mayor or their designated representatives shall
serve as ex-officio members of this Commission.

Sec. 2-56. Duties.

- a) The duties of the Economic Development Commission shall include, but not be limited to
the following:
 - 1. To promote and encourage the location and development of new
industry, business and commerce;

Section 2-58. Appointment of
Members; Terms.

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2. To study and investigate conditions affecting East Hartford industry, business and commerce;
3. To promote and encourage the preservation, expansion and development of such industry, business and commerce;
4. To encourage area banks to increase local investments and enlist the support of the real estate industry to project the dynamic and improving image of the Town;
5. To promote sound growth of the Town by publicizing:
 - a. The natural advantages of the Town's location;
 - b. Its job opportunities;
 - c. Its municipal services;
 - d. Its desirability as a business, commercial and industrial area;
6. To collect, compile and disseminate information relative to the Town's natural and other advantages;
7. To cooperate with promotional and research groups and associations, agencies and the State and Federal governments in the best interests of the Town;
8. To make recommendations to the Mayor and Council as it deems appropriate; and
9. To receive and pay over to the Finance Director in accordance with the provisions of section 2-1 of the town ordinances any monies from any source, including contributions received by the Commission. (Effective 10-04-05)

**ARTICLE 11. COMMISSION ON SERVICES FOR PERSONS
WITH DISABILITIES**

Section 2-57. Established; Membership.

There is established the Commission on Services for Persons with Disabilities consisting of nine members to study the needs of and to coordinate programs for persons with disabilities in the Town. Such members shall be electors of the Town, and not more than six members shall belong to the same political party. To the fullest extent possible, members shall either have a disability or be familiar with the problems of persons with disabilities and at least one member shall be a representative of the Commission on Services for the Elderly. The Committee shall make such reports and recommendations to the Mayor as it deems appropriate.

Section 2-58. Appointment of Members; Terms.

All appointments shall be for a term of two years.

Section 2-59. Meetings.

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Section 2-59. Meetings.

All meetings shall be held at the call of the Chair, and at such other times as the Commission may determine.

Section 2-60. Duties.

The Commission on Services for Persons with Disabilities shall continuously study the conditions and needs of persons with disabilities in the community in relation to architectural barriers, economic, employment, health, recreational and to the matters. The Commission shall analyze the services for person with disabilities provided by the community, both by public and private agencies, and shall make recommendations to the Mayor and the Council regarding the development and integration of public and private agencies, in cooperation with State and other services, to the extent possible.

[Sections 2-57 through 2-60 effective 09-19-02]

The Insurance Commission – Sections 2-61 through 2-66 – was repealed effective 03-21-19.

ARTICLE 13 PUBLIC BUILDING COMMISSION

Section 2-67. Public Building Commission

- (a) There is established a Public Building Commission.
- (b) The Public Building Commission shall consist of seven members as follows: two members of the Town Council, not more than one from the same political party, appointed by the chair of the Town Council, and five electors of the town who shall not be members of the Town Council or Board of Education. Members shall be appointed for a term of five years. The terms of the members of the Town Council shall terminate when the Council term during which the Town Council member was appointed expires.
- (c) The Public Building Commission shall: (1) review and approve or reject the architectural drawings and specifications of any construction or renovation of any town-owned building exceeding five hundred thousand dollars; (2) monitor the progress of any such construction or renovation; and (3) determine when such construction or renovation is completed.
- (d) Notwithstanding the provisions of subsections (b) and (c), the Town Council shall designate the Public Building Commission and two members of the Board of Education, not more than one from the same political party, appointed by the chair of the Board of Education, as the school building committee for purposes of complying with the

Sec. 2-73. Council Stipend.

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provisions of chapter 173 of the general statutes. Such school building committee shall have such duties as prescribed by the Town Council.

(Sections 2-67, 2-68 and 2-69 repealed 09/17/03)

Voted: 08-19-03
Published: 08/27/03
Effective: 09/17/03

Youth Council – Sections 2-70 through 2-72 – was repealed effective 03-21-19

ARTICLE 15. COUNCIL STIPEND

Sec. 2-73. Council Stipend.

Members of the Town Council shall receive stipend of four thousand (\$4,000) dollars annually. An additional two hundred (\$200) dollars annually shall be paid to the Vice Chairman; an additional five hundred (\$500) dollars annually shall be paid to the designated Majority and Minority leaders; and an additional eight hundred (\$800) dollars annually shall be paid to the Chairman. These stipends shall be prorated for the length of time served when less than a full term is served.

Effective: 11/81

The Civilian Review Board – Sections 2-74 through 2-78 – was repealed effective 03-21-19

ARTICLE 17. HISTORIC DISTRICT COMMISSION

Sec. 2-79. Intent.

It is the intent of this ordinance to promote the educational, cultural, economic, and general welfare of the Town of East Hartford through the preservation and protection of buildings, places and districts of historic interest within the Town of East Hartford; and to preserve and protect the many architectural phases of a Connecticut River Community in continual growth.

Sec. 2-80. Purpose.

BE IT ORDAINED: that pursuant to the enabling authority contained in the Connecticut General Statutes, as amended, there is hereby established:

- (a) A historic district within the Town of East Hartford; and

Sec. 2-81. Membership.

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(b) A historic district commission of five regular members and three alternate members, all of whom shall be appointed by the Mayor with approval by the Council and shall be electors of the Town of East Hartford holding no public office. This commission shall be empowered to perform all functions appointed to them by Section 7-147 a-k.

Sec. 2-81. Membership.

The commission shall consist of five (5) members and three (3) alternate members, all of whom shall be electors in the Town and appointed by the Mayor with approval by the Town Council; none of whom shall hold any salaried office of the Town. At least one (1) member shall reside in a historic district.

Sec. 2-82. Terms.

Commissioners shall be sworn to the faithful performance of their duties and, except as hereinafter provided, shall be appointed for the term of five (5) years commencing on the first day of December. The original five (5) members and three (3) alternate members appointed by the Mayor with approval by the Town Council shall initially serve as commissioners on a staggered term basis of one, two, three, four, and five years respectively until the expiration of such terms, but may be reappointed to full five year terms thereafter.

Sec. 2-83. Quorum.

A majority of the Commission shall constitute a quorum for the transaction of its business or the performance of its functions and the concurring vote of a majority of those constituting a quorum shall be necessary for the adoption of any recommendation, motions, or other acts of the Commission; except that the affirmative vote of at least three members shall be necessary for the approval of a certificate of appropriateness.

Sec. 2-84. Vacancies.

- a) In the event of any vacancy on the Commission, the Mayor, with the approval by the Town Council, shall promptly appoint a commissioner to fill the vacancy for the unexpired portion of the term.
- b) When a member of the Commission is unable to act at a particular time due to absence, sickness, conflict of interest, or other good reason, he shall notify the Chairman of the Commission and the Chairman shall designate alternate member to act in place of such member, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible.

Sec. 2-85. Authority of
Commission.

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Sec. 2-85. Authority of Commission.

The Commission shall adopt rules of procedure which it deems necessary to carry out the intent of sections 7-147a through 7-147k of the General Statutes and the intent expressed in Section 1 above. The Commission shall adopt regulations not inconsistent with the provisions of sections 7-147a through 7-147k, inclusive, to provide guidance to property owners as to factors to be considered in preparing an application for a certificate of appropriateness. Rules and procedures shall be adopted by the Commission not later than six months after its initial members are appointed.

Sec. 2-86. Compensation.

Commissioners shall serve without compensation, except that their actual expenses and disbursements, where incurred in the performance of their duties, shall be paid from the Town treasury subject to annual appropriation by the Town Council.

Sec. 2-87. Election of Officers.

The Commission, annually at its first meeting in December, shall elect one (1) of its number to be Chairman; one (1) of its number to be Vice-Chairman, and one (1) of its number to be Secretary.

Sec. 2-88. Annual Report.

The Commission shall make written annual reports of its doings to the Office of the Mayor, Town Council, the Town Planning and Zoning Commission, and the Connecticut Historical Commission.

Sec. 2-89. Powers of Other Bodies Not Impaired.

(a) All powers of the East Hartford Planning and Zoning Commission, the Zoning Board of Appeals, and the Inland Wetlands/Environment Commission, having to do with the use of land within the historic district shall not be impaired by this article.

(b) Nothing in this ordinance shall affect any right, interest, claim, obligation, liability or defense of, by or against the Town of whatever description and whether or not matured, existing at the effective date of this ordinance.

Sec. 2-90. Certificate of Appropriateness.

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Sec. 2-90. Certificate of Appropriateness.

No building or structure shall be erected, altered, restored or moved within an historic district until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the Commission and approved by said Commission. No building permit for erection of a building or structure or for alteration of an exterior architectural feature within an historic district, and no demolition permit for demolition or removal of a building or structure within an historic district shall be issued by the Town of East Hartford or any department, agency or official thereof until a certificate of appropriateness has been issued. A certificate of appropriateness shall be required whether or not a building permit is required. The style, material, size and location of outdoor advertising signs, fences and bill posters within an historic district shall also be under the control of such Commission. The provisions of this section shall not be construed to extend to the color of paint used on the exterior of any building or structure or be construed to prevent the ordinary maintenance or repair of any exterior feature which does not involve a change of design or appearance thereof.

Sec. 2-91. Procedure.

- a) An application for a certificate of appropriateness shall be filed with the Commission through the Department of Development (for whatever town agency or official is then performing the functions of such body).
- b) The Historic District Commission shall hold a public hearing upon each application for a certificate of appropriateness unless the Commission determines that such application involves items not subject to approval by the Commission. The Commission shall fix a reasonable time and place for such hearing. Notice of the time and place of such hearing shall be given by publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the Town of East Hartford at least twice, at intervals of not less than two days, the first not more than fifteen days not less than ten days and the last not less than two days before such hearing. Within not more than sixty-five days after the filing of an application, the Commission shall pass upon such application and shall give written notice of its decision to the applicant. When a certificate of appropriateness has been denied, the Commission shall place upon its records and in the notice to the applicant the reasons for its determination. Evidence of approval shall be by certificate of appropriateness issued by the Commission. Failure of the Commission to act within said sixty-five days shall constitute approval and no other evidence of approval shall be needed. The Commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating thereon. All hearings and meetings of the Commission at which decisions are made shall be open to the public.
- c) In its deliberations, the Commission shall act only for the purpose of controlling the erection or alterations of buildings, structure or parking, visible from the public right-of-way, which are incongruous with the historical or architectural aspects of the district. The Commission shall not consider any interior arrangements or use.

Sec. 2-92. Exempted Acts.

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Sec. 2-92. Exempted Acts.

Nothing contained herein shall be construed to prevent the ordinary maintenance or repair of any exterior feature in the Historic District which does not involve a change of design or appearance thereof; nor to prevent the construction, reconstruction, alteration or demolition of any such feature which the building inspector or a similar agent certifies is required by the public safety because of an unsafe or dangerous condition; nor to prevent the construction, reconstruction, alteration or demolition of any such feature under a permit issued by a building inspector or similar agent prior to the effective date of establishment of such District.

Sec. 2-93. Plan of Appropriateness and Protection.

Within six months after its initial members are appointed, the Commission shall prepare and update as necessary a plan of appropriateness and protection for this historic district, as a standard by which to determine the appropriateness of historic architectural features of any new building or of any modification of existing buildings within the district. The plan shall include construction materials and architectural arrangements considered appropriate for the district, to be illustrative but not necessarily comprehensive or extensive and to serve as a general guide for the information of persons contemplating work involving historic architectural features within the district. Copies of the plan shall be available to the public in the Department of Development.

Sec. 2-94. Action by Commission to Obtain Compliance or to Prevent Illegal Acts.

- a) Where the Commission deems an owner to be in violation of this ordinance, it shall submit to the owner a specification of the violations and allow the owner an appropriate amount of time to remedy such violations. In the event of a violation which remains uncorrected and subject to the right of appeal as provided herein, the Commission may issue a final order directing compliance through the Department of Inspections and Permits.
- b) The owner or other person then legally responsible for the construction or maintenance of any structure where such a violation has been committed or exists, shall be fined not less than ten dollars nor more than one hundred dollars for each day that such violation continues, but, if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars not more than two hundred fifty dollars for each day that such violation continues, and the superior court wherein such violation continues or exists shall have jurisdiction of all such offenses, subject to appeal as in other cases. Each day that a violation continues to exist shall constitute a separate offense.

Effective October 1, 1986

Sec. 2-95. Appeals.

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Administration*****Sec. 2-95. Appeals.***

Any person or persons aggrieved by any decision, resolution or determination of the Commission shall have the right to appeal, in the manner and subject to the conditions set forth in Section 7-147i of the Connecticut General Statutes, as amended.

Sec. 2-96. Establishment of Historic District(s); Maps and Boundaries.

- a) The Naubuc Avenue Historic District begins at a point on the north side of High Street which is 173 feet northwest of its intersection with Naubuc Avenue. Its boundary extends east 160 feet across the north line of Lot 32, Map 19, as filed in the East Hartford Tax Assessor's office. The boundary continues east, crossing Naubuc Avenue, to a point on the east side of Naubuc Avenue 123 feet north of its intersection with Broad Street, and extends 88.99 feet east across the north line of Lot 95, Map 19, then 140 feet south along that lot's east boundary.
- b) Crossing Broad Street, the boundary continues 167.4 feet south, to the southeast corner of Lot 193A, Map 18. It then runs east along the north boundary of Lot 194, Map 18 for a distance of 195.13 feet, then south 67.7 feet along that lot's east line. Turning east again, the boundary runs 60.96 feet along the north line of Lot 195, Map 18. It then turns south to run 966.88 feet, to the southeast corner of Lot 205, Map 18, where it turns west to follow the south line of that lot for 76.67 feet. At this point, it runs south for a distance of 220.66 feet, to a point on the north side of Colonial Lane, 165.38 feet east of its intersection with Naubuc Avenue. The boundary continues west on the north side of Colonial Lane until it reaches the center of Naubuc Avenue.
- c) At this point, the boundary for the district proceeds south down the center of Naubuc Avenue until it is even with the north line of Lot 365, Map 18. It then turns to run east along the north line of that lot, then south 206.52 feet along the east line of lots 365 and 366 until it reaches the north line of Lot 367, Map 18. The boundary runs east on that lot's north line to the northeast corner, then turns to follow its east line to the north line of Lot 368, Map 18. At this point the boundary of the district continues south in the same line until it reaches the East Hartford-Glastonbury town line.
- d) The southern boundary of the district follows the town line running west as far as the west line of Lot 1, Map 18. At this point the district boundary runs north on the west line of that lot to the south side of Kencove Drive, and crosses Kencove Drive to continue north on the west line of Lot 16, Map 18. At the northwest corner of this lot, the boundary runs west 281.99 feet along the south line of lots 17 and 18, Map 18. It continues north along the west line of Lot 18, Map 18, then runs east 20 feet along the north line of this same lot until it comes to the southwest corner of Lot 19, Map 18. It runs 30 feet north on the west line of this lot, then 214.36 feet east on its north line, to the southwest corner of Lot 20, Map 18. At this point, the boundary line runs north to the center line of Keeney Cove Drive, crossing the north line of Lot 21, Map 18, 150 feet west of the intersection of the south line of Keeney Cove Drive with the west line of Naubuc Avenue. It then runs west to a point even with the southwest corner of Lot 179, Map 18, then north along the west line of that lot to its northwest corner.

Sec. 2-97. Effective Date.

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- e) At the northwest corner of Lot 179, Map 18, the boundary runs east on that lot's north border for 40 feet, to the southwest corner of Lot 180, Map 18, where it turns north to follow the west lines of that lot and Lot 181, Map 18 to the south line of Lot 182, Map 18. Here the boundary runs west on the south line of that lot, then north on its west line and the west line of Lot 183, Map 18 to the south line of Lot 184, Map 18, then west to the southwest corner of that lot.
- f) From the southwest corner of Lot 184, Map 18, the district boundary follows the west line of Lots 184, 185, 186 and 187, Map 18, in a northerly direction, to a point in the south side of High Street 104.02 feet west of its intersection with Naubuc Avenue. It crosses this point and proceeds to the point of origin, the west tip of Lot 32, Map 19.

Sec. 2-97. Effective Date.

This ordinance shall become effective on October 1, 1986.

ARTICLE 18. HISTORIAN; APPOINTMENT; QUALIFICATIONS.

Sec. 2-100. Appointment

The Municipal Historian shall be appointed for a term of four (4) years and be an elector of the town unless residence is waived by the Town Council. He shall possess knowledge of the history of the town and state, be able to conduct historical research, and have the ability to write and speak well about the town's history.

Sec. 2-101. Duties

The Municipal Historian shall study, preserve, and promote the history of the town. He shall also advise Town officials on historical issues, and may publish works and other articles on town history.

Sec. 2-102. Town Assistance.

The Town may provide the Municipal Historian with sufficient space in a safe, vault, or other fireproof enclosure for the storage of any historical materials gathered by the Municipal Historian.

Voted: 7-16-96
Published: 7-26-96
Effective: 8-17-96

Sec. 2-103. Established.

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ARTICLE 19. BEAUTIFICATION COMMISSION

Sec. 2-103. Established.

There is established hereby a Beautification Commission for the general purpose of improving the physical appearance of the town.

Sec. 2-104. Members; Appointments; Terms of Office.

(a) The Commission shall consist of nine (9) members, all of whom shall be electors of the town, appointed by the Mayor with the consent of the Town Council. Not more than six (6) members shall belong to the same political party.

(b) Initial appointments to the Commission shall be made as follows: three (3) members shall be appointed for a term of one (1) year; three (3) members shall be appointed for a term of two (2) years, and three (3) members shall be appointed for a term of three (3) years. Thereafter, each subsequent appointment shall be for a term of three (3) years.

(c) The Director of Public Works, the Director of Parks and Recreation, and the Zoning Enforcement Officer shall serve as ex-officio members of the Commission.

Sec. 2-105. Meetings; Quorum.

The Beautification Commission shall meet not less than four (4) times each year. A quorum at any meeting shall consist of five (5) voting members. Affirmative votes by the majority of voting members present at any meeting shall be necessary to validate any and all actions taken by the Commission at such meeting.

Effective: 7/7/89

Sec. 2-106. Duties.

The duties of the Beautification Commission shall be as follows:

1. To promote and encourage improvements designed to improve the physical appearance of the town;
2. To study conditions affecting the physical appearance of the town, and suggest improvements that will beautify the town;
3. To encourage improvements in the physical appearance of the community and to involve local businesses, community groups and citizens in planning and carrying out such improvements;
4. To make such recommendations to the Mayor on methods of maintaining and improving the physical appearance and aesthetic image of the community as it deems appropriate;

Sec. 2-107. Establishment.

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5. To seek through the Town's Grants Administrator grants from public and private sources to be used in achieving any of its purposes;
6. To collect, compile and disseminate information relative to maintaining and improving the town's physical appearance.
7. To make a full written report of all activities undertaken by it to the Mayor once a year. The report shall be delivered on or before November 1 of each year and shall detail activities carried out by the Commission during the preceding twelve (12) month period.
8. To be the Town Tree Board to be responsible for the care and management of the community's trees, to draft and implement an annual Community Forest work plan, to advise the Tree Warden and other town officials on the planting, maintenance, and removal of public trees pursuant to the provisions of section 23-69 of the Connecticut General Statutes and to make recommendations for changes in ordinances and other town rules and regulations to promote the proper care and plantings of trees.

Voted: 9/5/23
Published: 9/14/23
Effective: 10/5/23

ARTICLE 20. HOUSING SITE DEVELOPMENT AGENCY

Sec. 2-107. Establishment.

The Grants Administration Office of the Town of East Hartford is hereby designated as a Housing Site Development Agency to plan and apply for Federal and/or State grants to develop and carry out housing and community development projects within the Town of East Hartford.

Sec. 2-108. Powers and Duties.

The Housing Site Development Agency, acting on behalf of the town and under the supervision of the Mayor, shall have the power to enter into contracts with State and/or Federal agencies and to receive from such agencies, on behalf of the Town, grants-in-aid to carry out housing and community development projects as defined in Section 8-216b.(c) of the Connecticut General Statutes and/or in any relevant Federal legislation or regulations.

The Housing Site Development Agency shall, in addition, carry out under the supervision of the Mayor the following duties;

- 1) Research, prepare and submit to the Federal and State Governments, after approval by the Town Council, applications for grants-in-aid to finance the construction or rehabilitation of housing and community development projects;
- 2) Working in cooperation with other departments, agencies, boards, commissions and officials of the State and Town, it shall assist in the planning, financing, development and

Sec. 2-109. Reports of
Activities.

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construction of housing for persons whose incomes qualify them for Federal or State housing assistance;

- 3) The provision of technical assistance to departments, agencies, boards, commissions and officials of the Town engaged in projects designed to promote conservation and improvement of housing within the Town and/or the improvement, conservation and expansion of the Town's commercial districts; and
- 4) Plan and carry out, or cause to be planned and carried out, any and all housing and community development activities deemed eligible for financial assistance under Federal and/or State statutes and regulations.

Sec. 2-109. Reports of Activities.

The Housing Site Development Agency shall, on behalf of the Town and under the supervision of the Mayor, submit to Federal and State agencies from which the Town has received grants-in-aid any and all reports which may be required by such agencies.

Voted: February 6, 1990
Published: February 16, 1990
Effective: March 9, 1990

(Article 21 Sections 2-110, 2-111, 2-112, & 2-113 "Library Commission" deleted effective 10-17-17)

Section 2-113a. Veterans' Affairs Agent

The mayor shall designate a town employee as the agent for veterans' affairs. The designated employee may collect relevant information concerning veterans' issues, refer veterans to the commission on veterans' affairs as appropriate, and provide such other assistance to veterans as the mayor shall require.

Section 2-113b. Veterans Commission

(a) There is established a veterans commission. The commission shall consist of nine members. At least six members shall be residents of East Hartford. Such members shall be appointed for a two year term. In addition, the agent for veterans' affairs designated pursuant to Section 2-113a, shall serve as an ex-officio member of the commission on veterans' affairs. Notwithstanding the provisions of this section, on the effective date of this ordinance the veterans commission members shall include all members of the commission on veterans affairs and the patriotic commission who shall serve until their terms on the date of enactment of this ordinance expire. Vacancies shall be filled when the veterans commission membership is no more than nine members.

Section 2-113c. The Hockanum River Commission CHAPTER 2. The Administration

(b) The commission shall serve as a resource for information concerning federal, state and local benefits and services for veterans, active duty personnel and their families. The commission shall compile contact information from federal and state veterans' affairs agencies and veterans' advocacy groups. The commission may coordinate the scheduling of regular hours for veterans' advocates to meet with veterans at town hall or other town facilities. The commission may assist the mayor and the agent for veterans' affairs in communicating matters of interest to veterans, active duty personnel and their families in the town of East Hartford. The commission may work with town organizations and volunteers to carry out its projects and may officially recognize such organization and volunteers for their service.

(c) The commission shall conduct celebratory and memorial events to commemorate national and state holidays and such other events to honor active military and veterans.

The chair of the commission, or such other members of the commission as the commission, by majority vote shall designate, shall serve as the town's veterans' service contact person pursuant to section 27-135 of the Connecticut General Statutes. Such person or persons shall complete an annual training course pursuant to section 27-102l of the Connecticut General Statutes and shall comply with such other requirements for a veterans' service contact person as set forth in state law.

Voted 09-19-17
Published: 09-26-17
Effective: 10-17-17

Section 2-113c. The Hockanum River Commission

Sec. 2-113c (a) There is established a Hockanum River Commission, consisting of nine members, at least seven of whom shall be electors of the town of East Hartford, and no more than two of whom may be residents of other towns in Connecticut. Members shall serve a term of three years.

(b) The commission shall, in cooperation with the Parks and Recreation Director, develop and implement projects to improve the Hockanum River within the town of East Hartford and operate programs to encourage the use and appreciation of the Hockanum River. No project or program of the commission shall be implemented without the approval of the Parks and Recreation Director.

Section 2-113d. Flood Protection Committee

(a) There is established a Flood Protection Committee, consisting of four members: the Mayor, Public Works Director, Finance Director, and Town Engineer. The Committee shall periodically assess the condition and operation of the Town's flood protection structures and facilities and make recommendations concerning potential repairs, inspections, maintenance and alterations. The Mayor, or designee, shall serve as the "Superintendent" of the Committee as such term is described in 33 C.F.R. 208.10(a)(2).

Section 2-113e. Fair Rent and
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- (b) The Town of East Hartford, in coordination with the Flood Protection Committee, shall be responsible for the inspection, operation, maintenance and integrity of the Town's flood protection structures and facilities including such inspection, maintenance, alterations and other actions as may be required by the Army Corps of Engineers pursuant to 33 C.F.R. 208.10 and the Operation and Maintenance Manual adopted by the Town of East Hartford.

Effective 10-04-11

Section 2-113e. Fair Rent and Quality Housing Commission

- (a) There is established a Fair Rent and Quality Housing Commission which shall consist of five members. Such members shall be residents or owners of real estate in the town of East Hartford. At least one member shall be a tenant and at least one member shall be an owner of residential rental property.

- (b) The Commission shall have the powers and authority in Sections 2-113f and 2-113g of the East Hartford Code of Ordinances and for fair rent commissions under Connecticut General Statutes sections 7-148b through 7-148f, inclusive.

Section 2-113f. Definitions.

As used in section 2-113g:

- (1) "Commission" shall mean the Fair Rent and Quality Housing Commission;
- (2) "Fair Rent and Quality Housing Commission" shall be the commission established in section 2-113e of the East Hartford Code of Ordinances;
- (3) "seasonal basis" shall have the same meaning as in section 7-148b of the Connecticut General Statutes.

Section 2-113g. Duties.

Such complaint shall contain the following information: (1) the applicant's name home mailing address; (2) a copy of the signed lease or an affidavit from the tenant indicating the monthly rent and such other information regarding the tenancy that such tenant may deem appropriate; (3) documentation of the current rent and the proposed rent increase; (4) a written summary of why such increase is excessive; and (5) such other information that the mayor or designee shall require. Such information shall be filed with the mayor's office or such other physical or online location which the mayor determines will facilitate the filing, or enhance the town's review, of such complaint.

- (b) Within five days of receipt of the complaint, the Mayor or designee shall notify in writing the tenant and landlord of receipt of such complaint and forward the complaint to the Fair Rent and

Section 2-113g. Duties.

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Quality Housing Commission. Upon receipt of such notice, the landlord is prohibited from charging the proposed rent increase and the tenant shall be liable to pay the previously agreed to rent amount. Such notice shall include a statement that the landlord is prohibited from charging the increased rent during the town's review and shall not take any retaliatory action against the tenant for filing such complaint. Such notice shall also include the Commission's hearing date regarding such complaint.

(c) Within thirty days of receipt of a complaint, the Mayor or designee shall conduct an investigation.

(d) If the complaint is based on the rent being excessive because of the conditions of the rental unit, the Mayor or designee shall refer such complaint to the appropriate director or designee who shall initiate an inspection and issue appropriate orders to correct any violations. Upon completion of the inspection and corrective action, the Mayor or designee shall notify the landlord and tenant of such corrective action and the determination that the complaint is resolved. If the tenant still considers the increase excessive, such complaint shall proceed in accordance with the provision of this section.

(e) Upon receipt of the complaint and information pursuant to subsection (b) of this section, the Fair Rent and Quality Housing Commission shall hold a hearing on such complaint at which the Mayor or designee shall present the information gathered during the investigation and at which the landlord and tenant or their representatives may provide additional information. The landlord and tenant shall be provided written notice of such hearing at least twenty days prior to the hearing. Upon request of the landlord or tenant, the Commission may provide additional time for such persons to provide additional information regarding the complaint.

(f) After completion of such hearing, the Commission, at the same meeting or at a subsequent meeting, shall review the criteria in section 7-148c of the Connecticut General Statutes and determine whether the proposed rent increase is excessive and issue any appropriate order in accordance with the procedure established in section 7-148d of the Connecticut General Statutes. Notice of such order shall be provided to the landlord and tenant.

Voted 07-11-23
Published: 07-20-23
Effective: 10-01-23

Section 2-114.
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**ARTICLE 22. QUALIFICATIONS OF DIRECTORS, APPOINTED
OFFICERS, AND UNCLASSIFIED EMPLOYEES OCCUPYING
POSITIONS CREATED BY CHARTER.**

Section 2-114. Qualifications.

Directors, appointed officers and unclassified employees occupying positions set out below in Section 2-115, shall possess, prior to appointment, such qualifications as stated in Section 2-115. Except as otherwise provided by state law, the Council may, by a two-thirds vote of the Council, waive such educational requirements as to any applicant for any of such positions, except that of Corporation Counsel, if, in its judgment, such applicant demonstrates an equivalent combination of education and practical work experience in the specific field(s) of work established in the job description. License or certification requirements may be waived for a period of time not to exceed 6 months from the date of appointment; the certification requirement for the position of Town Clerk, however, may be waived for a period of time not to exceed 2-1/2 years from the date of appointment. Any advertisement or posting announcing an opening of any one of the positions set out below in Section 2-115, except that of Corporation Counsel, shall include, in addition to a recitation of the qualifications of such position as stated in Section 2-115, a notice that an equivalent combination of education and practical work experience in the specific field(s) of work established in the job description will be considered.

Section 2-115. Application of Article.

The provisions of this Article shall apply to the following Directors:

Director of Public Works. The Director of Public Works shall have a Bachelor's degree in engineering, public administration or business management, or a related field and eight years of professional experience in engineering, public works administration, construction project management, and shall demonstrate the knowledge, skills and supervisory abilities necessary to perform the functions of the position. A Connecticut professional engineer's license or a Master's degree in public administration, business management, or a related field are desirable. Thorough knowledge of engineering and architectural procedures in building construction and operation, road and highway maintenance; a working knowledge of solid waste collection; knowledge of construction methods, materials and equipment; knowledge of laws and regulations related to public works programs and responsibilities; ability to plan, direct, and coordinate; ability to present technical information in a clear, concise manner to non-technical persons; ability to deal effectively with staff, officials and members of the public; working knowledge of labor relations practices and procedures; the ability to supervise; and such other requirements as the town shall deem necessary.

September 13, 2011

Director of Parks and Recreation. The Director of Parks and Recreation shall have a Bachelor's Degree in Recreation Administration, Public Administration or a closely related field, and four years of increasingly responsible experience in Municipal Park and Recreation Administration, including three years of management experience. Ability to prepare and maintain an operating budget for a multi-faceted program; ability to develop capital improvement

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budget for park, recreation and golf course projects; administrative and executive ability to initiate, organize and follow through on comprehensive recreational and park programs and projects; ability to deal effectively with elected officials, members of the general public and the media; ability to administer collective bargaining agreements and personnel policies; ability to prepare administrative reports in a clear, logical manner; ability to present ideas and policies to individuals and groups; and the ability to supervise.

Director of Personnel and Labor Relations. The Director of Personnel and Labor Relations shall have a Bachelor's Degree in Personnel and Industrial Relations, Public Administration, Business Administration, or some closely related field, and five years of progressively responsible experience in personnel administration or labor relations, with two years of experience in public personnel administration. A Master's Degree in Business or Public Administration may be substituted for two years of the aforementioned practical work experience. Thorough knowledge of the principals and practices of public personnel administration, including labor relations, personnel selection, classification, compensation and Affirmative Action; knowledge of local, state and federal laws and regulations governing personnel practices; considerable ability in written and oral communication; ability to deal effectively with employees, department heads, labor representatives and the public; skill in negotiating collective bargaining agreements; ability to plan and direct department programs and staff activities; and ability to supervise.

Corporation Counsel. The Corporation Counsel shall have a Juris Doctor degree from an accredited law school, five years of general law experience, be admitted to the Connecticut Bar, with litigation experience desirable; prior municipal law experience desirable; thorough knowledge of the state's legal system and its procedural requirements; knowledge of the relevant laws of the State of Connecticut and ordinances and regulations of the Town; knowledge of federal laws and regulations as they affect Town operations; ability to make well-reasoned, persuasive legal arguments, orally and in writing; ability to analyze laws, regulations, proposed changes, contracts and legal issues to determine their legal impact on the Town; and the ability to deal effectively with staff, town employees/agencies, the public and the media.

Director of Development and Planning. The Director of Development shall have a Bachelor's Degree in Urban Planning, Business Administration, or a closely related field, and four years of increasingly responsible experience in community affairs, urban planning or municipal development, or an equivalent combination of education and practical work experience; ability to apply principles of urban planning to define problems, collect data, establish facts, and draw valid conclusions; a working knowledge of urban development; a working knowledge of urban renewal and housing problems; knowledge of research methods applied to community affairs; knowledge of sources of funds and assistance available; ability to establish and maintain positive relationships with those contacted; supervisory ability; and the ability to speak effectively before groups.

Town Clerk/Registrar of Vital Statistics. The Town Clerk/Registrar of Vital Statistics shall have a Bachelor's Degree in Business or Public Administration, or a closely related field, with office management experience and certification by the State of Connecticut as a certified Connecticut Town Clerk; thorough knowledge of municipal land records and local, state and national election practices and procedures; working knowledge of Connecticut licenses and fee schedules as administered by local governments; working knowledge of bookkeeping principles;

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ability to acquire a working knowledge of town government, including town ordinances and the functions and services of the Town's departments, boards and commissions; ability to initiate, organize and follow through on municipal programs and projects; ability to supervise; and ability to deal effectively with private citizens, public employees, elected officials and members of the media.

Director of Social Services. The Director of Social Services shall have a Bachelor's Degree in Social Work, Counseling, Psychology, Public Administration, or some closely related field; and four years of increasingly responsible experience in administering a public social service program. Master's Degree highly desirable; knowledge of state and federal laws and regulations pertaining to emergency and general assistance programs; ability to analyze, interpret and implement laws and regulations; ability to acquire a working knowledge of community resources and opportunities; ability to assess community social service needs, and to develop and implement suitable programs and services to meet needs; ability to develop and present policies and programs in a clear, concise and effective manner; ability to recruit, train and develop professional and support staff; and the ability to deal effectively with town officials, staff, the public, and the media in meeting department objectives.

Library Director. The Library Director shall have a Master's Degree in Library Science and six years of progressively responsible experience in library work, including two years in the supervision of a library department. The ability to apply principles of library science to solve practical problems and to deal with a variety of concrete variables in situations where only limited standardization exists; ability to organize and maintain an operating budget for a multi-faceted department; ability to plan, organize and implement near-term and long-range library development programs; ability to present oral and written reports in clear, concise and understandable terms; ability to relate effectively to professional and support staff and the public; and a working knowledge of automated library operations is desirable.

Director of Inspections and Permits (Building Official). The Director of Inspections and Permits shall have a Bachelor's Degree in Architecture, Civil or Structural Engineering, and five years of increasingly responsible experience in the construction trades, including three years of related supervisory and inspection experience, and a building official's license issued by the State of Connecticut, if such license is required by state law. Considerable knowledge of building construction practices; considerable knowledge of building and zoning codes and regulations; a working knowledge of wetland and watercourse regulations; ability to supervise; ability to interpret engineering and architectural plans, drawings and specifications; ability to prepare concise written reports; ability to publicly present reports in a clear and concise manner; physical ability to inspect construction work in progress; and ability to work in poor weather conditions, including heat, rain or snow.

Director of Finance. The Director of Finance shall have a Bachelor's Degree in Public or Business Administration, Public Finance, or some closely related field, and six years of increasingly responsible experience in financial management, including two years supervising a major unit within a finance department. A Master's Degree in Business or Public Administration, or some closely related field is desirable; thorough knowledge of financial administration, including accounting, budgeting, purchasing and investing; ability to prepare financial statements in accordance with generally accepted accounting principles; ability to recognize weaknesses in town financial systems and to effect improvements for increased efficiency and

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productivity; knowledge of departmental administration procedures, including planning, coordination and program evaluation; knowledge of data processing capabilities and computer operations; ability to manage and supervise; ability to interpret complex financial/statistical data; and ability to prepare statistical as well as narrative reports.

Director of Health. The Director of Health shall have a Medical Doctor or Master's Degree in Public Health, and six years increasingly responsible experience in public health administration, including two years as head of a major unit within a public health program, and other qualifications required by State law. Thorough knowledge of public health administration, policies and practices; knowledge of departmental administration procedures, including planning, coordination and program evaluation; ability to interpret complex health and housing codes and statistical data; ability to prepare narrative and statistical reports of complexity in clear and concise terms for the lay person; ability to appear in public forums to present health policies and programs; ability to supervise; ability to deal effectively with town officials, the public and the media; ability to prepare an operations budget; ability to monitor complex financial records; ability to develop public and employee health programs as needed; and the ability to keep abreast of developments, innovations and regulations pertaining to public health.

Section 2-116 Exemptions.

Individuals currently holding the positions enumerated in Section 2-115 shall be exempt from the provisions of Section 2-114 for as long as they hold such positions.

Voted: 05-02-00
Published: 06-08-00
Effective: 06-29-00

Article 23. Establishment of Municipal Enterprise Zone.

Section 2-117. Findings and Purpose.

The Town Council of the Town of East Hartford finds:

(1) That Section 32-70 et seq., as amended, of the Connecticut General Statutes permits the Town, upon receipt of approval from the Connecticut Department of Economic Development, to establish by ordinance a municipal enterprise zone for the purpose of attracting investment by business enterprises and enhancing the town's economic climate and employment opportunities; and

(2) That the Department of Economic Development approved on July 14, 1995, the Town's application to designate Census Tract 5106 as a municipal enterprise zone and that in 2009 and 2022 the Town recognized the need to amend the scope of the enterprise zone to reflect changes in the economic development plan for this area; and

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(3) That it is in the best interest of the Town to establish by ordinance such municipal enterprise zone in compliance with the requirements of Connecticut General Statutes, Section 32-70 et seq., as amended.

Effective: 10-01-22

Section 2-118. Municipal Enterprise Zone Established.

As used in this ordinance, "municipal enterprise zone" means Census Tract 5106 and a portion of Census Tract 5105 as depicted on a map dated April 19, 2022 3, 2009 and approved by the Commissioner of the Connecticut Department of Economic and Community Development, which map is on file in the office of the Town Clerk.

Effective: 10-01-22

Section 2-119. Benefits.

- a) All real property in the municipal enterprise zone which is improved in a manner which causes its assessment to be increased during the period when such area is designated as a municipal enterprise zone shall have its real estate assessment fixed. Such fixed assessments shall include new construction, reconstruction or renovations to existing buildings. Such assessment shall be fixed for a period of seven years from the time of completion of such improvements as certified by the Tax Assessor and shall defer any increase in assessment attributable to such improvements, in accordance with the following schedule:

Year	Percentage
First	100
Second	100
Third	50
Fourth	40
Fifth	30
Sixth	20
Seventh	10

- b) In the event of a general revaluation by the Town of East Hartford in the year in which such improvements are completed, resulting in any increase in the assessment on such property, only that portion of the increase resulting from such improvements shall be deferred. In the event of a general revaluation in any year after the year in which such improvement is completed, such deferred assessment shall be increased or decreased, in proportion to the increase or decrease in the total assessment on such property as a result of such revaluation.
- c) Any assessment fixed pursuant to this Section on any residential property shall cease if: (1) any dwelling unit in any residential property is rented to any person whose income exceeds two hundred percent of the median family income of the town; or, (2) any unit of any conversion condominium declared after the designation of the municipal enterprise zone is sold to any person whose income exceeds two hundred percent of the median family income of the town of East Hartford.

Section 2-120. Municipal
Enterprise Zone Advisory
Committee.

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- d) No improvements to real property that qualifies as a manufacturing facility under the provisions of Section 32-9p(d) of the Connecticut General Statutes shall be eligible for benefits under this Section.
- e) No improvements to real property shall be eligible for benefits under this section if such improvements have already been granted a deferred increased assessment by the Town of East Hartford.
- f) Notwithstanding the provisions of this Section, the Town may negotiate the fixing of assessments which is different from the schedule contained in subsection (a) of this section on improvements which exceed eighty million dollars and are used for commercial or retail purposes.

Section 2-120. Municipal Enterprise Zone Advisory Committee.

- (a) A Municipal Enterprise Zone Advisory Committee is hereby established.
- (b) The Municipal Enterprise Zone Advisory Committee shall consist of the following members:
 - 1. The Development Director; the Mayor or his designee; two members of the Town Council appointed by said Council; the Chief of Police or his designee; the Executive Director of the East Hartford Housing Authority or his designee; and a representative of the East Hartford Board of Education appointed by said Board;
 - 2. A representative of Manchester Community Technical College, appointed by its President;
 - 3. Two representatives of East Hartford's business community, one of whom shall be a member of the East Hartford Chamber of Commerce;
 - 4. Two persons who own businesses located in the municipal enterprise zone; and
 - 5. Two representatives of neighborhood community organizations serving the area in which the municipal enterprise zone is located, or two residents of the municipal enterprise zone.

The members described in subdivisions (3), (4), and (5) of this section shall be appointed by the Mayor subject to approval by the Town Council. Members shall serve for a term of two years. Members described in subdivisions (1) and (2) shall serve during their term of office, unless replaced by their appointing authorities.

- (c) The Municipal Enterprise Zone Advisory Committee shall assist in the planning and implementation of municipal enterprise zone activities.

Sec. 2-121. Community Enterprise Zone Board

- (a) A Community Enterprise Zone Board is hereby established.
- (b) The Community Enterprise Zone Board shall consist of the following members:
 - 1. The Development Director, the Mayor or his designee; two members of the Town Council appointed by said Council; the Chief of Police or his designee; the Executive Director of the East Hartford Housing Authority or his designee; a representative of the East Hartford Board of Education appointed by said Board;

Sec. 2-122. Reporting.

**CHAPTER 2. The
Administration**

2. A representative of Manchester Community Technical College, appointed by its President
3. Two representatives of East Hartford's business community, one of whom shall be a member of the East Hartford Chamber of Commerce;
4. Two persons who own businesses located in the municipal enterprise zone;
5. Two representatives of neighborhood community organizations serving the area in which the municipal enterprise zone is located, or two residents of the municipal enterprise zone.

The members described in subdivisions (3), (4), and (5) of this Section shall be appointed by the Mayor subject to approval by the Town Council. Members shall serve for a term of two years. Members described in subdivisions (1) and (2) shall serve during their term of office, unless replaced by their appointing authorities.

- (c) The Community Enterprise Zone Board shall formulate policy for the promotion and development of the zone, coordinate economic development programs in the zone with related job training and recruitment, and social services programs, and adopt a municipal enterprise zone revitalization plan. The plan shall specify goals and objectives for the municipal enterprise zone, describe strategies to attain such goals and establish an implementation schedule. The Community Enterprise Zone Board shall submit its plan to the Town Council and to the Commissioner of the Department of Economic Development for review and comment.

October 6, 1995

Sec. 2-122. Reporting.

- (a) The Development Director shall prepare a report every six months detailing the number of projects which occurred in the municipal enterprise zone, the type of project (manufacturing, residential, retail, commercial), the number of existing and new jobs retained or created, the number of such jobs held by residents of the zone or Job Training Partnership Act (JTPA) eligible residents of the town, the number of square feet impacted, the amount of new investment generated, and the gross and net impact on the Grand List and tax collections.
- (b) The report shall also serve as a means to monitor any changes in occupancy, use of ownership in facilities and firms which have been granted benefits. The report shall be submitted to the Mayor, the Community Enterprise Zone Board, the Economic Development Commission, the Town Council, and the Commissioner of the Connecticut Department of Economic Development.

Voted: 9-5-95
Published: 9-15-95
Effective: 10-6-95

Sec. 2-123. Mayberry Village Revitalization Zone Ordinance.

Sec. 2-123. Mayberry Village
Revitalization Zone
Ordinance.

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- (a) There is established, pursuant to Connecticut General Statutes Section 7-600, the Mayberry Village Neighborhood Revitalization Zone Committee. The Mayberry Village Revitalization Zone shall consist of an area including all property on both sides of the following streets: Woodlawn Circle, Cannon Road, Indian Hill Street, Hopewell Street, Community Street, Harmony Street, Outlook Street, Chandler Street, Easton Street, Higbie Drive, Great Hill Road from Mayberry School through #108.
- (b) The membership of the committee shall be in accordance with the requirements of Connecticut General Statutes Section 7-600 et seq. and the committee's by-laws. Such membership shall reflect the composition of the neighborhood revitalization zones and shall include, but not be limited to, tenants, property owners, community organizations, institutions and businesses. A majority of the members of the committee shall be residents of the Mayberry Village Revitalization Zone.
- (c) The Mayberry Village Neighborhood Revitalization Zone Committee shall exercise, in accordance with Connecticut General Statutes Section 7-600 et seq., all of the powers and duties conferred by state law on neighborhood revitalization zone committees. The committee shall submit a report on implementation of their strategic plan, adopted by the Town Council pursuant to this section, to the mayor, Town Council, Town Planner and the secretary of the Connecticut Office of Policy and Management at intervals of six months in the first year after adoption of this section and annually thereafter. Such report shall include any revisions that do not materially change the adopted strategic plan.
- (d) The Mayberry Village Neighborhood Revitalization Zone Committee shall adopt by-laws, which shall include, at a minimum, the following provisions:
- (1) Membership shall include representation of tenants, property owners, businesses and community organizations in accordance with Connecticut General Statutes Section 7-600 et seq. A majority of members must reside within the Mayberry Village Revitalization Zone. The mayor shall appoint a representative who shall be a full member of the committee.
 - (2) An annual meeting shall be held to elect the members of the Mayberry Village Neighborhood Revitalization Zone Committee. The time and place of all regular meetings for a calendar year shall be filed with the town clerk no later than January 31 of the calendar year and notice shall be published in a newspaper in general circulation as stated in Connecticut General Statutes Section 7-600 et seq. The town shall pay for the reasonable costs of publishing such notice. Any committee member, except for the mayor's representative, who is absent from three regular meetings in one calendar year may be replaced in accordance with committee by-laws. All meetings shall be held within the boundaries of the Mayberry Village Neighborhood Revitalization Zone or at the East Hartford Town Hall. The town shall provide space in a municipal facility for committee meetings if requested by the Mayberry Village Neighborhood Revitalization Zone Committee. All committee meetings shall be open to the public.
 - (3) The committee shall appoint or elect a secretary who shall be responsible for maintaining written records for the committee. The secretary shall be responsible for keeping minutes of every committee meeting and delivering notices for every meeting in accordance with the provisions of C.G.S. § 1-200 et seq. Once approved by the committee, minutes shall be filed with the Town Clerk. The minutes shall include the names of those committee members

Sec. 2-123. Mayberry Village **CHAPTER 2. The**
Revitalization Zone **Administration**
Ordinance.

present as well as those who were absent and shall list all motions and votes taken. A meeting notice and agenda for each regular meeting shall be delivered or mailed to each committee member at least three business days prior to the meeting. Notice of a special meeting shall be filed with the town clerk and delivered to the residence of every committee member at least twenty-four hours prior to the commencement of the special meeting.

(e) The Town Council hereby approves the strategic plan for the Mayberry Village Revitalization Zone presented to the Town Council on April 5, 2005 and filed in the Town Clerk's office.

Voted: 06-21-05
Published: 06-28-05
Effective: 07-19-05

Sec. 3.1. Ambulance Service Chapter 3. Advertising
Advertising.

Sec. 3.2. Purpose.

CHAPTER 3. ADVERTISING

ARTICLE 1. AMBULANCE SERVICES

Sec. 3.1. Ambulance Service Advertising.

(a) For the purposes of this Section:

(1) Ambulance means any privately and publicly owned motor vehicle that is specially designed, constructed, equipped and is operated and maintained or is intended to be maintained and operated for the transportation of patients other than employees of the owner thereof.

(2) Emergency Medical Services System means a system which provides for the arrangement of personnel, facilities, and equipment for the efficient, effective and coordinated delivery of health care services under emergency conditions.

(3) Emergency Personnel means any characterization that such personnel have special emergency training or special capability in emergency conditions including, but not limited to, emergency medical technician.

(b) Ambulance services shall not advertise their services as emergency services or emergency personnel.

ARTICLE 2. HANDBILLS AND BILLPOSTERS

DIVISION 1. GENERAL PROVISIONS

Sec. 3.2. Purpose.

(a) In order to protect the people against the nuisance of promiscuous distribution of handbills and circulars, particularly commercial handbills, the public interest, convenience and necessity require the regulation thereof and to that end, the purpose of this Article shall be as follows:

(1) To protect the people against the unlawful activities or operations of dissolute persons of criminal habits or tendencies, representing themselves as solicitors, canvassers or handbill distributors, by requiring the registration of all such solicitors, canvassers or handbill distributors, together with the names of their employers, and by regulating the business of handbill and advertising distribution through the imposition of reasonable license fees.

'Cross reference: As to advertising by massage parlors, see Sec. 8-45(g).

(2) To protect local residents against trespassing by solicitors, canvassers or handbill distributors upon the private property of such residents if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter.

(3) To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills.

(4) To preserve to the people their constitutional right to receive and disseminate information not restricted under the ordinary rules of decency and good morals and public order, by distinguishing between the nuisance created by the promiscuous distribution of advertising and commercial circulars and the right to deliver non-commercial handbills to all who are willing to receive such handbills.

Sec. 3-3. Definitions.

As used in this Chapter:

(1) Billposter means any person engaging in the business for hire of posting, fastening, nailing or affixing any written, painted or printed matter of any kind containing a message of information of any kind, to any outdoor billboard, or upon any bridge, fence, pole, post, sidewalk, tree or upon the exterior of any other structure. This definition shall not apply to or include any sign mounted on, fastened to or suspended from the outside of any building or other structure, in accordance with and authorized by any provision of this Code or any Statute, either for any public convenience or use or for regulating the construction or use of outdoor display signs whether the display signs are illuminated or not.

(2) Commercial Handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

(a) Which advertises for sale any merchandise, produce, commodity, or thing; or

(b) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(c) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good orders; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of this state, or under any ordinances of this town; or

(d) Which, while containing reading matter other than advertising matter, is predominately and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person

Sec. 3-4. Throwing or
Distribution in Public Places.

Chapter 3. Advertising

Sec. 3-5. Placing Commercial
and Non-Commercial
Handbills on Vehicles.

engaged as advertiser or distributor.

(3) Handbill Distributor means and includes any person engaging or engaged in the business for hire or gain of distributing commercial or non-commercial handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

(4) Newspaper means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public.

(5) Non-Commercial Handbill means any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of a commercial handbill or newspaper.

(6) Private Premises means any dwelling, house, building, or other structure, designed, or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

DIVISION 2. DISTRIBUTION OF HANDBILLS

Sec. 3-4. Throwing or Distribution in Public Places.

No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street, or other public place within the town, or hand out or distribute or sell any commercial handbill in any public place, provided, however, that any person may hand out or distribute, or sell to the receiver thereof, any non-commercial handbill to any person willing to accept it.

Sec. 3-5. Placing Commercial and Non-Commercial Handbills on Vehicles.

(a) No person shall distribute, deposit, place, throw, scatter, or cast any commercial or non-commercial handbills in or upon any automobile or other vehicle.

(b) The provision of this Section shall not be deemed to prohibit the handing, transmitting or distribution of any non-commercial handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept the handbill.

Sec. 3-6. Distributing
Handbills on Streets,
Highways, and Intersections.

Chapter 3. Advertising

Sec. 3-8. Distribution on
Inhabited Private Premises.

Sec. 3-6. Distributing Handbills on Streets, Highways, and Intersections.

(a) No person shall, in the course of distributing commercial or non-commercial handbills to occupants of vehicles temporarily stopped on town streets, highways or intersections, distribute handbills if such actions:

(1) Obstruct any public street, highway or intersection by hindering, impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians;

(2) Create or cause to be created a danger of breach of the peace; or

(3) Create or cause to be created any danger to the life or safety of pedestrians or occupants of vehicles engaged in lawful passage on any street, highway or intersection.

(b) Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any handbill distributor on a street, highway, or intersection is causing any of the conditions enumerated in Subsection (a), he may, if he deems it necessary for the preservation of the public peace and safety, order the person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this Section.

Sec. 3-7. Depositing Commercial and Non-Commercial Handbills on Uninhabited or Vacant Premises.

(a) No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant:

(1) Where it is apparent that the property is unoccupied;

(2) Where it is apparent that a previous day's distribution of handbills has not been removed; or

(3) Where the owner has not given his permission to do so.

Sec. 3-8. Distribution on Inhabited Private Premises.

(a) No person shall distribute, deposit, place, throw, scatter or cast any commercial handbill in or upon any private premises which are inhabited, except by handing or transmitting such handbill directly to the owner, occupant, or any other person then present in or upon such private premises.

(b) Any person may place or deposit any non-commercial handbill in or upon inhabited private premises which are not posted, as provided in Section 3-9, unless requested by anyone thereon not to do so, and provided that such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifting about such premises, or elsewhere, except that mail boxes may not be so used when prohibited by Federal postal laws or regulations.

Sec. 3-9. Distribution
Prohibited on Private Premises
Properly Posted.

Chapter 3. Advertising

Sec. 3-12. License Required.

Sec. 3-9. Distribution Prohibited on Private Premises Properly Posted.

No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereto a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of such premises do not desire to be annoyed or to have their right to privacy disturbed, or to have any such handbills left upon their premises.

Sec. 3-10. Hours of Distribution.

No person shall distribute or deposit any commercial or non-commercial handbills daily from 8:00 p.m. to 7:00 a.m. of the following morning.

Sec. 3-11. Commercial Handbills; Name of Printer and Distributor Required.

(a) All commercial handbills which are distributed, deposited, scattered, handed out or circulated in any place or under any circumstances shall have printed on the corner, front or back thereof, the following information:

- (1) The name and address of the person who printed, wrote, compiled or manufactured such handbill; and,
- (2) The name and address of the person who caused such handbill to be distributed.

DIVISION 2. BILLPOSTERS.

Sec. 3-12. License Required.

(a) No person shall engage in the business of billposter for hire without first complying with the terms of this Article and all other relevant laws and regulations.

(b) Nothing contained in the Article shall apply:

(1) To any person advertising his business or activity upon his own premises, if such business or activity is regularly established at a definite location in such town, and also if a license has been obtained therefore, if such license is required under the terms of any applicable law or ordinance; or

(2) To any person licensed under the provisions of Section 3-21.

Sec. 3-13. License Application. Chapter 3. Advertising

Sec. 3-17. Name on
Advertisement Evidence of
Knowledge.

Sec. 3-13. License Application.

(a) Any person desiring to engage, as principal, in the business of billposter for hire, shall make application to and receive from the Clerk a license in the manner and for the period prescribed by the terms of this Article. Such applicant shall make written application to the Clerk upon forms provided for such purpose by the Clerk.

(b) The forms shall contain, among other things that may be required, the name, the business address, and a brief description of the nature of the business to be conducted by the applicant, and the probable number of agents and employees so to be engaged, together with a request for a license for the period for which the applicant seeks to engage in such business. Such application shall be accompanied by the fee required by the Council.

Sec. 3-14. Transferability of License.

No license issued under this Division shall be transferable to any other person.

Sec. 3-15. Revocation of License; Refund of License Fee.

(a) The Clerk may revoke any license obtained under an application which contains a false or fraudulent statement knowingly made by the applicant with the intent to obtain a license by means of false or fraudulent representations, or for violation of this Article, or for any other ground specified by law.

(b) If any billposter's license is surrendered by the licensee or is revoked for cause, neither the licensee named in such license, nor any other person, shall be entitled to any refund of any part of the license fee.

Sec. 3-16. Billposting Without Property Owner's Consent Prohibited.

(a) No person shall post, paint, burn, set up or expose any bill, placard or advertisement, or cause the same to be posted, painted, burnt, set up or exposed upon the property or premises of any other person without first obtaining the consent of the legal owner or custodian of such property or premises.

(b) No person shall post, place, paint or print upon any building, sidewalk, curbstone, street; fence, tree, post or pole in or adjacent to any street or thoroughfare of the town, any notice or advertisement, without the consent of the Director of Public Works.

Sec. 3-17. Name on Advertisement Evidence of Knowledge.

The name or part of the name of any person appearing on any bill, placard or advertisement, or the fact that the goods, wares, merchandise or business of any person are advertised by such bill, placard or advertisement, shall be prima facie evidence of its presence there by authority or with the knowledge of such person.

ARTICLE 3. SIGNS.²

Sec. 3-18. Definitions.

(a) As used in this Article:

(1) Approved Combustible Plastic shall mean a plastic material more than one-twentieth (1/20) of an inch in thickness which burns at a rate of not more than two and one half (2 1/2) inches per minute when subjected to the ASTM standard test for flammability of plastic in sheets of six-hundredths (0.06) of an inch thickness.

(2) Closed Sign shall mean a display sign, the entire area of which is solid or tightly enclosed or covered.

(3) Ground Sign shall mean any sign or device erected for the purpose of advertising, or for the identification of a business or structure, supported from the ground and not attached to any part of a building or structure.

(4) Marquee Sign shall mean a display sign attached to or hung from a marquee canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

(5) Open Sign shall mean a display sign in which at least fifty (50) percent of the enclosed area is uncovered, or open to the movement of wind.

(6) Outdoor Advertising shall mean advertising by means of paint, pictures or lettering, posters or images projected by any type of projector, upon any sign, board, or plane erected for that purpose either upon any part of any building or structure or as an independent structure supported from the ground, but shall not include a sign or device indicating the name of a building or the occupancy thereof or the nature of any business carried on in the building or a part thereof.

(7) Projecting Sign shall mean any sign, bulletin or device erected for the purpose of advertising, or for the identification of a business or structure which is attached to and projects from any part of a building or structure.

(8) Roof Sign shall mean any sign, bulletin or device erected for the purpose of advertising, or for the identification of a business or structure which is supported on the roof of a building or structure.

(9) Temporary Sign shall mean a display sign, banner or other advertising device constructed of cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display and shall include decorative displays for holidays or public demonstrations.

(10) Wall Sign shall mean any sign, bulletin or device erected for the purpose of advertising, or for identifying a business or structure, parallel to and as nearly against the face of a wall as projecting cornices, belt courses or other ornamentations of such wall permit. Any painting of pictures, designs, or lettering on the surface of any structure shall be considered a wall sign.

²Cross reference: As to zoning requirements, see Sec. 252, Zoning Regulations.

State Law reference: Outdoor advertising sign regulations. Chapter 411, Section 21-49 et seq., C.G.S. as amended; additional regulations in State Building Code.

Sec. 3-19. Enforcement
Officer; Oversight Does Not
Legalize Illegal Signs.

Chapter 3. Advertising

Sec. 3-22. Permit for Signs
Projecting Over Street Line.

Sec. 3-19. Enforcement Officer; Oversight Does Not Legalize Illegal Signs.

The Director of Inspections and Permits shall enforce the provisions of this Article, but no oversight or dereliction of duty on the part of such officer or his subordinates shall legalize any action not in conformity with such provisions.

Sec. 3-20. Failure to Comply with Notice.

If any person fails or refuses to comply with any requirement of this Article after proper notification, the Director may remove any sign marquee or advertising device involved or correct any violation at the expense of such person. Such expense shall constitute a lien against the property.

Sec. 3-21. Outdoor Advertising License Required for Business.

Each person engaged in the business of outdoor advertising shall annually obtain a license and file with the Department of Inspections and Permits a complete list of all signs, billboards or advertising devices together with their locations.

Sec. 3-22. Permit for Signs Projecting Over Street Line.

(a) No person, as defined in Section 1-2(21) of this Code of Ordinances, shall erect, construct or install any sign which projects over a street line without a written permit from the Director of Public Works. Application for such permit shall be made on a form provided by the Director of Public Works and shall contain such information as may be required by him in order to ascertain such sign will not jeopardize the safety of persons, vehicles and/or property. In addition, the application shall be accompanied by a Certificate of Insurance showing that the applicant has purchased a Comprehensive General Liability (CGL) policy with a \$1,000,000 per occurrence limit to cover any injuries to persons, or damage to vehicles and/or property caused by the sign. Such policy shall be renewed annually, shall name the Town of East Hartford as an additional insured party, be acceptable to the Finance Director or his/her designee, and provide that the insurance carrier shall give the Town not less than thirty (30) days written notice prior to the date of expiration and/or cancellation of such policy by either the applicant or its insurance carrier. The application shall also be accompanied by a Hold Harmless Agreement form, to be obtained from the Department of Inspections and Permits and executed by the applicant, obligating applicant to hold the Town harmless from any and all claims for personal injury and/or damage to vehicles and/or property arising from the construction, erection, installation and/or maintenance of such sign.

Effective: 5/24/91

(b) Such permit shall be issued for a period of one (1) year from date of issuance, and may be renewed by the Director of Public Works thereafter annually upon

Sec. 3-23. Annual Inspection Chapter 3. Advertising
Required; Fee.

Sec. 3-26. Marquee
Regulations.

applicant's submission of evidence that such sign has been inspected and found structurally sound by the Director of Inspections and Permits, and that the insurance coverage required by sub-section (a) has been renewed for a term of one (1) year.

Effective: 5/24/91

Sec. 3-23. Annual Inspection Required; Fee.

(a) Every sign, marquee or advertising device maintained under a permit, as required by Section 3-21, shall be inspected at least once annually by the Department of Inspections and Permits. The fee for each such inspection shall be payable before the issuance of a permit for the following year. Such fee shall be collected by the Director of Inspections and Permits in an amount to reimburse the Town for all expenses incurred by the Town in inspecting the sign,

(b) Signs, marquees or advertising devices not requiring licenses shall be inspected at such intervals as may, in the opinion of the Director, be necessary. No fee shall be charged for such inspections, provided that if any such inspection is made necessary by failure on the part of the person controlling any such sign, marquee or device to comply with a written order from the Director of Inspections and Permits to correct any violation or dangerous condition, a fee, as set by the Council in the schedule of fees, shall be required for each such inspection. Failure to pay such fee shall constitute grounds for ordering the removal of the sign, marquee or device involved.

Sec. 3-24. Authority to Enter Buildings.

The Director of Inspections and Permits shall have the authority to enter any building, structure or premises, or any part thereof, at any reasonable time, for the purpose of performing his official duties under this Article.

Sec. 3-25. Signs Not to Obstruct Fire Escapes, Exits, Windows.

No sign or advertising device of any kind shall be erected or constructed upon any fire escape or in such manner as to obstruct or impede ingress or egress to or from any exit, window or door of any building or structure.

Sec. 3-26. Marquee Regulations.

(a) No marquee or part thereof shall extend beyond a point which is three (3) feet in back of the curb line. No marquee which extends in front of a building line, except a theater marquee, shall have thereon any words or advertisement other than the name of the building over the entrance of which such marquee is erected, or of a business carried on therein. A marquee over the entrance of a theater or other place of amusement may extend along the entire front of the building wherein the theater or other place of amusement is located, and may have thereon the name of the performance and of the performers, provided no letters shall exceed twenty-four (24) inches in height.

(b) All marquees, including all supports and braces therefore, shall be constructed entirely of metal and glass or other incombustible material. They shall be properly drained, shall be supported entirely from a building, and shall meet the approval of the Director of Inspections and

Permits.

(c) Banners not to exceed thirty (30) inches in width may be suspended from the theater marquees. They shall be made of soft cloth and shall be securely fastened to the marquee by means of wire.

Sec. 3-27. Ground Signs.

(a) When required by the Director of Inspections and Permits, a fence or hedge or other approved barrier shall be erected, extending from the ends of any ground sign in such manner as to prevent easy access to the rear of such sign from the street.

(b) Any person controlling or maintaining a ground sign upon any premises shall be subject to the same responsibilities as the owner of such premises with respect to keeping such premises clean, sanitary, inoffensive and free and clear of all noxious substances in the vicinity of such sign.

Sec. 3-28. Billboards.

Billboards and similar structures used for the display of advertising matter shall be constructed and maintained in a safe and substantial manner. They shall be kept in a neat and clean condition at all times. No loose paper shall be allowed to hang from billboards or similar structures or to fall into the street or sidewalk, and no paste or other materials used in connection therewith shall be allowed to drop upon the sidewalks.

Sec. 3-29. Identification of Licensee on Billboards.

Every billboard or similar structure shall have plainly displayed on the top thereof the name and license number of the licensee using such billboard or structure.

Sec. 3-30. Billboards Restricted.

(a) As used in this Section, billboard shall mean any sign, notice or advertisement, pictorial or otherwise, with an area of more than fifty square feet not attached to a building or other structure or vehicle and all signs of more than fifty square feet used as an outdoor display for the purpose of making anything known, the origin, place or sale of which is not on the lot on which such billboard is located.

i. Effective: 11-20-97

(b) No person shall erect any billboard within the town, provided that this section shall not apply to any billboard in existence as of July 2, 1980. Nothing in this subsection shall be construed to prohibit routine maintenance on billboards in existence as of July 2, 1980. As used in this section, "routine maintenance" shall mean (1) the replacement of cables, nuts and bolts, nailing, riveting or welding, cleaning and painting, or manipulating to level or plumb the billboard; (2) the routine change of message and (3) the lamination or preparation of existing panels or

Sec. 3-31. Nonconforming Signs; Removal Required.

Chapter 3. Advertising

Sec. 3-32. Removal of Sign Upon Abandonment of Business.

facings at a location other than that of the billboard. "Routine maintenance" shall not mean the adding of guys or struts for the stabilization of the billboard or substantially changing the billboard, including increasing its size, or the replacement or repair of panels, poles, or facings or the addition of new panels, poles or facings.

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Published: 08-18-04
Effective: 09-08-04

(c) Notwithstanding the provisions of Subsections (a) and (b) above, an additional sign frame and sign no larger than the existing north side frame and sign may be attached to the south side of an existing billboard located at 361 Main Street after the owner of such billboard has permanently removed a double billboard consisting of sign frames and signs, each of which measures three hundred square feet, currently located at 551 Main Street and (2) such additional sign frames and signs may be erected pursuant to an agreement signed by the Mayor that requires the person receiving such approval to: (i) reduce the number of existing sign frames by at least twice the number of sign frames to be erected pursuant to the agreement; (ii) reduce the square footage of existing billboard signs by at least the amount of the square footage of the signs to be erected pursuant to the agreement and (iii) remove any new billboard signs and frames erected pursuant to this agreement within a specified period of time, provided that such agreement is approved by the Town Council, after a public hearing at least twenty-four hours prior to the Town Council vote on such agreement, as being in the best interests of the Town and is approved by the Planning and Zoning Commission.

Voted: 02-07-06
Published: 02-14-06
Effective: 03-07-06

Sec. 3-31. Nonconforming Signs; Removal Required.

Any sign, marquee or advertising device erected, constructed or maintained in violation of any of the requirements of this Article shall be removed or made to conform to such requirements within five (5) days after receipt by the person responsible for such violation of a written order from the Director of Inspections and Permits requiring such action.

Sec. 3-32. Removal of Sign Upon Abandonment of Business.

(a) Any person maintaining a wall sign, roof sign, marquee or any other type of free standing sign, located on the premises of the business advertised on such sign, shall remove such sign from the premises within sixty (60) days after the moving or abandonment of the business advertised on the sign.

(b) Upon the failure of any person to comply with the provisions of this Section, the Town may remove such sign or other advertising structure. The cost of such removal shall constitute a lien against the property upon which the sign was located.

Sec. 3-33. Temporary Signs.

A permit may be issued for a temporary sign for a period up to sixty (60) days by the Director of Inspections and Permits for a fee established by the Town Council. A bond or certificate of insurance must be presented to the Director of Inspections and Permits before the permit can be issued. Such bond or insurance shall save the Town harmless from any and all claims or demands for damages by reason of negligence of the sign hanger or that may be caused by defects in the construction of such sign.

Sec. 3-34. Temporary Signs Placed On Publicly Owned Property.

- (a) The Director of Inspections and Permits is hereby authorized and directed to promulgate rules and regulations permitting non-profit public service clubs and organizations to place temporary ground signs, as defined at Section 3-18(3), advertising meetings and other events of benefit and interest to the Town on publicly owned property.
- (b) Such rules and regulations shall provide:
- (1) that a fee determined by the Town Council will be charged for permitting such signs to be placed on publicly owned property;
 - (2) that a written application for such permit must be made to the Director of Inspections and Permits at least twenty (20), but no more than twenty-eight (28), calendar days prior to the date on which such sign is to be erected. Such application shall contain such information as to the club or organization, nature of the event and the requested location of the sign as may be deemed necessary by the Director of Inspections and Permits in order to decide whether or not to grant the requested permission;
 - (3) that any such sign shall be no larger than permitted by, and constructed in accordance with, applicable zoning and/or building regulations unless the applicant has been granted a variance from such zoning and/or building regulations by proper authorities;
 - (4) that any such sign will be aesthetically pleasing, impervious to the elements, and located in such a way as to avoid hazards to pedestrians and traffic;
 - (5) that such sign may not be erected more than fourteen (14) calendar days from the actual date of the meeting or event advertised therein;
 - (6) that any organization requesting permission to post any such sign agree to hold harmless and indemnify the Town, its officials, officers and employees for any death, injury or damage to persons or property caused by such sign;
 - (7) that such sign shall be promptly removed, without injury to Town owned property, by the club or organization within forty-eight (48) hours after the conclusion of the meeting or event advertised thereon;
 - (8) that any permit granted by the Director may be revoked by him upon twenty-four (24) hours prior notice if such sign becomes a hazard to persons or property, or if the organization fails to comply with any reasonable request to secure or repair such sign; and
 - (9) that the placement, construction, repair and maintenance of such signs be at all times in full compliance with Planning and Zoning Regulations, applicable Town ordinances and all applicable rules and regulations, including state and local policies and regulations.
- (c) The fee required by sub-section (b) (1), above, shall be submitted along

Town of East Hartford

Sec. 3-34. Temporary Signs
Placed On Publicly Owned
Property.

Chapter 3. Advertising

with the application. Each applicant shall, in addition, submit at the time of application a certified or cashier's check for the sum of fifty dollars (\$50.00) as a deposit to assure the Town that such sign, if permitted, will be removed thereafter in a timely fashion as required by sub-section (b) (7), above. Such deposit shall be returned to the applicant once the Director of Inspections and Permits is satisfied that the sign has been removed. In the event applicant fails to remove the sign within the time limits set out in sub-section (b)(7), the Director of Inspections and Permits shall cause such sign to be removed and retain the permittee's deposit in order to compensate the Town for the costs of removing such sign.

Code of Ordinances

Sec. 3-34. Temporary Signs
Placed On Publicly Owned
Property.

Voted 09-17-91
Publicized: 10-18-91
Effective: 11-8-91

Sec. 4-1. Sunday Sale Hours
with Meals.

**CHAPTER 4. Alcoholic
Beverages**

Sec. 4-3. License Application;
Contents.

CHAPTER 4. ALCOHOLIC BEVERAGES¹

ARTICLE 1. GENERAL PROVISIONS

Sec. 4-1. Sunday Sale Hours with Meals.

All hotels, restaurants and clubs, and permittees under the State Liquor Control Act, operating within the Town, shall be permitted to sell alcoholic beverages with meals between the hours provided by State Statute.

¹Cross reference: Possessing intoxicating beverages in Town parks, Sec. 14-10(13).
State law reference: As to State regulations of intoxicating beverages, see Gen.
Stats., Title 30.

ARTICLE 2. CLUBS²

Sec. 4-2. License Required.

It shall be unlawful for any club to permit the consumption, dispensing, serving or selling of alcoholic beverages without first obtaining an annual license to conduct such club from the Chief of Police, after approval by the Director of Health and the Fire Chief. The granting of such license shall not permit the operation of any type club prohibited by Statute.

²State law reference: As to club permits generally, see Gen. Stats. Sections 30-23 to 30-25.

Sec. 4-3. License Application; Contents.

(a) Each club required to be licensed by this Chapter, shall make application upon blanks furnished by the Department of Inspection and Permits.

(b) The application for a club license shall have attached to it a list of the names and residences of its members, and said club shall file with the Department of Inspections and Permits, within ten (10) days of the election of any additional member, his name and address, and shall furnish all information required by the Director of Health, Chief of Police and Fire Chief, which they deem necessary for the enforcement of sanitary and safety regulations.

(c) Notice of the application for a new club license shall be published in a newspaper of general circulation in the Town at least ten (10) days prior to the granting of the license. The notice shall include the name and address of the applicant, kind of license applied for, and the location of the premises to be licensed.

Sec. 4-4. Qualifications for Licensee.

CHAPTER 4. Alcoholic Beverages

Sec. 4-7. Transferability of License.

Sec. 4-4. Qualifications for Licensee.

- (a) A license shall be granted to any person who is:
 - (1) Of good moral character;
 - (2) A citizen of the United States and of this State, and who has resided continuously in the town for at least thirty (30) days prior to the date of filing the application;
 - (3) Who has never been convicted of a crime involving moral turpitude or a violation of any State or Federal law or any disorderly conduct provision.
 - (4) Over eighteen (18) years of age.
- (b) No license shall be granted to any person against whom any personal property taxes have been assessed, and which taxes are delinquent and unpaid.
- (c) No license shall be issued to any person acting as agent for, or in the employ of another.

Sec. 4-5. Consent to Inspections.

- (a) Every applicant or licensee under this Chapter, shall consent to the entry of an authorized representative of the Town at all reasonable hours for the purpose of inspection and search to ascertain whether the provisions of this Chapter have been complied with.
- (b) Any articles found in violation of this Chapter are to be removed and may be introduced in evidence in any prosecution arising out of this Chapter.

Sec. 4-6. Investigation of Applicant and Premises.

- (a) No license shall be granted unless the premises sought to be licensed has been inspected and approved by the Director of Health and the Police and Fire Departments.
- (b) The investigating officials shall furnish a written report to the Director of Inspections and Permits accompanied by a recommendation as to whether a license should be granted or refused.
- (c) If the applicant fails to abide by any directions for a change in the premises sought to be licensed, the application shall be denied.
- (d) If, after granting an application and the issuance of a license, the premises shall be altered or changed in any way contrary to the directions of the Director of Health or the Police and Fire Marshal, the license may, after hearing by the Mayor, be revoked.

Sec. 4-7. Transferability of License.

No license shall be transferable, either as to licensee or location. The Director of Inspections and Permits may authorize the transfer of location of the licensed premises if it becomes unsuitable for occupancy.

Sec. 4-8. License Fee;
Display.

**CHAPTER 4. Alcoholic
Beverages**

Sec. 4-13. Sale to Intoxicated
Persons.

Sec. 4-8. License Fee; Display.

A club license shall be issued with charge and shall be hung in plain view in such club, fee in an amount set by the Council.

Sec. 4-9. License Suspension or Revocation; Appeals.

(a) The Director of Health, Chief of Police, or the Fire Chief, may notify the Department of Inspections and Permits to revoke or suspend the license of any club, after due notice to the licensee and a hearing before the Department if it is requested by the licensee within forty-eight (48) hours after such notice.

(b) All suspensions or revocations of license shall be effected by notice, in writing, of such suspension or revocation, designating the effective date and, in case of suspension, the term of such suspension. The notice may be served upon the licensee personally or by mailing it by registered mail addressed to him at the licensed premises. The suspension or revocation shall apply to the licensee and to the licensed premises.

(c) Any revocation shall render the licensee ineligible to receive any other license hereunder for a period of two years from the effective date thereof, and may, in the discretion of the Director, render the licensed premises ineligible to become a subject for any future license hereunder during the period of two years.

Sec. 4-10. Solicitation for Sale.

No person shall solicit from house to house, personally or by telephone, the purchase of alcoholic beverages, or allow or permit such solicitations.

Sec. 4-11. License Expiration; Renewal.

Club license shall expire annually on the first day of March and shall be renewed only upon application as herein provided.

Sec. 4-12. Minors Prohibited on Premises.

Any club licensee who shall permit any minor to loiter on the premises where liquor is consumed, or allow any minor, unless accompanied by his parent or guardian, to be in any room where alcoholic liquor is served or consumed, shall have his license immediately revoked.

Sec. 4-13. Sale to Intoxicated Persons.

No club licensee shall sell, vend, or give away any such beverages in any quantity whatsoever, to any person intoxicated or bordering on a state of intoxication. No person shall procure for, sell, or give away to any intoxicated person, any alcoholic beverages.

Sec. 4-14. Hours of Sale by Glass.

CHAPTER 4. Alcoholic Beverages

Sec. 4-16. Compliance with Health, Police and Fire Regulations.

Sec. 4-14. Hours of Sale by Glass.

The sale, dispensing, consumption or the presence in glasses or other receptacles suitable to permit consumption of alcoholic beverages in such clubs, shall be unlawful on the day of any State or Town election, on Sunday, except as provided in Section 4-1, and any legal holiday; and the sale, dispensing or consumption by any person shall be unlawful on any other day between the hours set forth by State Statute.

Sec. 4-15. Locking the Exits During Closing Hours.

All club exits and entrances shall remain unlocked from the hour of 1:00 a.m. until such club has been vacated by all of its members and guests.

Sec. 4-16. Compliance with Health, Police and Fire Regulations.

All health, police and fire regulations of the Town shall be complied with by the club licensees.

Sec. 5-1. Amusement Permit
Required.

CHAPTER 5. Amusements

Sec. 5-2. Permit Application.

CHAPTER 5. AMUSEMENTS

ARTICLE 1. GENERAL PROVISIONS

Sec. 5-1. Amusement Permit Required.

(a) No person shall conduct an outdoor amusement event where alcoholic beverages are served without first obtaining a permit from the Chief of Police pursuant to section 5-3 of the town ordinances.

(b) No person shall conduct an outdoor amusement event or an event where roads or sidewalks in the town are closed to public use without first obtaining a permit pursuant to section 5-3 and section 5-4 of the town ordinances.

(c) No person shall conduct an outdoor amusement event on town property or conduct an outdoor amusement event sponsored or co-sponsored by the Town of East Hartford without (i) obtaining a permit from the Chief of Police with approval of the Town Council pursuant to Section 5-4 of the town ordinances; (ii) executing a contract delineating the responsibilities of the town and such persons, in a form acceptable to the Corporation Counsel's office; and (iii) obtaining a certificate of insurance consistent with the requirements of section 5-5.

(d) As used in this section, "outdoor amusement event" means:

- (1) Parade
- (2) Road race
- (3) Fireworks display
- (4) Airshow
- (5) Outdoor carnival
- (6) Rodeo
- (7) Circus
- (8) Tent show

(9) planned gathering of people that is open to the public, or members of an organization whether or not there is an admission fee, where there is entertainment, such as music or a theatrical performance, and the event is held, wholly or in part, outdoors provided it shall not include any family life event celebration where attendees must be invited, such as weddings, birthdays, bachelor parties or anniversaries.

Effective 03-19-13

Sec. 5-2. Permit Application.

(a) An application for any permit required by section 5-1 of the town ordinance shall be filed with the Chief of Police on forms supplied by him for that purpose, not less than thirty days prior to the date of the proposed amusement. The Town Council may, upon request of the applicant, waive the time requirement for the filing of an application.

Effective 10-04-05

(b) Such application shall contain the following information:

- (1) The name of the applicant. If the applicant is a partnership, the application shall list

Sec. 5-3. Administrative
Review of Application.

CHAPTER 5. Amusements

Sec. 5-3. Administrative
Review of Application.

the names of all partners. If the applicant is a corporation, club or association, the application shall list the names of the officers of such corporation, club or association;

(2) The residence of the applicant. If the applicant is a partnership, corporation, club or association, the application shall specify the address of its place of business;

(3) The date(s), times and location of the proposed amusement;

(4) A detailed description of the proposed amusement;

(5) The expected attendance at the proposed amusement;

(6) A detailed description of the proposed amusement's anticipated impact on the surrounding community, including, but not limited to, crowd size, traffic, parking, noise, litter and general disruption to normal life and activities;

(7) If the proposed amusement involves alcohol, any and all arrangements pertaining thereto, including a copy of the liquor permit as required by state law;

(8) Any other information the applicant deems relevant.

' State law reference: As to State Licensing of Amusements, see. CGS Sec.19-129 et seq. A detailed plan for the following: accessibility of amusement site to emergency, police, fire and medical vehicles; provisions for notification of proper authorities in the case of an emergency; provision of on-site emergency medical services; crowd control; parking; traffic flow, litter control of the amusement site and surrounding community during and immediately after the proposed amusement; provision of sanitary facilities; and, if the amusement is to be held on Town property, the return of amusement site to pre-amusement condition;

Sec. 5-3. Administrative Review of Application.

(a) Upon receipt of the application, the Chief of Police shall forward a copy of said application to the directors of the following Town departments: Fire, Health, Public Works, Parks and Recreation, the Office of the Corporation Counsel and Finance.

(b) The Chief of Police and the Directors of Fire, Health, Public Works, Parks and Recreation Departments, the Office of the Corporation Counsel and Finance shall review the application. Within two weeks of the date the application was filed, each Director shall provide to the Chief of Police written comments pertaining to the impact the proposed amusement would have on the areas under such department's purview and any recommended changes in the planned operations. The comments from the Fire Department shall also include a statement as to whether the Town can provide adequate fire protection for the proposed amusement.

(c) In reviewing the application, the Chief of Police and the Directors of Fire, Health, Public Works and Parks and Recreation Departments shall consider, but not be limited to, the following: the type of amusement proposed; the suitability of the site for the amusement proposed; access to amusement site by emergency vehicles; the provision for notification of proper authorities in the event of an emergency; public safety; the anticipated crowd size; crowd control; traffic; parking; noise; litter control, including, but not limited to, sufficiency of proposed trash receptacles, dumpster space, and general clean-up during and immediately following amusement; sufficiency of sanitary facilities; compliance with the requirements of the State Public Health Code, other state laws and regulations, and local laws and regulations; and the general impact on the surrounding community and town as a whole.

(d) If the application is submitted pursuant to subsection (a) of section 5-1 of the town ordinances, the Chief of Police may approve such application if the amusement can be conducted in

Sec. 5-4. Notice; Town
Council Action on**CHAPTER 5. Amusements**Sec. 5-4a. Permit Application
for Regularly Scheduled

a safe manner consistent with the public safety and public welfare of the town and subject to such conditions as the Chief of Police deems necessary.

(e) If the application is submitted pursuant to subsection (b) of section 5-1 of the town ordinances, within one week of receipt of written comments from the Directors, the Chief of Police shall forward those comments to the Town Council. The Chief of Police shall also forward to the Town Council written comments pertaining to the impact the proposed amusement would have on the areas under the purview of the Police Department and any recommended changes in the planned operations, as well as a statement as to whether the Police Department can supply adequate police protection. If the activity involves an application to utilize Town Property as set forth in subsection (b) (2) of section 5-1, the Chief of Police shall also forward to the Town Council a copy of the contract and certificate of insurance.

Effective 03-19-13

Sec. 5-4. Notice; Town Council Action on Applications.

(a) In addition to any other notice required by law, any person who submits an application pursuant to subsection (b) of section 5-1 to conduct a fireworks display, airshow, outdoor carnival, rodeo, circus or tent show shall post a sign on the property where such activity will be conducted which shall be clearly visible from the street for a period of at least ten consecutive days before the Town Council meeting at which the application will be considered. The sign shall state that an application is pending before the Town Council. The applicant shall provide to the Town Council at the Town Council meeting a signed affidavit attesting that the applicant has complied with the sign-posting requirement of this section. The sign, which is available at the office of the Town Planner, shall not be removed until the completion of the Town Council meeting, and must be returned to the office of the Town Planner within seven business days following the Town Council meeting.

(b) After submission of comments by the Chief of Police and the posting of a notice pursuant to subsection (a) of this section, if applicable, the Town Council may vote to approve or disapprove an application submitted pursuant to subsection (b) of section 5-1. In the discretion of the Town Council, approval of the application may be made on certain conditions in order to address public safety, health or welfare concerns presented in the written comments of the Chief of Police or other Directors.

(c) If the application is approved by a majority vote of the Town Council, the Clerk of the Town Council shall forward written approval, including any conditions of such approval, to the Chief of Police. The Chief of Police shall thereafter issue a permit to the applicant for the proposed amusement. Such permit shall clearly state the nature of the amusement, the approved location, date(s), hours of operation and any conditions of approval imposed by the Town Council.

(d) Approval of the application does not relieve the applicant of the obligation to pursue any other permits or licenses that may be required by the State or Town.

(e) If the application is not approved by a majority vote of the Town Council, the Clerk of the Town Council shall notify the applicant in writing of the denial of the application.

Effective: 03-19-13

Sec. 5-4a. Permit Application for Regularly Scheduled Outdoor

Sec. 5-4a. Permit Application
for Regularly Scheduled

CHAPTER 5. Amusements

Sec. 5-5. Evidence of
Insurance Coverage Required

Concerts.

(a) A person may submit an application pursuant to section 5-1 of the town ordinances requesting that a permit be issued that would be valid for a series of regularly scheduled outdoor concerts. Such application is subject to the requirements set forth in Section 5-2 and must contain the required information for each of the dates of the proposed regularly scheduled outdoor concert.

(b) Such application is subject to the review and approval process set forth in Sections 5-3 through 5-4.

(c) The Town Council, or the Chief of Police, as the case may be, may approve such application, and pursuant thereto, the Chief of Police shall issue a permit valid for all or some of the regularly scheduled outdoor concerts. The permit shall not be valid for any concert or other event that differs from the description and information contained in the application.

(d) The Chief of Police may revoke any permit issued pursuant to this section if the permittee has had two or more violations of any provision of sections 5-1 through 5-7 of the town ordinances or any condition of any permit issued pursuant to this section.

Sec. 5-4b. Permit Application for Regularly Scheduled Outdoor Amusement Events.

(a) A person who operates a facility, located in a commercial or industrial zone or authorized under Connecticut Zoning laws to operate such facility at such location, that regularly schedules outdoor amusement events may submit an application pursuant to section 5-1 of the town ordinances requesting that a permit be issued that would be valid for all outdoor amusement events, except parades, fireworks display, airshows, outdoor carnivals, rodeos, circuses, tent shows or an outdoor musical performance where more than two hundred and fifty people are anticipated to attend to be held during the calendar year. Such application is subject to the requirements set forth in section 5-2 except that the person may submit information on the outdoor amusement event to the Chief of Police as such information becomes available and in accordance with any conditions or requirements of the Chief of Police.

(b) Such application is subject to the review and approval process set forth in Sections 5-3 and 5-4.

(c) The Town Council, or the Chief of Police, as the case may be, may approve such application, and pursuant thereto, the Chief of Police shall issue a permit valid for all or certain of the regularly scheduled outdoor concerts. The permit shall not be valid for any concert or other event that differs from the description and information contained in the application. The Chief of Police may revoke any permit issued pursuant to this section if the permittee has had two or more violations of any provision of sections 5-1 through 5-7 of the town ordinances or any condition of any permit issued pursuant to this section.

Sec. 5-5. Evidence of Insurance Coverage Required as Prerequisite to Approval of Certain Amusement Permits.

(a) In addition to the application requirements set forth in subsection (b) of Section 5-2, the applicant for a permit to sponsor, produce or conduct an outdoor amusement event shall provide a

CHAPTER 5. Amusements**Sec. 5-9. Inspection Fees.**

Certificate of Insurance indicating that the applicant has obtained a Comprehensive General Liability (CGL) insurance policy and, if required, a liquor liability policy in the limit as set by the Finance Director in consultation with the Risk Manager, to cover any injury to persons or damage to property resulting from such outdoor amusement event. Notwithstanding any other provisions of this Article, no permit to sponsor, produce or conduct an outdoor amusement event shall be issued unless the Town's Finance Director or his representative has reviewed and approved such Certificate. The insurance policy shall be endorsed to add the Town as an additional insured. In addition, no permit to conduct an outdoor amusement event sponsored or co-sponsored in whole or in part by the Town of East Hartford where alcoholic beverages are served shall be granted without the express consent of the Mayor after the purchase by the Town of a Liquor Liability policy in the limits set by the Finance Director in consultation with the Risk Manager.

(b) Notwithstanding any other provisions of this Article, the Town Council shall not approve application for any permits under 5-1 hereof without written notification from the Town's Finance Director or his or her representative that the Certificates of Insurance required by subsection (a) of this section have been reviewed and found acceptable.

Effective: 03-19-13

Sec. 5-6. Permit Fees.

(a) The Chief of Police shall not issue any permit required by this Article until the permittee has paid an amusement permit fee in an amount set by the Council, provided that this fee shall not be applicable to an amusement sponsored in whole or in part by the Town or one of its agencies.

Sec. 5-7. Access to Amusement Site by the Chief of Police and Fire Marshal for Inspections.

In addition to any conditions that may be placed upon a permit by the Town Council or the Chief of Police, every permittee under this Article, as a condition to obtaining such permit, shall cause his place of amusement and the exhibition or performance to be open for inspection at all times to the Chief of Police and the Fire Marshal or representatives thereof.

Voted:04-01-03
Published:04-08-03
Effective: 04-29-03

Sec. 5-8. Theater Inspections.

Theaters which are operating under permit given by the Commissioner of the State Police shall be inspected monthly by inspectors from the Department of Inspections and Permits or any authorized member of the Fire Department.

Effective: 11/17/82

Sec. 5-9. Inspection Fees.

Inspection fees shall be as provided by the Council.

Sec. 5-11. Police Officers
And/Or Fire Department
Personnel At Theaters Or
Permitted Amusements.

CHAPTER 5. Amusements

Sec. 5-13. Target Shooting
Permit.

Sec. 5-10. Standing or Sitting in Aisles.

(a) No person shall stand or sit in any aisle, exit, corridor, or entrance to any theater, show house, house of amusement or other public place where public exhibitions are given, during any performance, or any exhibition.

(b) This Section shall not apply to any policeman or fireman in uniform or to any owner, manager or employee engaged in the management or conduct of such public place.

Sec. 5-11. Police Officers And/Or Fire Department Personnel At Theaters Or Permitted Amusements.

(a) The Chief of Police, if he or she deems it necessary to maintain peace and order, to otherwise provide for the safety of the public, and/or to enforce compliance with the laws of the State and Town, may require any permittee under this Article or the owner or operator of any theater to employ the services of a member or members of the Police Department, and to pay all costs associated with the presence of such officer(s) and the use thereby of any Town-owned vehicles.

(b) The Fire Chief, if he or she deems it necessary to provide for the safety of the public, may require any permittee under this Article or the owner or operator of any theater to employ the services of a member or members of the Fire Department, and to pay all costs associated with the presence of such member(s) and the use thereby of any Town-owned vehicles.

Effective: 4/9/93

Sec. 5-12. Directing Traffic At Theaters Or Permitted Amusements.

The Chief of Police, if he or she determines that any theater or amusement permitted under this Article obstructs or otherwise impedes the flow of vehicular traffic, may require any permittee under this Article or the owner or operator of any theater to employ the services of a member or members of the Police Department, and to pay all costs associated with the presence of such officer(s) and the use thereby of any Town-owned vehicles.

Effective: 4/9/93

Sec. 5-13. Target Shooting Permit.

(a) Any ordinance of the Town to the contrary notwithstanding, the Chief of Police may, upon written application and after due investigation and subject to such conditions and safeguards as may be reasonably necessary to insure the public welfare, issue a permit to an organized target shooting and sporting club authorizing qualified members and guests of such club to participate in target shooting on premises owned, lease or operated by such club. Such permit shall be effective for a period of one (1) year from the date of issue.

(b) The Chief of Police shall have the right to revoke any such permit if, in his opinion,

Sec. 5-14. Violations; License Revocation.

CHAPTER 5. Amusements

Sec. 5-16. License Required for Each Device.

such revocation will be for the public welfare.

Effective: 7/2/80

Sec. 5-14. Violations; License Revocation.

The violation of any section of this code or of any State law by or on behalf of any person holding a permit pursuant to this Article shall be grounds for revocation of such permit by the Chief of Police, after written notice to such permittee. Said revocation shall be in addition to any other penalty provided in this Code.

Effective: 4/9/93

ARTICLE 2. MECHANICAL AND ELECTRONIC AMUSEMENT DEVICES

Sec. 5-15. Definitions.

As used in this Article:

(1) Distributor shall mean any person who owns or distributes any mechanical or electronic amusement device. (Effective: 8/17/83)

(2) Mechanical or Electronic Amusement Devices means any machine, device or game which, upon the insertion of a coin, slug, token, plate or disc, permits a person or operator to use the device as a game, contest of skill or amusement, whether or not registering a score, which may cause a person or operator of the same to secure some amusement, enjoyment or entertainment, and which is not a gambling device which tends to encourage gambling. It shall include, but not be limited to, such devices as electronic or mechanical game machines, pinball machines, skill ball, bowling machines, or any other mechanical or electronic games or operations similar thereto under whatever name they may be indicated. This definition does not include coin-operated phonographs or merchandise vending machines.

Effective: 8/17/83

(3) Operator shall mean any person in whose place of business any such mechanical or electronic amusement device is placed for use by the public.

Effective: 8/17/83

Sec. 5-16. License Required for Each Device.

(a) Every distributor shall obtain a license from the Chief of Police for each mechanical or electronic amusement device placed in operation by him.

(b) Every operator shall obtain a license from the Chief of Police for each mechanical or electronic amusement device in operation in his place of business.

(c) Not more than one (1) such machine or device shall be operated or placed in operation under one (1) license.

Effective: 8/17/83

Sec. 5-17. License Application.

CHAPTER 5. Amusements

Sec. 5-20. Issuance of License; Substitution of Machines; Transferability of License.

Sec. 5-17. License Application.

- (a) Applications for the licenses required in this Article shall be made to the Chief of Police on forms supplied by him for that purpose.
- (b) Each application shall contain the following information, under oath:
 - (1) Name of applicant; if a partnership, names of all partners; if a corporation, club or association, date organized and under laws of what state, and names of all officers;
 - (2) Residence of applicant;
 - (3) Type of business or activities;
 - (4) Whether applicant, or if a corporation, club or association, its officers, have ever been convicted of a crime;
 - (5) Place machine or devices to be displayed or operated and the business or activity conducted at that place. This shall apply only to the operator;
 - (6) Description of type of machine to be covered by the license, provided, that any distributor may be permitted, at the discretion of the Chief of Police, to file with him the information required under this Section, and thereafter, such distributor need not be required to furnish such information upon the signing of each separate application.
- (c) Each applicant for or holder of a distributor's or operator's license shall notify the Chief of Police promptly of any change in the information set forth in the application.

Sec. 5-18. Investigation and Qualifications of Applicant.

The Chief of Police shall investigate the character and record of the applicant for a distributor's or operator's license and the location wherein it is proposed to operate the machine described in the application. He shall not approve the application unless he finds that the applicant is over eighteen (18) years of age and is a person of good moral character and that the business or activity carried on in such location is a bona fide and lawful one, and that the applicant has not been convicted of a violation of this Article or the gambling or alcoholic beverage laws of the State within three (3) years preceding the application.

Sec. 5-19. Denial of License.

In case of the denial of an application or refusal to issue or renew a license because of the disapproval of the Chief of Police, said Chief of Police shall notify the applicant of such action and he shall set a day and place for a hearing thereon, giving the applicant reasonable notice in advance thereof and an opportunity to be represented by counsel at such hearing.

Sec. 5-20. Issuance of License; Substitution of Machines; Transferability of License.

A license shall be issued by the Chief of Police only in the name of the applicant. One mechanical or electronic amusement device may be substituted by a licensee for another similar machine or device under his license, but in the event of a sale or transfer of his business by an

Sec. 5-21. License Fees.

CHAPTER 5. Amusements

Sec. 5-25. Maintenance of
Good Order; Gambling;
Supervisory Personnel.

operator, a new operator's license shall be obtained by the transferee, and the operator shall notify the Chief of Police of such sale or transfer.

Effective: 8/17/83

Sec. 5-21. License Fees.

Annual license fees shall be paid for each machine or device licensed under this Article in an amount as provided by the Council.

Sec. 5-22. Due Date of Fees.

License fees shall become due on the day on which the license is issued, and shall be prorated from the first day of the month in which the machine is placed in operation, to and including the thirtieth day of June following. Fees for renewal of licenses shall become due on July 1, in each year.

Sec. 5-23. License Revocation.

The Chief of Police may revoke any license issued under this Article for cause, after due notice, in writing, to the licensee and a hearing to be held not less than ten (10) days after the date of such notice. Cause shall be deemed to include, but shall not be limited to, conviction of a crime involving moral turpitude subsequent to the issuance of the license, false information in the application knowingly given, or any violation of this Article.

Sec. 5-24. Display of License.

Operators' and distributors' licenses shall be posted permanently and conspicuously at the location of the machine or device on the premises where the machine or device is to be operated or maintained.

Sec. 5-25. Maintenance of Good Order; Gambling; Supervisory Personnel.

(a) Each operator shall have his place of business and shall not permit any mechanical or electronic amusement device to be used for gambling.

Effective: 8/17/83

(b) Any establishment which has located on the premises more than six (6) mechanical or electronic amusement devices shall be required to provide at least one (1) full time supervisory personnel who shall be on the premises at all times during the hours of operation. Said personnel shall be required to supervise both the indoors and any adjacent parking areas used by patrons of such establishment. Effective: 8/17/83

Sec. 5-26. Gambling Devices
Not Authorized.

CHAPTER 5. Amusements

Sec. 5-29. License Required.

Sec. 5-26. Gambling Devices Not Authorized.

Nothing in this article shall be construed to authorize, license, or permit any gambling devices whatsoever, or any mechanism judicially determined to be a gambling device, or declared to be contrary to the law.

ARTICLE 3. AMUSEMENT RIDES³

Sec. 5-27. Definitions.

As used in this Article:

(1) Amusement Ride shall mean any merry-go-round, Ferris wheel, roller-coaster, whip, or any other like device designed and used for carrying passengers for amusement.

(2) Location shall mean the lot, tract or building where one or more amusement rides may be operated together under one management.

Sec. 5-28. Applicability of Article.

The provision of this Article shall apply to all amusement rides, whether permanently or temporarily located within the town, unless licensed under the provisions of Article 2 of this Chapter.

³State law reference: As to licensing of amusement rides by State, see C.G.S. Sec. 29-133 to 29-143a.

Sec. 5-29. License Required.

(a) No person shall operate an amusement ride within the town without first having obtained a license to operate such ride from the Town's Director of Inspections and Permits, and a license from the State of Connecticut.

(b) Application for such license shall be made upon a form provided by the Director of Inspections and Permits and be accompanied by (1) a copy of the license to operate such amusement ride issued by the State; (2) a copy of the most recent inspection certificate for such ride issued by the State pursuant to Section 29-132 of the Connecticut General Statutes; and (3) a Certificate of Insurance indicating that the applicant has obtained a Comprehensive General Liability (CGL) insurance policy with a \$2,000,000 per occurrence limit to cover any injury to persons (including death) and/or damage to public or private property resulting from the operation of such amusement ride. Such Certificate of Insurance shall be reviewed and approved by the Finance Director or his/her designee prior to the issuance of the license. Effective 05-24-91

Sec. 5-30. License Fee.

The annual license fee shall be in an amount as provided by the Council.

Sec. 5-31. Maintenance of Insurance Coverage

Each and every amusement ride licensed under Section 5-29 of this code shall remain covered by the Comprehensive General Liability (CGL) policy submitted with the license application for as long as it is operated within the town.

Effective: 5/24/91

Sec. 5-32 .Inspections.⁴

(a) All amusement rides shall be inspected at least once annually by the Director of Inspections and Permits.

(b) Before any new amusement ride and before any amusement ride that has been moved and has been dismantled in any manner shall be put into operation, such ride shall be inspected by the Director of Inspections and Permits.

(c) If the Director shall find that the amusement ride is unsafe for passengers, or the operators, he shall order such ride to cease operation until the defects are corrected.

(d) An inspection fee shall be paid by the owner or operator of such amusement rides in an amount as provided by the Council.

Effective: 5/20/81

⁴State law reference: As to inspection by the State, see Gen. Stats., Sec. 29-136.

Sec. 5-33. Fire Inspections.

(a) The Fire Marshal shall inspect all amusement rides located within any structure or building for violations of the fire code. The Fire Marshal and electrical inspector shall also inspect the electrical wiring from any wall socket, outlet or other source to the ride for any possible fire hazards and shall determine whether the aisles are adequate. Aisles shall be at least six (6) feet wide.

(b) If the Fire Marshal determines that a fire hazard exists or that a violation of this Code exists, he may close such rides until the defects are corrected.

ARTICLE 4. POOL BILLIARD HALLS ⁵

Sec. 5-34. License Required.

No person shall maintain any pool or billiard table in any place where such games are publicly

played without first obtaining a license from the Chief of Police for each table so maintained.

⁵State law reference: As to State licensing of pool halls, see Gen. Stats., Sec. 53-280.

Sec. 5-35. License Fee.

The fee for a license to maintain any pool or billiard table shall be in an amount as provided by State Statute.

Effective: 5/20/81

Sec. 5-36. Operation Near School.

No person shall operate or maintain any pool or billiard hall within one thousand (1,000) feet of the property line of any public or private school.

Sec. 5-37. Minors Restricted.⁶

No person owning or operating any place open to the public in which one or more pool or billiard tables are located shall permit any person under the age of sixteen (16) years to enter such premises between the hours of 11:00 p.m. - 3:00 p.m. of the following day on any day that the public schools are open, unless accompanied by his parent or guardian.

⁶State law reference: As to loitering by minors, see Gen. Stats., Sec. 53-281.

Sec. 5-38. Hours of Operation.

No person shall own, operate or maintain any pool or billiard hall or other establishment having more than one (1) pool or billiard table between the hours of 1:00 a.m. - 7:00 a.m.

ARTICLE 5. Licensing of Public Swimming Pools.

Sec. 5-39. Definitions.

(a) "Operator" means any representative of or person employed by the owner or owners of a public pool at the time a public pool is inspected.

(b) "Public Health Code" means the Connecticut Public Health Code as amended from time to time.

(c) "Public Pool" means any pool included in Section 19-13-B33(b)(1), as amended from time to time.

Sec. 5-40. License Required.

(a) No person, including any governmental agency, shall operate, maintain or permit

Sec. 5-41. Suspension or
Revocation of License.

CHAPTER 5. Amusements

Sec. 5-41. Suspension or
Revocation of License.

the operation of any public pool in the Town of East Hartford without a permit from the Director of Health. Applications for permits shall be made on forms provided by the Director of Health. All applications shall be accompanied by a non-refundable permit fee prescribed by the Town Council, except for those submitted by the Town or Board of Education.

(b) The Director of Health or his designee shall, prior to issuing any license, conduct an inspection of the subject pool to ensure that it complies with all applicable provisions of State and local laws, regulations, codes and ordinances.

(c) Licenses must be renewed annually and may not be transferred or assigned to other parties or locations. Each license shall be prominently displayed in a location accessible to users of the pool.

(d) Public pools owned or operated by the Town of East Hartford or the East Hartford Board of Education shall obtain a license for each public pool under their jurisdiction. No fee shall be charged for licenses issued to such entities.

Sec. 5-41. Suspension or Revocation of License.

- a) The Director of Health or his designee are hereby authorized to enter, inspect, examine, and survey all public pools between the hours of 8:00 a.m. and 5:00 p.m. of any business day and on any day the pool is to be used. Whenever, upon inspection of any public pool, the Director of Health finds that conditions exist which are in violation of any provision of this ordinance or other applicable laws, regulations or codes, the Director of Health shall give a written warning to the operator of such public pool that unless such conditions are corrected within a period of time to be specified by the Director of Health, the license may be revoked. Such period of time shall not exceed thirty days.
- b) At the end of said period of time the Director of Health shall reinspect such public pool. If the Director of Health determines that the conditions have not been corrected, he shall hold a hearing to determine whether the license should be revoked.

Written notice of the hearing setting forth the violations and copies of inspection reports and the time and place of hearing shall be given to the licensee at least seven days prior to the date scheduled for commencement of the hearing. The hearing may be continued from time to time by the Director as the circumstances require. The licensee may be represented by counsel, may cross-examine witnesses and present testimony, documentary or other evidence in support of its claim. If requested to do so, the Director may allow the licensee a reasonable time to submit a written memorandum in support of its claims. Within ten days of the close of the hearing or the date for submission of the memorandum, the Director shall make a decision as to whether or not the license shall be revoked. The decision shall be in writing and a copy mailed by certified mail or hand delivered to the licensee. If the license is revoked the revocation shall be effective upon receipt of the decision by the licensee.

Effective: 01-06-2000

CHAPTER 6. ANIMALS

ARTICLE 1. GENERAL PROVISIONS'

Sec. 6-1. Definitions.

(a) As used in this Chapter:

- (1) Animal means any and all types of animals, both domesticated and wild, except man.
- (2) At Large means off the premises of the owner and not under control of the owner or keeper, either by leash or trained voice command.
- (3) Collar means any band, chain, harness or suitable device worn around the neck of a dog to which license may be affixed.
- (4) Dog means any member of the domesticated canine species (canis familiaris), male or female.
- (5) Fowl means any and all fowl, domesticated and wild, male and female.
- (6) Keep means possessing, controlling, exercising or allowing to run at large.
- (7) Kennel means any establishment, dwelling or other structure in which the owner or occupant thereof keeps or harbors more than five (5) dogs over the age of six (6) months or five (5) cats over the age of four (4) months as pets, for a hobby, sporting activity, breeding or sale.
- (8) Owner means any person owning, keeping, or harboring a dog or other animal.
- (9) Pet Shop means any establishment authorized by the enforcement officer for confinement, maintenance, safekeeping, and control of dogs that come into custody of the Canine Control Officer in the performance of his official duties.
- (10) Vaccination means an anti-rabies vaccination using a type of vaccine approved by the State Veterinarian.
- (11) Veterinarian means any veterinarian licensed by the State to practice or employed by a government agency.
- (12) Veterinary Hospital means any establishment operated by a veterinarian licensed to practice in the State that provides clinical facilities and houses animals or birds for dental, medical, or surgical treatment; pens, stalls, cages, kennels for quarantine, observation or boarding.
- (13) Vicious Animal means any animal that attacks, bites or has a known propensity to attack or bite human beings or other animals on streets, sidewalks, or other public or private places.
- (14) Guard Dog means any dog professionally trained to protect one's person, private property and/or personal property or any dog that will, by natural instinct, protect one's person, private property and/or personal property.

'State law reference: As to cruelty to animals, see Gen. Stats., Sec. 53.

Sec. 6-2. Enforcement.

The Director of Health, Canine Control Officer (Dog Warden), and the Chief of Police shall enforce the provisions of this Chapter.

Sec. 6-3. Manner of Keeping Animals.

CHAPTER 6. Animals

Sec. 6-6. Keeping Vicious Animals.

ARTICLE 2. RULES AND REGULATIONS

Sec. 6-3. Manner of Keeping Animals.

(a) No person shall keep or maintain any animal in such manner so as to become a public nuisance or disturb the peace, comfort or health of any person residing within the Town.

(b) The keeping of all animals within the Town, shall be subject to all pertinent regulations of the State Health Department, the Director of Health and Canine Control Officer.

Sec. 6-4. Keeping of Certain Animals Prohibited.

(a) No person shall keep any swine, horse, cow, bull, sheep or other farm animals within the Town without the written permission of the Director of Health.

(b) This provision shall not apply to any person lawfully keeping any such animal upon adoption of this ordinance; provided that such person shall not increase the number of animals without the permission of the Director of Health, and upon the sale of such property, the new owner shall obtain the permission of the Director.

Sec. 6-5. Proximity of Swine or Poultry to Adjacent Property.

(a) No person shall keep swine or poultry within two hundred and seventy feet of either the street line, or of any dwelling house or public building or within fifty (50) feet of a lot line.

(b) Notwithstanding the provisions of subsection (a), a person may keep no more than three hens on a property not less than one quarter acre and not greater than one acre, and keep no more than six hens on a property of more than one acre but not greater than two acres and keep no more than twelve hens on property of more than two acres provided: (1) the hens are kept in a soundly fenced enclosure in the property's rear yard which area is located not less than twenty feet from the abutting property lines; (2) the fenced enclosure contains a well-maintained coop less than fifteen feet in height and impermeable to rodents, wild birds and predators including dogs, cats, foxes and coyotes; (3) the enclosure and coop must be clean and odor free and kept in a neat and sanitary condition at all times in a manner that will not disturb the use or enjoyment of abutting properties due to noise, odor or other adverse impact; (4) odors from hens, hen wastes or other hen related substances shall not be perceptible at the property boundaries or the street lines; (5) any portion of the coop visible from another lot or property or a street line shall be screened by a fence or plantings sufficient to block any sight of the coop from the other lot, property or street line; (6) the hens are used for personal use only; (7) no roosters are kept on such property; and (8) the keeping of such hens shall not create any other type of nuisance to abutting property owners or the general public.

Effective 11-17-15

Sec. 6-6. Keeping Vicious Animals.

(a) No person shall keep any vicious animal, whether owned by him or not, on his premises, provided that this Section shall not apply to any guard dog on commercial property.

Sec. 6-7. Permit to Keep
Reptiles and Wild Animals.²

CHAPTER 6. Animals

Sec. 6-11. Burial or Removal
of Animal Carcass

(b) This Section shall not apply to any zoo or carnival, provided that such zoo or carnival comply with the provisions of Sec. 6-7.

Sec. 6-7. Permit to Keep Reptiles and Wild Animals.²

(a) No person shall keep or maintain any poisonous reptile or wild animal without first having registered such animal or reptile with the Chief of Police and the Director of Health, and obtaining a permit therefor. The Chief of Police may prescribe regulations to insure the safe penning or caging of such animals.

(b) The Director of Health shall issue a permit to keep any wild animal or poisonous reptile when in his judgment, it is not detrimental to public health or likely to create a nuisance.

(c) The fee for the permit to keep any wild animal or poisonous reptile shall be as provided by the Council in the Fee Schedule.

²State law ref: As to regulation of keeping poisonous snakes, see C.G.S. Sec. 7-152.

Sec. 6-8. License Required to Raise Animals or Poultry.

(a) Any person engaged in raising or breeding poultry, pigeons, rabbits, hares or guinea pigs for commercial purposes, or keeping hens pursuant to section 6-5, shall obtain a license from the Director of Health.

(b) Each application shall state the number and kind of poultry or animal to be raised, or kept, and the location of the premises to be used for that purpose.

Effective 11-17-15

Sec. 6-9. Sanitation of Enclosures.

All stables, pens and yards, or other buildings or enclosures in which animals or poultry are kept, shall be maintained in a reasonably sanitary condition and subject to inspection by the Director of Health, who may order the same closed or removed if not maintained in a sanitary condition, after notice to abate the same within a reasonable time.

Sec. 6-10. Complaint of Unsanitary Conditions

Whenever a complaint is made to the Director of Health that the animals or structures mentioned in Sections 6-5, 6-7, 6-8 and 6-9 are creating unsanitary or obnoxious conditions, the Director of Health shall give notice of a hearing to be held at which the party complained against and the complainant shall be present. If, after hearing, the Director deems the conditions unsanitary, he shall revoke the license of the party complained against.

(a) Any person whose license is revoked pursuant to this Section may appeal such decision to the Mayor, in writing, within ten (10) days after notice of the Director's decision.

Sec. 6-11. Burial or Removal of Animal Carcass

No person shall permit any dead horse, cow, sheep or other animal carcass to

Sec. 6-12. Poisoning Animals. **CHAPTER 6. Animals**

Sec. 6-16. Property Owners
May Impound Animal.

remain within the Town longer than a reasonable time for removing or burying the same, which shall be done in accordance with the Director of Health's rules and regulations.

Sec. 6-12. Poisoning Animals.

No person shall willfully or negligently poison any animal, except those animals classified as pests, such as rats, by the Director of Health.

Sec. 6-13. Unnecessary Noises by Animals.³

No person shall keep an animal which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity. Such action is declared to be a public nuisance and detrimental to public health and welfare.

³State law reference: As to similar State provisions, see Gen. Stats., Sec. 22-363.

Sec. 6-14. Minimum Area Limitations⁴

- (a) No animal shall be kept on any lot or parcel of land consisting of less than one acre (43,560 square feet) in area.
- (b) The provisions of Subsection (a) shall not apply to the keeping of:
 - (1) Small household pets to include, but not limited to dogs and cats; or,
 - (2) Animals for commercial purposes where such use is established as a lawful use under the Zoning Ordinance.

Sec. 6-15. Running At Large Prohibited⁴

- (a) No person shall permit any animal to go at large in any street or public place in the Town.
- (b) No animal running at large by accident with a person in immediate pursuit of it shall be deemed a stray within the provisions of this Article.

⁴State law reference: As to dogs generally, see Gen. Stats., Sec. 22-364 et seq.

Sec. 6-16. Property Owners May Impound Animal.

- (a) Any person who finds an animal or fowl on his property to his injury or annoyance may:
 - (1) Remove such animal or fowl to an animal shelter, public or private; or
 - (2) Retain possession of such animal or fowl and, as soon as possible, notify the Humane Society and Canine Control Officer or other appropriate existing agency of this custody, giving a description of the animal and the owner's name, if known.

Sec. 6-17. Impounding of Dogs.

CHAPTER 6. Animals

Sec. 6-21. Testing of Dogs for Rabies.

Sec. 6-17. Impounding of Dogs.

The Canine Control Officer may seize and take into custody and impound or cause to be taken into custody and impounded and thereafter destroyed or disposed of as provided in this Article:

- (1) Any dog off the premises of the owner, which official or his agent have reason to believe is a stray dog;
- (2) Any dog off the premises of the owner without a current registration tag on his collar;
- (3) (3)Any female dog in season off the premises of the owner; and
- (4) (4)Any dog which is permitted to run at large in violation of this Article.

Sec.6-18. Owner to Pay Costs of Impounding.⁵

(a) ⁵State law reference: As to redemption of dogs, see Gen. Stats., Sec. 22-1f, when an animal is impounded and the owner is known, the Canine Control Officer shall immediately make a complaint against the owner and there-upon a warrant shall be issued. If the defendant-owner shall be found guilty of violating any of the provisions of this Chapter, judgment shall be rendered against him for any prescribed penalty, impounding fee, the costs of sustenance, and the costs of suit. An order shall be entered that the animal is to be sold to satisfy the judgment in case it is not paid within seven (7) days. In case such fine and costs are not paid, the animal shall be sold upon the same notice as is required upon the sale or execution. The owner shall be entitled to any excess of sale proceeds.

(b) When the proceeds of the sale are insufficient to satisfy the costs, fees and penalties incurred, the balance of the debt owed may be collected by the Town.

Sec. 6-19. Record of Impounding Animals.

(a) Any officer or agent authorized to impound an animal under this Chapter who impounds an animal shall make a record of the breed, color and sex of the animal and whether or not it is licensed.

(b) If the animal is licensed, the officer shall enter the name and address of the owner and number of the license tag. The officer shall also enter in the record the disposition made of such animal.

Sec. 6-20. Interference with Impounding of Animals.

No person shall willfully prevent or obstruct the impounding of any animal in violation of any of the provisions of this Chapter or shall take any animal out of any pound without the consent of the person in charge of the pound, or shall knowingly impound or attempt to impound any animal not legally liable to impoundment.

Sec. 6-21. Testing of Dogs for Rabies.

Sec. 6-22. Dogs Running At Large.⁶

CHAPTER 6. Animals

Sec. 6-25. Vicious Dogs.

Whenever in the judgment of the Canine Control Officer or the Director of Health, it becomes necessary to test a dog or the remains of a dog suspected of being rabid, the dog shall be sent to a veterinarian and/or State laboratory for rabies-hydrophobia testing and disposition. The fees, costs and expenses of such tests shall be paid by the owner of the dog except as otherwise provided by the law.

Sec. 6-22. Dogs Running At Large.⁶

- (a) No person owning, keeping, possessing, harboring or maintaining a dog shall permit the dog to run at large within the Town at any time. Each owner of a dog is required to confine the dog within the limits of his premises unless the dog is securely confined upon a suitable leash not more than six (6) feet in length, held continuously in the hands of a responsible person capable of controlling the dog.
- (b) A dog shall not be at large if it is:
 - (1) Securely confined in an auto which is adequately ventilated;
 - (2) Being used for hunting purposes;
 - (3) Being exhibited at a show; or
 - (4) Engaged in any activity approved by the State.
- (c) If the dog is found at large, in violation of this Section, it shall be impounded.

⁶State law reference: As to roaming dogs, see Gen. Stats., Sec. 22-364.

Sec. 6-23. Stray Dogs.

Anyone who picks up any stray dog shall immediately notify and turn the dog over to the Canine Control Officer.

Sec. 6-24. Harboring, Holding for Reward, or Licensing of Stray or Stolen Dogs.

No person shall harbor or hold for reward or procure a license for a dog which has strayed upon his premises or which has been picked up on a public street, highway or other public place unaccompanied by its owner or other person, or which has been stolen from its owner.

Sec. 6-25. Vicious Dogs.

- (a) Any dog which habitually bites, or injures any human being or habitually attacks, bites or injures other dogs or animals, or which has a known propensity to attack or bite human beings or animals is hereby defined to be a vicious dog for the purpose of this Chapter.
- (b) It shall be the duty of the Canine Control Officer or his designee to receive and investigate complaints against dogs. Whenever any dog complained against shall be deemed by the above officers to be a possibly vicious dog, the officer shall report the facts to the Judge of the Superior Court.
- (c) The Judge of Superior Court shall cause the owner or person harboring the dog, deemed to be possibly vicious, to be issued a summons. The summons shall state the time and place of the hearing before the Judge.
- (d) No dog which has been determined to be a vicious dog shall be permitted

Sec. 6-26. Dangerous Dog
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Sec. 6-29. Report of Person
Bitten.

to run at large or be upon any street or public place except while securely confined by an adequate leash and humanely muzzled so that it shall be impossible for it to tear or otherwise wound with its teeth any human being or animal, and shall be in the charge of a responsible person.

(e) The Police and Canine Control Officer shall keep a record of all vicious dogs.

Sec. 6-26. Dangerous Dog May Be Slain.

If any dangerous, fierce or vicious dog shall be found running at large and cannot be taken up or tranquilized and impounded, such dog may be slain by any police officer or agent authorized to perform any duty under this Chapter.

Sec. 6-27. Harboring Dog Believed to be Rabid.⁷

(a) No person knowing or suspecting that a dog has rabies shall allow the dog to be taken off his premises or beyond the Town limits without the written permission of the Director of Health and Canine Control Officer.

(b) Any person, upon ascertaining that a dog is rabid, shall immediately notify the Canine Control Officer who shall either remove the dog to the pound, or if required under the circumstances, summarily destroy the dog.

⁷State law reference: As to rabies control generally, See C.G.S. Sec. 22-359.

Sec. 6-28. Seizure or Destruction of Biting or Rabid Dog.⁸

(a) If any dog or other animal is found to be suffering from rabies, it shall be destroyed forthwith.

(b) If the owner of a dog which has been bitten or mutilated any person refuses to surrender it as provided in Sec. 22-358 of the General Statutes of Connecticut, as amended, the Canine Control Officer or his agent may enter upon any premises where the dog is located and may seize and impound the dog. If refused entry upon the premises where the dog is located, the Canine Control Officer or his agent shall obtain a warrant, unless the Canine Control Officer or his agent determines that the dog presents an immediate danger to persons not on the premises where the dog is located. In such cases, the Canine Control Officer or his agent may lawfully enter the premises, if refused entry.

(Effective May 20, 1981)

⁸State law refer: As to examination and quarantine of biting dog, see C.G.S. Sec. 22-358.

Sec. 6-29. Report of Person Bitten.

(a) Every physician shall, after his first professional attendance upon any person bitten by a dog or other animal, report immediately to the Police, or Director of Health, the name, age, sex, race and precise location of the person so bitten.

(b) When a physician is not in attendance of a person bitten by an animal,

Sec. 6-30. Confinement of
Animal Bitten by Another
Animal.

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Sec. 6-33. Registration
Required; Fee¹⁰

then any person in charge of or in control of or responsible for the person bitten shall report the incident to the Police, or Director of Health and provide the same information as set out in Subsection (a).

Sec. 6-30. Confinement of Animal Bitten by Another Animal.

Either the Police or Canine Control Officer shall serve a notice, in writing, upon the owner or person in charge of a dog or other animal known or suspected to have been bitten by an animal known or suspected of being affected by rabies, requiring the owner or person in charge of the animal to confine it for a period of not less than fourteen (14) days.

Sec. 6-31. Number of Dogs and Cats Restricted; Kennel License Required.

(a) No person shall keep on any one lot or premises more than five (5) dogs over the age of six (6) months or five (5) cats over the age of four (4) months or any combination of such dogs and cats.

(b) Any person desiring to keep more than five (5) dogs or cats as provided herein, on any lot or premises, shall apply to the Director of Health for a license to operate a kennel in compliance with the rules and regulations of the Department of Health.

(c) Upon any written and signed complaint made to the Police Department by a person specifying a violation of Subsection (a) of this Section, the Police Department shall investigate and if it is determined that a violation of Sub-section (a) exists, the Police Department shall notify the person responsible for keeping such animals to remove such animals within forty-eight (48) hours from the time of notification.

(Effective: May 20, 1981)

Sec. 6-32. Maintenance of Kennels.⁹

No person shall maintain any kennel within the Town so as to create or maintain a nuisance. If, upon investigation by the Police or Director of Health, such kennel is found to constitute a nuisance, the nuisance may be abated as provided by law. In the event that the person maintaining the kennel fails to abate the nuisance, the Director of Health may, after a hearing thereon, revoke the kennel's license. (Effective Date: May 20, 1981)

⁹State law reference: As to determining of dogs as a nuisance by Canine Control Officer, see Gen. Stats., Sec. 22-363.

ARTICLE 4. GUARD DOGS

Sec. 6-33. Registration Required; Fee¹⁰

(a) No person shall own, keep, use or maintain any guard dog or attack dog

Sec. 6-34. Confinement of
Guard Dogs.

CHAPTER 6. Animals

Sec. 6-37. Removal of Dog
Litter.

without first having registered with the Chief of Police, who shall forward such registration statement to the Town Clerk and Canine Control Officer.

(b) The fee for registering a guard dog shall be provided by the Council. (See Fee Schedule)

¹⁰Editor's note: Required State license may be obtained through the Town Clerk's Office.

Sec. 6-34. Confinement of Guard Dogs.

(a) When any guard dog is not being used or employed to guard any premises, such dog shall be confined in such manner as to prevent the public from coming into physical contact with such dog.

(b) When any guard dog is being used or employed to guard any premises, such dog shall be confined to the area being guarded.

Sec. 6-35. Notification of Location of Guard Dogs.

Any person required to register under this Article shall provide the Chief of Police, who shall forward to the Town Clerk, Canine Control Officer and the Fire Chief, a list of all premises on which such person keeps or uses a guard dog, how such dog is used, the time such dog is present on the premises and the method used to confine the guard dog to the premises. Any change in this information shall be reported to the appropriate officials within twenty-four (24) hours.

Sec. 6-36. Posting Notices of Guard Dogs Required.

No person shall keep, maintain, use or employ any guard dog on any premises unless such premises are posted with conspicuously placed notices stating that guard dogs are present on the premises.

Sec. 6-37. Removal of Dog Litter.

(a) It shall be unlawful for any person owning, keeping, walking or in control of any dog to allow or permit such animal to defecate upon any private property owned by another person, condominium common elements, or public property, unless such person shall remove all feces so deposited by such animal before leaving the immediate premises.

(b) The provisions of this Section shall not apply to any person walking or in control of a dog if such person is physically unable to remove said feces.

(c) Any violation of this Section shall be punishable by a fine, as set by the Council in the Fee Schedule.

Sec. 7-1. Building Code Board of Appeals.

CHAPTER. 7. Building and Buildings

Sec.7-5 Maintenance of Abandoned Buildings.

CHAPTER 7. BUILDING AND BUILDINGS

ARTICLE 1. ADMINISTRATION

DIVISION 1. BUILDING BOARD OF APPEALS

Sec. 7-1. Building Code Board of Appeals.

Section 7-1 Building Code Board of Appeals¹

- (a) There is established the Building Code Board of Appeals, consisting of five members, who shall be electors of the town, all of whom shall meet the qualifications set forth in the Connecticut State Building Code. Members shall be appointed so that one member's term expires each year. Members shall be appointed for a term of five years.
- (b) Any person aggrieved by the action of the Building Official or designee regarding compliance with the Building Code may appeal such action to the Building Code Board of Appeals. Such appeal process shall be governed by the provisions of Connecticut General Statutes Section 29-266.

Voted: 10-29-19
Published: 11-07-19
Effective: 11-28-19

Sections 7-2 and 7-3 repealed October 29, 2019.

ARTICLE 2. BUILDING CODE²

Sec. 7-4. Building Permit Fees.

Building permit fees shall be provided by the Council in the Schedule of Fees.

Sec.7-5 Maintenance of Abandoned Buildings.

- (a) No building or premises in the town shall be in a condition which violates the provisions of the East Hartford Property Maintenance Code, the Connecticut State Building Code, or Section 7-7 of the East Hartford Code of Ordinances.
- (b) Any building or premises that violates this Section shall constitute blight as set forth in Section 7-8 (6).

¹ State law reference: as to appointments to Boards of Appeals, see CGS §19-402

² State law reference: as to State building codes' applicability, see CGS §19-395e

Sec. 7-7. Adoption of Housing Code.

CHAPTER. 7. Building and Buildings

Sec. 7-8. Summons for Violations.

- (c) Any penalties hereunder and the costs of remedial action by the town assessed pursuant to the provisions of the East Hartford Property Maintenance Code may constitute a lien on such property and may, as applicable, with respect to costs of the town's remedial action, be assessed pursuant to the provisions of Connecticut General Statutes Section 12-169b.

Voted: 10-29-19
Published: 11-07-19
Effective: 11-28-19

Section 7-6, Fire Districts, repealed October 29, 2019.

ARTICLE 3. PROPERTY MAINTENANCE CODE

Sec. 7-7. Adoption of Housing Code.

(a) The Town Council finds that blighted, unclean, unsanitary or unsafe buildings and other structures and premises may pose a threat to the health, safety and general welfare of their occupants and other members of the public, and may reduce the value and unreasonably interfere with the use and enjoyment of properties in the vicinity of such premises or structure. The Town Council also finds that structures and premises within the Town of East Hartford should not be allowed to become blighted, unclean, unsanitary or unsafe or remain in such condition. The Town Council adopts the International Property Maintenance Code as amended to protect, preserve and promote public health, safety and welfare, to prevent and control the incidence of communicable disease and to reduce environmental hazards to health, safety and welfare as such conditions are affected by violations of such Code. The Code as amended establishes minimum standards regarding the condition, occupancy and maintenance of all structures and premises and establish reasonable safeguards for the health, safety and welfare of the occupants and users of such structure or premises and the community. The Code prohibits any person, business entity, owner, tenant, occupier, operator, agent or possessor of real property from allowing, creating, maintaining, or causing to be created or maintain blight within the Town.

(b) The Town of East Hartford adopts, pursuant to authority to adopt a property maintenance code, a blight ordinance and a nuisance ordinance under Connecticut General Statutes Sections 7-148(c)(7)(H)(xv), 7-148(c)(7)(A); 7-148(c)(7)(E); 7-148aa; 7-148jj; 7-148o; and 7-152c, the International Property Maintenance Code, 2015 Edition, as amended by Section 7-8 of the Code of Ordinances.

Voted: 10-29-19
Published: 11-07-19
Effective: 11-28-19

Sec. 7-8. Summons for Violations.

- (a) Notwithstanding the provision of Section 7-7, the provisions of International Property Maintenance Code, 2015 Edition are amended as follows:

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(1)Section 101.1 is amended to read as follows: These regulations shall be known as the Property Maintenance Code of the Town of East Hartford, hereinafter referred to as “this Code.”

(2)Section 102.3 of this Code is amended to read as follows: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Connecticut State Building Code, Connecticut State Fire Safety Code, and Connecticut State Fire Prevention Code. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Code of Ordinances or Zoning Regulations of the Town of East Hartford.

(3)Section 102.6 of this Code is amended to read as follows: The provisions of this Code shall not be mandatory for existing buildings designated as historic buildings where such buildings or structures are judged by the Code official to be safe and in the public interest of health, safety and welfare defined by Section 10-410 of the Connecticut General Statutes, which have been classified as such in the State Register of Historic Places.

(4)This Code is amended by adding the following Section 102.7.3: Where this Code references the International Residential Code, International Building Code, International Existing Building Code, International Plumbing Code, International Mechanical Code, or National Electrical Code, it shall be considered to reference the Connecticut State Building Code. Where this Code references the International Fire Code, it shall be considered to reference the Connecticut State Fire Safety Code.

(5)Section 102.8 of this Code is amended to read as follows: Requirements necessary for the strength, stability or proper operation of an existing building or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be as required in the Connecticut State Building Code, Connecticut State Fire Safety Code, or Connecticut State Fire Prevention Code.

(6)Section 103.1 of this Code is amended to read as follows: The Department of Inspections and Permits shall be the “department” as referred in this Code and the Director of Inspections and Permits shall be the “Code Official” as referred in this Code.

(7)Section 103.5 of this Code is amended to read as follows: The costs assessed for activities and services performed by the town under this Code shall be the expenses associated with actions taken to enforce the provisions of the Code concerning the building or premises.

(8)Section 104.3 of this Code is amended to read as follows: Where it is necessary to make an inspection to enforce the provisions of this Code, or whenever the Code Official has reasonable cause to believe that there exists in a building or upon a premises a condition in violation of this Code, the Code Official is authorized to enter or perform the duties imposed by this Code, provided that if such building or premises is occupied, the Code Official shall present credentials to the occupant and make reasonable efforts to request entry. If such building or premises is unoccupied, the Code Official shall make a reasonable effort to locate the owner, owner’s authorized agent or other person having charge or control of the building

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or premises and request entry. If entry is refused, the Code Official shall have the authority to enter such premises in accordance with state law.

(9) This Code is amended by adding the following Section 104.7: Required inspections – rental dwellings. Effective July 1, 2020, upon vacancy of any dwelling units that are rented, the owner shall request that the Code Official have an inspection of the dwelling performed and approved prior to the dwelling being re-occupied. Any violations of this Code that are observed during the inspection must be corrected and approved by the Code Official before the dwelling may be re-occupied.

(10) This Code is amended by adding the following Section 104.8: Annual inspections of rooming houses. Annual inspections of rooming houses, motels, hotels, motor hotels, or rooming units shall be performed in accordance with the requirements in Chapter 7 of the Town of East Hartford Code of Ordinances.

(11) Section 106.4 of this Code is amended to read as follows: (a) After notice of a violation has been given to the owner or occupant of such premises in accordance with Section 107, any person who violates the following provisions, which shall constitute blight under the provisions of this Code and Connecticut General Statutes Section 7-148(c)(7)(H)(xv), shall be liable for the civil penalties as set forth in this Section. Each day that a violation continues after due notice has been served shall be deemed a separate offense:

- (A) Section 108.1.1 Unsafe structural conditions \$100
- (B) Section 108.1.2 Unsafe equipment \$100
- (C) Section 108.1.3 Unfit for human occupancy \$100
- (D) Section 108.1.4 Unlawful structure \$100
- (E) Section 108.1.5 Dangerous structure or premises \$100
- (F) Section 302 Exterior deterioration \$ 100
- (G) Section 304 Exterior structure \$100
- (H) Section 305 Interior structure \$100
- (I) Section 306 Component Serviceability \$100
- (J) Section 307 Handrails & Guardrails \$100
- (K) Section 308 Rubbish & Garbage \$100
- (L) Section 309.1 Infestation \$100
- (M) All other violations of the Code \$100
- (N) The premises is attracting illegal activity as documented by the Police Department and such activity constitutes a serious threat to health, safety and welfare of the public. \$100
- (O) The premises is a fire hazard as determined by the Fire Marshal and such fire hazard constitutes a threat to the health, safety and welfare of the public. \$100
- (P) The premises are in violation of the following Sections of the East Hartford Code of

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Ordinances: Sections 7-5, 7-16, 7-23, 11-2 through 11-5 inclusive; article 2 of Chapter 13; Sections 13-25 through 13-29 inclusive; Sections 16-5 through 16-7 inclusive; Section 16-14 through 16-17a inclusive; Chapter 17; Sections 18-9 through 18-18 inclusive; Section 18-33; Section 18-36; Section 18-38; Sections 20-1 through 20-3 inclusive; and Sections 21-1 through 21-9 inclusive. \$100

(b) The Director of Inspections and Permits or designee may issue a citation assessing a civil penalty in accordance with the provisions of Subsection (a) of this Section to any person who has failed to correct a violation within the time specified in a notice issued in accordance with the provisions of Section 107. Such citation shall include the following provisions: (1) that the person may pay the penalty specified in the citation to the Finance Department within fifteen days of receipt of such citation or service on the property where the violation occurred; (2) the allegations against him and the amount of the penalty; (3) that the person may contest liability for the penalty before a Property Maintenance Code Citation Hearing Officer by delivering, in person or by mail, within ten days of the date of the citation, a written demand for a hearing; (4) that if the person cited does not demand such hearing, an assessment and judgment will be entered against him; and (5) such judgment will issue without further notice.

(c) If the person who is served such citation wishes to admit liability for any alleged violation, he may, without requesting a hearing, remit the full amount of the civil penalty, either in person or by mail, payable to the Finance Department. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making such payment. Any person who fails to pay such penalty or demand a hearing shall be deemed to have admitted liability. The Director of Inspections and Permits shall certify such failure to a Property Maintenance Code Citation Hearing Officer who shall enter an order assessing the civil penalties, costs and fees provided in such citation and may follow the procedures set forth in Section 7-152c (f). The Town of East Hartford may also file a lien on the real estate on which the violation or violations in the citation occurred pursuant to the provisions of Section 7-148aa of the Connecticut General Statutes.

(d) Any hearing under this Section shall follow the citation hearing procedures in Section 7-152c of the Connecticut General Statutes unless otherwise provided in this Section. While the rules of evidence do not need to be strictly applied, all testimony shall be given under oath or affirmation. Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of such notice, provided Property Maintenance Code Citation Hearing Officer may grant, upon good cause shown, any reasonable request by such person for a postponement of such hearing. The presence of either the Director of Inspections and Permits or the person who issued the citation shall be required at the hearing if so requested by the person named in the citation. Such request must be included with the appeal. A person wishing to contest liability shall appear at the hearing, may present evidence, and may be represented by an agent or attorney. The Director of Inspections and Permits or designee may present evidence on behalf of the Town. If the person who received the citation fails to appear, the Property Maintenance Code Citation Hearing Officer shall enter an assessment by default against such person upon a finding of proper notice and liability under the applicable provisions of this Section. The Property Maintenance Code Citation Hearing Officer shall render a decision at the conclusion of the hearing and issue a written decision within ten days of the hearing. If the Citation Hearing Officer determines that the person who received the citation is not liable, it shall dismiss the matter and enter that determination in

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writing. If the Board determines that the person who received the citation is liable for the civil penalties, the Board shall assess the civil penalty as provided in the citation.

(e) If the assessment by the Property Maintenance Code Citation Hearing Officer is not paid to the Tax Collector within ten days of the receipt of the decision by the Citation Hearing Officer, the Town of East Hartford may follow the procedures in subsection (f) of Section 7-152c of the Connecticut General Statutes. The Town of East Hartford may also file a lien on the real estate on which the violation or violations in the citation occurred pursuant to the provisions of Section 7-148aa of the Connecticut General Statutes.

(12) Section 107.2 of this Code is amended to read as follows: Such notice prescribed in Section 107.1 shall:

- A. Be in writing;
- B. Include a description of the real estate sufficient for identification;
- C. Include a statement of the violation or violations and why the notice is being issued;
- D. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or building into compliance with the provisions of this Code;
- E. Include the right to appeal;
- F. Include a statement of the right to file a lien or seek the remedies set forth in accordance with Section 106.4; and
- G. Include the penalties associated with the violation.

(13) Section 107.3 of this Code is amended to read as follows: Such notice shall be deemed to be properly served if a copy thereof is:

- A. Delivered personally or by a State Marshal or other legally authorized process server in the State of Connecticut;
- B. Sent by certified or registered mail addressed to the last known address; or
- C. As otherwise prescribed by law.

(14) Section 107.5 of this Code is amended to read as follows: Penalties for noncompliance with orders and notices shall be as set forth in Sections 106.3 and 106.4.

(15) This Code is amended by deleting Section 107.6 in its entirety.

(16) Section 108.1.3 of this Code is amended to read as follows: Building unfit for human occupancy. A building, or part thereof, shall be deemed unfit for human occupancy whenever the Code Official or the Director of Health or designee finds that such building is unsafe, unlawful or, because of the degree to which the building is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks adequate ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the building constitutes a hazard to the occupants of the building or to the public.

(17) Section 108.3 of this Code is amended to read as follows: Whenever the Code Official has condemned a building or equipment under the provisions of this Section,

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notice shall be posted in a conspicuous place in or about the building affected by such notice and served on the occupants and owner, owner's authorized agent or the person or persons responsible for the building or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form of prescribed in Section 107.2.

- (18) Section 108.5 of this Code is amended to read as follows: Any occupied building condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who occupies a placarded building or shall operate placarded equipment after notice to vacate was served on them, and any owner, owner's authorized agent or person responsible for the building who shall let anyone occupy a placarded building or operate placarded equipment shall be liable for the penalties provided by this Code.
- (19) Section 109.1 of this Code is amended to read as follows: When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in the proximity of any building because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official shall immediately refer such conditions to the Fire Marshal.
- (20) Section 109.2 of this Code is amended to read as follows: Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, a building or equipment is in imminent danger due to an unsafe condition, the Code Official may immediately order that the necessary work be done, including the boarding up of openings, to render such building temporarily safe whether or not the legal procedure herein described has been instituted. If the owner fails to immediately correct such conditions identified in the order, the Code Official is empowered to cause such necessary work to be completed in order to abate the emergency.
- (21) Section 109.4 of this Code is amended to read as follows: Where unsafe conditions exist due to operational failure of essential heating, electrical power or sanitary facilities within an occupied dwelling unit or dwelling and the dwelling unit or dwelling is otherwise suitable for human occupancy, and the owner fails to take immediate action to restore such conditions, the Code Official shall order restoration of such essential heating, electrical power or sanitary facilities by the owner or by the town. Costs for such emergency repairs by the town may be paid by the town and recovered in the manner established in Section 109.5.
- (22) Section 109.5 of this Code is amended to read as follows: Costs incurred in the performance of emergency work or repairs, or work or repairs to make a premises safe and sanitary hereunder, performed by, or on behalf of, the Town of East Hartford shall be charged to the owner of the premises on which such emergency work was performed. If the costs of the emergency work are not paid by the owner of the premises, the town may recover such costs in accordance with the provisions of Section 7-5.
- (23) Section 110.2 of this Code is amended to read as follows: Notice as required by Section 7-22 of The Code of Ordinances shall be served prior to the demolition of any building

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- more than fifty years old except in the case of imminent danger to the public or major destruction by fire.
- (24) Section 110.3 of this Code is amended to read as follows: If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the Code Official shall cause the building to be demolished and removed, and the costs of such demolition and removal may be recovered in accordance with the provisions of Section 7-5.
- (25) This Code is amended by adding the following Section 110.3.1: Abandoned Buildings. Buildings abandoned for more than one year may be ordered demolished, and the Town will have the same remedies set forth in Section 110.3 above.
- (26) Section 111.1 through 111.8, inclusive, of this Code is amended to read as follows:
- (a) 111.1 The Mayor shall appoint one or more persons to serve as a Property Maintenance Code Citation Hearing Officer to conduct hearings pursuant to this Section, provided no employee of the Police Department or Inspections and Permits Department may serve as such officer. Each person shall serve a term of one year or until a successor is appointed whichever is longer.
- (b) 111.2 Any person aggrieved by a decision of the Code Official or a notice or order issued under Section 107 or a citation issued under Section 106 may appeal such decision, notice, order or citation to a Property Maintenance Code Citation Hearing Officer. Such person shall file a written application for appeal within ten days after the day the decision, notice or order is received by such person. Such appeal shall be based on a claim that the Code has been incorrectly interpreted, the provisions of the Code have not been violated, the provisions of the Code do not apply or the requirements of the Code are adequately satisfied by other means. In appealing a citation issued under Section 106, such person shall file such application in accordance with the provisions of such Section.
- (27) This Code is amended by deleting Section 112 in its entirety.
- (28) Section 201.3 of this Code is amended to read as follows: Where terms are not defined in this Code and are defined in the Connecticut State Building Code, International Building Code, International Existing Building Code, Connecticut State Fire Safety Code, Connecticut State Fire Prevention Code, International Fire Code, International Mechanical Code, International Plumbing Code, International Residential Code, NFPA 70, Code of Ordinances and Zoning Regulations of the Town of East Hartford, such terms shall have the meanings ascribed to them as stated in those Codes.
- (29) Section 201.5 of this Code is amended to read as follows: A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.
- (30) Section 201.6 of this Code is amended to read as follows: All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

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(31) Section 201.7 of this Code is amended to read as follows: A word importing the singular number only may extend and be applied to several persons and things, as well as to one person and thing.

(32) Section 201.8 of this Code is amended to read as follows: Words used in the past or present tense include the future as well as the past and present tense.\\

(33) The following definitions in Section 202 are added, or amended, as follows:

Abandoned: shall mean any building that has remained vacant and the premises not maintained for a period of at least one year.

Board of Appeals: where used in this Code the term Board of Appeals shall mean Property Maintenance Code Citation Hearing Officer.

Bond: an obligation in writing, binding the signatory to pay a sum certain upon the happening or failure of an event.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Business: Any profession, trade, occupation and any other commercial enterprise.

Clerk: The Town Clerk

Code: International Property Maintenance Code as amended.

Keeper and Proprietor: Persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or a servant, agent or employee.

Mayor: The Mayor of the Town of East Hartford

Oath: Any form of attestation by which a person signifies that he is bound in conscience to perform an act or to speak faithfully and truthfully, and includes an affirmation or declaration in cases where by law, an affirmation may be substituted for an oath.

Occupant: Any individual living or sleeping in a building, or having tenancy or actual possession of a space within a building.

Operate: Carry on, keep, conduct, maintain, manage, direct or superintend.

Ordinances: Ordinances of the Town of East Hartford and all amendments and supplements thereto.

Owner: Any person, agent, operator, firm or corporation who has complete dominion over particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, any part owner, joint owner, owner of a community or partnership interest,

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life tenant, tenant in common, or joint tenant of the whole or part of such building or land, or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person: Any individual, natural person, Joint Stock Company, partnership, voluntary association, society club, firm, company, corporation, limited liability company, business trust, organization, or any other group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them, including an executor, administrator, trustee, receiver, or other representative appointed according to law.

Personal Property: Every species of property, except real property, as herein defined.

Property: Real and Personal Property.

Premises: A lot, plot or parcel of land including any buildings thereon. A premises shall also mean an individual tenancy or dwelling unit within a multiple tenant structure.

Rooming House: Any dwelling unit in which three or more rooms are offered for rent with or without meals to three or more persons not of the immediate family of the owner.

Time of Performance: The time within which an act is to be done as provided in any Section or any order issued pursuant to any Section, when expressed in days, and is computed by excluding the first and including the last day. If the last day is Sunday or a legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Sunday or a legal holiday, from midnight to midnight, is excluded.

Town: The Town of East Hartford, in the County of Hartford, and the State of Connecticut.

(34) Section 301.2 of this Code is amended to read as follows: The owner of the premises shall maintain the buildings and exterior property in compliance with these requirements except as otherwise provided for in Sections 19a-358, 47a-7, 47a-11, 47a-51 and 47a-54a of the Connecticut General Statutes.

(35) Section 302.4 of this Code is amended to read as follows: All premises shall be maintained free from weeds or excessive grass or plant growth in excess of nine inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and other vegetation provided, however, that this term shall not include cultivated grasses, flowers or gardens. Grass and weeds on unimproved premises shall be maintained to a height of not more than nine inches in height for at least ten feet from side and rear property lines if improved premises and at least fifteen feet from the street line.

(36) Section 302.7 of this Code is amended to read as follows: All accessory buildings, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. No person shall erect or replace any fence exceeding four feet in height in the front yard of any

Parking on front lawns and driveways is prohibited as follows:

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Parking on front lawns and driveways is prohibited as follows:

residential property in the town. As used in this Section, "front yard" shall mean any portion of the property between the street frontage and the residential building but shall not include the side yard or rear yard of residential property that is a corner lot or through lot. A person may erect a fence consisting of wood, wood composite, metal or plastic coated chain link, polyvinyl chloride or similar hard plastic compound material or such other material approved by the Code Official. No fence shall consist of tarp, canvas, fabrics or similar material. Any slats in between the chain links of a fence shall be of a uniform color pattern and shall be trimmed to grade level and to the top rail of the fence, and shall be maintained in an intact and unbroken condition.

(37) This Code is amended by adding Section 302.7.1 as follows: Fabric Garages or Storage Buildings. Buildings intended for storage of goods or vehicles that are covered by a fabric membrane shall not be permitted to be installed or used for any period of time in the yards of residential premises.

(38) This Code is amended by adding Section 302.7.2 as follows: Recreational Fabric Structures. Notwithstanding Section 302.7.1, tents, open-sided or screened fabric shelters for the purpose of shade or recreation are permitted to be erected in the rear yard of one-, two- and three-family dwellings from May 1 through September 30.

(39) Section 302.8 of this Code is amended to read as follows:

- (a) Except as provided in subsection (b) of Section 21-1 of the Code of Ordinances and in the Zoning Regulations of the town of East Hartford, no unregistered motor vehicle shall be parked, kept or stored on any premises and no vehicle shall at any time be kept in a state of disassembly, disrepair or in the process of being stripped or dismantled provided that any vehicle may be repaired if such activity is permitted by a provision of the Code of Ordinance or zoning regulations of the town of East Hartford and such activity is conducted entirely within an enclosed structure.
- (b) Parking on front lawns and driveways is prohibited as follows:
 - (i) As used in this Section:
 - (1) "driveway" means a hard surface consisting of asphalt, concrete, brick, pavers, gravel or other materials normally used for driveways which is no greater in width than authorized under applicable Town zoning regulations and which is used as a means of ingress and egress to a parking area.
 - (2) "commercial motor vehicle" means a motor vehicle, without regard to the type or class of registration plate affixed thereto, the use of which, in whole or in part, is in conjunction with or in furtherance of a commercial enterprise, regardless of whether or not the vehicle bears the name of a business or commercial enterprise. Commercial vehicles do not include motor vehicles used and parked on the site of a permitted agriculture, farming, forestry or nursery gardening use
 - (3) "undersized commercial motor vehicle" means a commercial motor vehicle which has a gross weight under 10,000 pounds, a length of less than 30 feet, and a height of less than 8 feet, and which does not meet the definition of oversized motor vehicle.

Parking on front lawns and driveways is prohibited as follows:

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Parking on front lawns and driveways is prohibited as follows:

- (4) "oversized motor vehicle" means any motor vehicle or commercial motor vehicle which:
 - (i) has a gross weight of over 10,000 pounds; or
 - (ii) exceeds 30 feet in length; or
 - (iii) exceeds 8 feet in height; or
 - (iv) has more than 2 axles; or
 - (v) is designed to sell or deliver food or merchandise directly from the vehicle; or
 - (vi) is a vehicle used for transporting hazardous materials or waste; or
 - (vii) is a commercial trailer, bucket loader, bucket truck, crane, fork lift, wrecker, tanker truck, front end loader, bulldozer, bus, dump truck, tow truck, track vehicles, backhoe or bobcat.
- (5) "major recreational equipment" means a travel trailer, camper, motorized home, tent, auto camper and aquatic and off road vehicles.
- (6) "travel trailer" means a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation use, permanently identified "travel trailer" by the manufacturer of the trailer.
- (7) "camper" means a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation use.
- (8) "motorized home" means a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- (9) "tent" means a fabric folding structure mounted on wheels and designed for travel use
- (10) "auto camper" means a lightweight unit that fits on top of a vehicle designed primarily for recreational use.
- (11) "aquatic and off road vehicles" means boats, ski-mobiles, dune buggies, amphibious vehicles, dirt bike and includes a trailer, case, or box used for transporting such vehicles to a point of use.
- (12) "parking space" means the area for parking a motor vehicle, except for major recreational equipment, no more than ten feet wide and twenty feet long, made up of a surface consisting of the materials set forth in

Parking on front lawns and driveways is prohibited as follows:

CHAPTER. 7. Building and Buildings

Parking on front lawns and driveways is prohibited as follows:

subdivision (1) of this subsection, and having direct access to a street or driveway.

(ii) No motor vehicle shall be parked on property on which a one to four family dwelling is located in a residential zone unless it is parked in a garage or in a driveway or parking space, which driveway or parking space shall not be located on any portion of such property between the living area of the dwelling and the street unless such driveway or parking space has been approved under applicable Town zoning regulations and building Code.

(iii) No major recreational equipment may be stored or parked on any property in a residential zone unless it is thirty feet or less in total length and is (i) parked or stored in a garage or other completely enclosed structure that is legal under applicable East Hartford zoning regulations or (ii) parked on a parking space at least five feet from side and rear lot lines, no closer than twenty-five feet to any adjoining residence. Such equipment, during the time it is parked or stored on such property, shall not be used or occupied for living, sleeping, housekeeping, storage or business purposes and there shall be no connections to any utility service, including electric, heat, water, sewage disposal, or natural gas services. Such equipment shall be owned or leased by a person residing on such property, registered with the Connecticut Department of Motor Vehicles, if applicable and operational and fit for its intended use. The owner or lessor of such recreational equipment shall be current with respect to the payment of taxes to the Town.

(iv) Notwithstanding the provisions of subsection (iii), major recreational equipment that has a total length of thirty feet or less may be parked on a driveway or parking space of such property for a period not exceeding twenty-four hours.

(v) No oversized motor vehicle or commercial motor vehicle shall be parked on property in a residential zone.

(vi) Notwithstanding the provisions of subsection (v), no more than 1 undersized commercial motor vehicle may be parked on property in a residential zone provided it is parked in a garage or in a driveway or parking space, which driveway or parking space shall not be located on any portion of such property between the living area of the dwelling and the street unless such driveway or parking space has been approved under applicable Town zoning regulations and building Code and further provided that the owner or operator of such undersized commercial motor vehicle is the occupant of the residence where such vehicle is located.

(vii) Nothing in this Section shall supersede any Town of East Hartford zoning regulation which is more restrictive on the location of major recreational equipment, commercial motor vehicle, or other motor vehicles.

Parking on front lawns and driveways is prohibited as follows:

CHAPTER. 7. Building and Buildings

Parking on front lawns and driveways is prohibited as follows:

- (40) This Code is amended by adding Section 302.10 as follows: Excessive brush. Property areas shall be maintained free of piles of cut brush, branches, plants, or plant material and shall be promptly removed from the premises.
- (41) Section 303.2 of this Code is amended to read as follows: Private swimming pools, hot tubs and spas shall have their enclosures maintained to the requirements of the Code under which they were permitted and approved by the building Official. New enclosures and replacement enclosures shall comply with the Connecticut State Building Code.
- (42) Section 304.14 of this Code is amended to read as follows: During the period from June 1 through October 15, inclusive, every door, window and other outside opening utilized or required for ventilation purposes or egress purposes and capable of being held in an open position serving any structure containing habitable rooms shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door containing screening shall have a self-closing device in good working condition. Screen doors shall not be required where other approved means for excluding insect intrusion are installed and functioning, such as approved air curtains or insect repellent fans.
- (43) This Code is amended by adding Section 304.2.1 as follows: Renovation, Repair, and Painting. Peeling, chipping, flaking or abraded paint in pre-1978 housing shall be repaired, removed, or covered in accordance with applicable Federal, State or local laws.
- (44) This Code is amended by adding Section 304.5 as follows: Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests, surface and ground water.
- (45) This Code is amended by adding Section 304.7.1 as follows: Temporary roof covering. Any temporary roof coverings such as tarps or plastic films installed for the purpose of preventing water infiltration through a damaged or deteriorated roof covering shall be installed for no longer than 30 calendar days within which time the owner shall have applied for a building permit to install permanent repair of said roof.
- (46) Section 304.14 of this Code is amended to read as follows: Insect screens. Every door, window and other outside opening required for ventilation shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.
- (47) This Code is amended by adding Section 305.3.1 as follows: Renovation, Repair and Painting. Peeling, chipping, flaking or abraded paint in pre-1978 housing shall be repaired, removed or covered in accordance with applicable Federal, State or local laws.
- (48) Section 307.1 of this Code is amended to read as follows: For detached one- and two-family dwellings and townhouses, every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall

Parking on front lawns and driveways is prohibited as follows:

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not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Guards shall not be required where exempted by the Connecticut State Building Code.

- (49) This Code is amended by adding Section 308.2.1 as follows: Dumpsters. Where dumpsters are used as garbage containers for retail, food service, or multi-family buildings, said dumpsters shall be located in rear yards, shall not occupy required parking spaces, shall be set on concrete pads, and shall be enclosed by solid fencing and access gates that are six feet high above grade.
- (50) Section 309.3 of this Code is amended to read as follows: The owner of a one-family rental dwelling or of a single-tenant nonresidential building shall be responsible for pest elimination on the premises, unless legal responsibility has been transferred in accordance with Section 301.2.
- (51) Section 309.4 of this Code is amended to read as follows: The owner of a building containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property.
- (52) This Code is amended by deleting Section 309.5 in its entirety.
- (53) This Code is amended by adding the following Sections: Radon
- 310.1 Radon test results. The owner shall not rent a property if a known radon level at or over 4.0 picocuries per liter (pCi/L) is found in a habitable space of the property. Such radon levels shall be deemed an unsafe condition and shall be mitigated in accordance with this Section. The owner shall disclose any known radon test results. If the occupant performs a radon test, the occupant shall provide the owner with documentation from the radon analytical laboratory, within ten business days of receipt of the radon report, that the average radon level is at or over 4.0 pCi/L. Acceptable radon test results include the average of two short-term tests conducted simultaneously or sequentially, one long-term test result, or one continuous radon monitor test. The owner may conduct a continuous radon monitor test by a National Radon Proficiency Program (NRPP) or National Radon Safety Board (NRSB) certified measurement professional within 10 business days to confirm or contest the initial radon report. Such confirmatory testing shall be conducted in the same location and under the same conditions as the initial test conducted by the occupant.
- 310.2 Radon mitigation. If there is a confirmed radon result at or over 4.0 pCi/L, the *owner* shall hire an NRPP or NRSB certified radon mitigation professional to install a radon mitigation system to reduce the radon level to below 2.0 pCi/L within thirty (30) calendar days. A mitigation system must be maintained in working order.
- 310.3 Post-mitigation radon test. If a mitigation system is installed, the *owner* shall conduct at least one, short-term, post-mitigation radon test immediately after system installation is completed. If post-mitigation test is conducted outside November 1 through March 31, an additional test shall be conducted between November 1 and March 31.
- (54) Section 404.2 of this Code is amended to read as follows: A habitable room, other than a

Parking on front lawns and driveways is prohibited as follows:

CHAPTER. 7. Building and Buildings

Parking on front lawns and driveways is prohibited as follows:

kitchen, shall be a minimum of 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls. Kitchens that were approved to comply with accessibility requirements of the Connecticut State Building Code do not need to comply with this Section.

(55) Section 404.5 of this Code is amended to read as follows: Rental dwelling units shall not be occupied by more occupants than permitted pursuant to Section 19a-358 and Section 47a-54a of the Connecticut General Statutes.

(56) Section 503.4 of this Code is amended to read as follows: Every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition for any building except in a detached one- and two-family dwelling and townhouse.

(57) Section 504.3 of this Code is amended to read as follows: Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard. Corrective work shall be in accordance with the Connecticut State Building Code.

(58) Section 505.4 of this Code is amended to read as follows: Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C) and a maximum of 120°F (49°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(59) Section 602.2 of this Code is amended to read as follows: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

(60) Section 602.3 of this Code is amended to read as follows: Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 65°F in all habitable rooms, bathrooms and toilet rooms.

(61) Section 602.4 of this Code is amended to read as follows: Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied. Exceptions: (1) processing, storage and operation areas that require cooling or special temperature conditions; (2) areas in which persons are primarily engaged in vigorous physical activities; and (3) areas exempted by OSHA regulations.

Sec. 7-8 a. State Fine for
Violations of Blight Ordinance

**CHAPTER. 7. Building and
Buildings**

Sec. 7-8 a. State Fine for
Violations of Blight Ordinance

- (62) Section 604.2 of this Code is amended to read as follows: The approved service shall be maintained in accordance with the Connecticut State Building Code.
- (63) Section 606.1 of this Code is amended to read as follows: Elevators, dumbwaiters and escalators shall be maintained in compliance with applicable Codes and regulations adopted by the State of Connecticut.
- (64) Section 606.2 of this Code is amended to read as follows: In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied, provided buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing. Buildings with dwelling units or sleeping units served by elevators shall not have all elevators out of service for more than 24 hours. Should Town of East Hartford emergency services personnel and equipment be used to transport disabled persons in and out of the building by the stairs, the building owner shall be required to reimburse the Town for such expenses. Should the owner fail to pay such expenses, the town may recover such costs, including attorney's fees, in accordance with the applicable law.
- (65) Section 701.1 of this Code is amended to read as follows: The provisions of this Chapter shall govern the minimum conditions and standard for fire safety in detached one- and two-family dwellings and their accessory structures. No provisions of this Chapter shall be considered to supersede the State Fire Safety Code, which shall govern for all other buildings.
- (66) Section 704.2 of this Code is amended to read as follows: Single- or multiple-station smoke alarms shall be installed and maintained in dwellings at all of the following locations: (1) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms; (2) In each room used for sleeping purposes; and (3) In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Section 7-6 of the Town of East Hartford Code of Ordinances were originally repealed on October 29, 2019.

Sec. 7-8 a. State Fine for Violations of Blight Ordinance

- (a) Except as provided in subsection (b) of this section, any person who, after written notice and a reasonable opportunity to remediate blighted conditions, willfully violates any regulation adopted pursuant to section 7-148(c)(7)(H)(xv) of the Connecticut General Statutes concerning the prevention and remediation of housing blight, shall be subject to a state fine of not more than two hundred fifty dollars for each day, based on actual inspection of the property on each such day, that such violation continues after the period of reasonable opportunity to remediate has ended. A civil penalty under this section shall not be assessed for the same occurrence of a violation for which a criminal fine under this subsection has been assessed and paid.

Sec. 7-9 Withhold Building
Permits on Delinquent Tax
Property.

**CHAPTER. 7. Building and
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Sec. 7-14. License Non-
Transferable; Ownership
Transfer.

(b) Any person who is a new owner or new occupant shall, upon written request, be granted a thirty-day extension of the notice and opportunity to remediate provided pursuant to subsection (a) of this section. For the purposes of this section, "new owner" means any person or entity who has taken title to a property within thirty days of the issuance of the notice, and "new occupant" means any person who has taken occupancy of a property within thirty days of the notice.

Voted: 10-29-19
Published: 11-07-19
Effective: 11-28-19

Sec. 7-9 Withhold Building Permits on Delinquent Tax Property.

- (a) No building permit shall be issued by the Director of Inspections and Permits or designee until: (1) the Director or designee determines that taxes, interest and lien fees on the property for which the Building Permit would be issued are current; or (2) if taxes are delinquent, (A) the Collector of Revenue or designee has informed the Director in writing that the owner of such property has entered into a delinquent tax repayment plan approved by the Collector of Revenue; or (B) the Director of Inspections and Permits certifies in writing that the construction, repair or improvement described in such permit will address a health or safety emergency affecting the occupants of the building that is the subject of the permit.
- (b) As used in the section, "building permit" shall include a building permit, certificate of occupancy, electrical permit, mechanical permit, and all other permits and certificates issued by the Director of Inspections and Permits or designee under the State of Connecticut Building Code.

Voted: 10-29-19
Published: 11-07-19
Effective: 11-28-19

Sec. 7-12. License Required; Application; Issuance; Display.

(a) No person shall operate a rooming house, hotel, motel or motor hotel unless he holds a valid rooming house license issued by the Director of Inspections and Permits, or his authorized agent, in the name of the operator and for the specific rooming house, hotel, motel, motor hotel or rooming unit. The operator shall apply to the Director of Inspections and Permits for such license, which shall be issued upon compliance by the operator with the applicable provisions of the Housing Code.

(b) The license shall be displayed in a conspicuous place on the premises at all times.

[Section 7-13 has been repealed effective 5-31-01]

Sec. 7-14. License Non-Transferable; Ownership Transfer.

No license shall be transferable. Every person holding such a license shall give notice in writing to the Director of Inspections and Permits within twenty-four hours after having sold, transferred, or otherwise disposed of, ownership, interest in, or control of any rooming house, hotel, motel, or motor hotel. Such name shall include the name and address of the person succeeding to the ownership of control of such business.

Sec. 7-15. License Term; Fee.

CHAPTER. 7. Building and Buildings

Section 7-20. Bond and Insurance Requirements.

Sec. 7-15. License Term; Fee.

(a) Every rooming house license shall expire at the end of two years following the date of issuance, unless sooner suspended or revoked as hereinafter provided.

(b) The fee for such license shall be as provided by the Council in the Schedule of Fees.

Sec. 7-16. Notice of Violations.

Whenever, upon inspection of any rooming house, conditions or practices are found to exist which are in violation of any provision of the Housing Code, a notice shall be given in writing to the operator of such rooming house, stating that unless such conditions or practices are corrected within a reasonable period as determined by the Department of Inspections and Permits, the operator's license will be suspended.

[Sections 7-17 through 7-18, inclusive, have been repealed effective 05-31-01]

41 ARTICLE 4. MOVING OF BUILDINGS OVER STREETS, ETC.³

Sec. 7-19. Permit Required.

It shall be unlawful for any person to move any building or any part of a building through, across or upon any street, highway or sidewalk without first having obtained a written permit from the Director of Public Works and written approval from the Chief of Police. Application for a permit shall be made upon a form provided by the Director of Public Works and shall contain such information as may be required by him to ascertain that moving the building or part thereof will not endanger the public and town, or public or private property, and will not unduly inconvenience the public's right to use streets, highways and sidewalks.

Effective: 5/24/91

Section 7-20. Bond and Insurance Requirements.

(a) The Director of Public Works shall require such applicant for a building moving permit to deliver a Performance Bond to secure the Town against any damages suffered by town-owned property as a result of the moving of a building, or any part thereof, prior to issuing such permit. The bond shall also secure the Town against breach by the applicant of any of the conditions set out in the permit.

(b) Such bond shall be issued by an insurance carrier licensed to do business in the state for the amount required by the Director of Public Works.

(c) The Director of Public Works shall require the applicant to submit a Certificate of Insurance, naming the Town as an additional insured party, indicating that the applicant has obtained a Comprehensive General Liability (CGL) insurance policy with a \$2,000,000 per occurrence limit to cover any injury to persons (including death) and/or damage to public or private

³ State law reference: As to moving buildings, see Section 117 of the Building Code.

Sec. 7-21. Notice Required.

CHAPTER. 7. Building and Buildings

Sec. 7-22. Demolition of Structures More Than Fifty Years Old; Permit; Fee.

property caused by the moving of a building or part thereof. The applicant shall also provide written evidence that it has procured automobile liability insurance with a limit of not less than \$1,000,000 per occurrence, as well as written evidence that it has procured Workers' Compensation insurance coverage.

(d) The Bond, Certificate of Insurance, and all other evidence of insurance shall be reviewed and approved by the Town's Finance Director or his/her designee in writing prior to the issuance of the building moving permit.

(e) Each and every applicant for a permit shall, prior to receiving same, sign and deliver to the Director of Public Works, on a form provided by the Director, a Hold Harmless and Indemnification Agreement to protect the Town against claims and demands from injured parties.

Effective: 5/24/91 (all of 7-20)

Sec. 7-21. Notice Required.

(a) Upon the issuance of the moving permit, the Director of Public Works shall notify the Chief of Police and Fire Department as to the route to be taken and the time.

(b) The permittee shall notify the telephone and electric company of such moving.

ARTICLE 5. DEMOLITION OF STRUCTURES.

Sec. 7-22. Demolition of Structures More Than Fifty Years Old; Permit; Fee.

- (a) No person shall demolish a building or structure located within the town that is larger than five hundred (500) square feet and more than fifty (50) years old without first obtaining a permit from the Department of Inspections and Permits.
- (b) The permit shall be issued upon completion by the applicant of the following requirements:
 - (1) Filing of a notice of intent to demolish with the Department of Inspections and Permits stating the address of the building, along with a description.
 - (2) Within ten (10) days of filing, the applicant shall post on the property upon which the building to be demolished is located, in a conspicuous place for at least thirty (30) consecutive days, a sign provided by the Department of Inspections and Permits.
 - (3) A waiting period of sixty (60) days after the filing of the notice of intent to demolish.
- (c) The Director of the Department of Inspections and Permits shall maintain on file a list of all parties, along with their address, who are interested in receiving notice of the filing of an intent to demolish. The Director may notify these parties by mail within five (5) days of the filing of a notice of intent to demolish.
- (d) The fee for a demolition permit issued pursuant to this Section shall be as provided by the Town Council in the Schedule of Fees.
- (e) The permit shall be good for one (1) year.

Effective: 11/17/82

Sec 7-23. Building Code.

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Buildings**

Sec. 7-29. Provisions of Other
Ordinances, Regulations,
Codes or Statutes.

Article 6. ADOPTION AND ADMINISTRATION OF BUILDING CODE

Sec 7-23. Building Code.

(a) The State of Connecticut Building Code, as amended from time to time, is hereby adopted as the Town of East Hartford Building Code. The Director of Inspections and Permits and his designees shall administer and enforce the provisions of such Code.

(b) All buildings and other structures shall be constructed, altered or repaired in strict compliance with the requirements of the Town's Building Code, as amended from time to time.

(c) No building or other structure shall be constructed, altered or repaired unless and until the construction, alteration or repair has been approved by the Director of Inspections and Permits and authorized by such Director through the issuance of a written permit authorizing the construction, alteration or repair of such building or structure upon payment of the fee established by the Town Council. Such permit shall be prominently displayed on the structure being constructed, altered or repaired at all times while work is in progress.

(d) Failure to secure a building permit before commencing the construction, alteration or repair of a building or other structure shall subject the owner of such structure to a surcharge of ninety-nine dollars which shall be added to the building permit fee authorized by the Town Council, provided such surcharge may be waived if the owner applies for such permit prior to receipt of the notice issued pursuant to sub-section (e) of this section. Subsection (d) effective 04-17-02

(e) An owner of a structure being constructed, altered or repaired without a valid permit shall apply for such permit within five working days of his receipt of a written notification from the Director of Inspections and Permits that he must apply for and receive a building permit in order to continue the construction, alteration or repair of such structure.

(f) Any owner of a structure who fails to apply for a building permit within the time set out in sub-section (e) above, shall be fined not more than ninety-nine dollars for each day on which the construction, alteration or repair of such structure remains in violation of this Chapter.

Sections 7-24 through 7-28 repealed October 29, 2019.

Article 7. DEMOLITION OF HAZARDOUS BUILDINGS AND STRUCTURES

Sec. 7-29. Provisions of Other Ordinances, Regulations, Codes or Statutes.

The provisions of this ordinance shall be supplemental to existing municipal ordinances dealing with housing and/or public health, and shall not limit the provisions of other local, state or federal codes, regulations or statutes as they may apply. If any clause or provision of this ordinance shall conflict with any clause or provisions of any other ordinance or other local, state or federal code, regulations or statute, the more stringent provision shall apply.

Effective: 11-18-95

Sec. 7-29a. Identification of Landlords

CHAPTER. 7. Building and Buildings

Sec. 7-30. Authority.

Sec. 7-29a. Identification of Landlords

The Town of East Hartford hereby adopts the provisions of Public Act 05-223 requiring non-resident property owners of any rental dwelling unit to file their current residential address with the Director of Inspections and Permits. The Director of Inspections and Permits may issue a citation and assess a civil penalty of two hundred fifty dollars for the first violation and one thousand dollars for any subsequent violation of such filing requirement to any non-resident owner of any occupied or vacant rental dwelling unit who fails to comply with a written request by such director to comply with the provisions of Section 1 of Public Act 05-223 within twenty days of the date of such request. Any citation issued under this Section may be served by certified mail or by abode service at the property located within the town of East Hartford owned by such non-resident owner.

Voted: 11-22-05

Published: 11-29-05

Effective: 12-20-05

ARTICLE 8. ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR ZONING VIOLATIONS.

Sec. 7-30. Authority.

(a) The Zoning Enforcement Officer, or his designee, is hereby authorized to issue citations for violations of the Zoning Regulations of the Town of East Hartford to the extent and in the manner provided in this Section.

(b) Citations may be issued for the following violations of the zoning regulations, and the amount of the civil fine for each violation shall be as follows:

<i>Nature of Violation</i>	<i>Amount of Civil Fine</i>
Construction or alteration of any building or structure without a special use permit	\$150.00
Failure to comply with site location requirements	\$150.00
Excavation, grading, filling and/or removal of soil and other earth products without a permit	\$150.00
Conducting an unauthorized non-residential use in a residential zone	\$100.00
Failure to comply with visibility requirements at street intersections	\$100.00
Failure to comply with requirements for outdoor display, exhibit or storage of motor vehicles	\$ 50.00

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Failure to comply with buffer strip requirements	\$ 50.00
Construction of a vehicular way of access servicing a business or industrial use through a residential zone or buffer strip	\$ 50.00
Failure to comply with signage requirements	\$ 25.00
Failure to comply with requirements for coverage and parking of major recreation equipment and tractor/trailers and trucks	\$ 25.00
Failure to comply with alcoholic liquors requirements	\$150.00
Failure to comply with off-street parking and loading requirements	\$ 25.00
Failure to comply with yard requirements as set forth in zoning regulations	\$ 25.00
Failure to comply with requirements for maximum lot coverage as set forth in zoning regulations	\$ 25.00

(c) Any such citation maybe (1) personally served on the person named in the citation; (2) served by certified mail, return receipt requested, to the person named in such citation or; (3) served on the property where the zoning violation has occurred. The Zoning Enforcement Officer shall maintain an original or certified copy of the citation.

(d) Such citation shall include the following provisions: (1) that the person may pay the fine specified in the citation to the Tax Collector within fifteen days of receipt of such citation or service on the property where the violation occurred; (2) the allegations against him and the amount of the fines; (3) that the person may contest liability before a Hearing Officer appointed by the Mayor as provided in subsection (h) of this Section, by delivering, in person or by mail, within ten days of the date of the notice, a written demand for a hearing; (4) that if the person cited does not demand such a hearing, an assessment and judgment will be entered against him; and (5) such judgment will issue without further notice.

(e) If the person who is served such citation wishes to admit liability for any alleged violation, he may, without requesting a hearing, remit the full amount of the civil fine, either in person or by mail, payable to the Town of East Hartford - Tax Collector. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who fails to pay such fine or demand a hearing shall be deemed to have admitted liability, and the Zoning Enforcement Officer shall certify such failure to the Hearing Officer. The Hearing Officer shall thereupon assess the civil fines provided for in the citation.

(f) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of such notice, provided the Hearing Officer may grant upon good cause shown any reasonable request by such person for a postponement. The

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presence of either the Zoning Enforcement Officer or the person who issued the citation shall be required at the hearing if so requested by the person named in the citation. Such request must be included with the appeal. A person wishing to contest liability shall appear at the hearing and may present evidence in his behalf, and may be represented by agent or attorney. The Zoning Enforcement Officer or his designee may present evidence *on* behalf of the Town. If the person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable provisions of the Zoning Regulations. The hearing shall be conducted in accordance with the rules of evidence as established in Connecticut General Statutes 54-178. The Hearing Officer shall render a decision within ten days of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, he shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, he shall assess the fines against such person as provided in the citation.

(g) If the assessment by the Hearing Officer is not paid to the Tax Collector within ten days of the decision of the Hearing Officer, the procedures set out in Connecticut General Statutes §7-152(f) shall apply.

(h) The Mayor shall appoint one or more citation Hearing Officers to conduct the hearings provided in subsection (f) of this Section. Neither the Zoning .Enforcement Officer, the Building Inspector nor any employee of the Town who exercises zoning authority maybe appointed as a Hearing Officer.

Voted: 9-16-97
Printed: 9-25-97
Effective: 10-17-97

CHAPTER 8 BUSINESSES

ARTICLE 1. MERCHANTS

Sec. 8-1. Bootblack License.

No person shall engage in the business of boot or shoe black in any of the streets, alleys, or public places in the town without first having obtained a license to do so from the Chief of Police. The license shall be issued without fee and at the discretion of the Chief, and shall be revocable at his pleasure. All applications for such license, if by a minor, shall be made in his behalf by his parent, or guardian.

ARTICLE 2. JUNK DEALERS

Sec. 8-2. Definitions.

a) As used in this Article:

(1) Fence means and includes any place for the purchase, reception or keeping of stolen goods.

(2) Junk means and includes among other things, old rope, iron, chain, brass, copper, tin, lead, such paper, bags, woolens, clips, bagging, rubber, glass, and empty bottles of different sizes, and all other things composed of or consisting of any combination of materials or articles in this Section mentioned.

(3) Junk Dealer means and includes every person who shall buy, sell, barter or exchange, or who shall collect, receive, store or hold in possession for sale, barter or exchange, any of the articles or things in or by this Section denominated or classified as junk, whether at wholesale or retail.

(4) Junk Store means and includes any store, shop, warehouse or building where junk is bought, sold, bartered or exchanged, or where junk is collected, received, stored or held in possession for resale, barter or exchange, either at wholesale or retail.

(5) Junk Wagon means and includes every wagon, automobile, car or other vehicle used by a junk dealer in the collection, disposition or transportation of junk from one place to another.

(6) Junk Yard means and includes any yard, place or enclosure other than a junk store, as herein defined, where junk is bought, sold, bartered or exchanged, either at retail or wholesale, or where junk is collected, received, stored or held for resale, barter or exchange, either at wholesale or retail.

(7) Junk Dealer means and includes every person who shall buy, sell, barter, or exchange, or who shall collect, receive, barter or hold in possession for sale, barter or exchange any of the articles or things in or by this Section denominated or classified as junk, where the amounts of weights thereof in separate transactions shall

Sec. 8-3. License Required.

CHAPTER 8. Businesses

Sec. 8-6. Revocation or Denial of License; Conducting a "Fence".

consist of small quantities, and one who purchases from junk peddlers.

Sec. 8-3. License Required.

(a) No person shall operate or maintain a junk business or junk yard without first having obtained a license therefore from the Department of Inspections and Permits.

(b) A separate license shall be required for each separate junk store or junk yard located on separate premises. When a junk store and a junk yard are located upon the same contiguous or adjoining premises, such business shall be considered as one business and only one license shall be required.

Sec. 8-4. License Application; Fee.

(a) An application for a license under this Article shall be filed with the Department of Inspections and Permits and shall contain such information as the Chief of Police may require.

(b) The annual fee for a license issued under this Article shall be as set by the Council in the Schedule of Fees. (See Fee Schedule)

Sec. 8-5. Operating as Pawnbroker; Prohibited; Inspections.

(a) No junk dealer shall receive any article or thing by way of pledge or pawn, nor shall such dealer loan or advance any sum of money on the security of any article or thing.

(b) No junk dealer, during the period in which he possesses a valid junk dealer's license or junk yard license, shall receive or hold any license to carry on the business of pawnbroker.

(c) The places of business and all junk of every junk dealer licensed under this Article shall at all reasonable times, be subject to inspection by the Chief of Police and the Department of Inspections and Permits.

Sec. 8-6. Revocation or Denial of License; Conducting a "Fence".

(a) The license of any person who shall have been licensed as a junk dealer, and who shall have been convicted of keeping, maintaining or conducting a "fence", shall, upon such conviction, be revoked by the Director of Inspections and Permits as provided in this Code. No person, who shall have been convicted of keeping, maintaining, or conducting a "fence" shall be granted a license as a junk dealer during the period of one (1) year after such conviction.

(b) No corporation which shall have been convicted of keeping, maintaining or conducting a "fence" shall be granted a license as a junk dealer during the period of one (1) year after such conviction.

(c) No corporation, any one of whose officers, stockholders or employees has been convicted of keeping, maintaining or conducting a "fence", shall be granted a license as a junk dealer during the period of one (1) year after such conviction, unless such corporation shall produce satisfactory evidence to the Director of Inspections and Permits that such officer, stockholder or employee has disposed of this entire interest in such corporation and has completely severed his connection with such application.

(d) Every person applying for a license as a junk dealer shall state in his

Sec. 8-7. Purchases from Minors.

CHAPTER 8. Businesses

Sec. 8-10. Maintenance and Operation.

application that he has not kept, maintained or conducted a "fence" and that he has not been convicted of keeping, maintaining or conducting a "fence" within one (1) year prior to the date of such application.

(e) Every corporation making an application for a license as a junk dealer, shall state in its written application that it has not, nor have any of its officers, stockholders or employees, kept, maintained or conducted a "fence" during the period of one (1) year prior to the date of such application.

Sec. 8-7. Purchases from Minors.

No junk dealer shall purchase any article whatsoever from any minor under the age of sixteen (16) years without the written consent of his parents or guardian.

Sec. 8-8. Hours of Operation.

No junk dealer shall receive in the conduct of his or its business, any goods, article or thing whatsoever from any person at any time on Sunday, or on any other day of the week, between the hours of 7:00 p.m. and 7:00 a.m.

Sec. 8-9. Articles not to be Immediately Sold.

No junk dealer shall expose for sale, nor sell or dispose of any goods, article, junk or thing whatsoever within two (2) days of the time of collecting, receiving, or purchasing the same, or until the same shall have been in the premises wherein the same are offered, exposed or sold, for at least two (2) days.

Sec. 8-10. Maintenance and Operation.

(a) The premises shall at all times be maintained so as not to constitute a nuisance or menace to the health of the community or of residents nearby, or a place of the breeding of rodent and vermin.

(b) No garbage or other organic waste and no paper, rubbish, rags or other flammable articles or materials shall be stored in such premises.

(c) Whenever any motor vehicle shall be received in such premises as junk, all gasoline and oil shall be drained into containers and removed therefrom, and none shall be permitted to remain upon the premises.

(d) The manner of storage, arrangement of junk and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises, and to facilitate access for fire-fighting purposes.

(e) All outdoor storage facilities shall be enclosed in a substantial, solid, nontransparent fence, not less than eight (8) feet or more than ten (10) feet high. Such

Sec. 8-11. Definition.

CHAPTER 8. Businesses

Sec. 8-13. Conditions of Sale.

enclosure shall at all times be painted and kept in good order.

(f) No materials or wastes shall be deposited or kept on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.

(g) No material or merchandise of any sort shall be stored in front of the enclosure provided for in Subsection (3) hereof.

(h) No person shall burn in any junk yard refuse or junk, including rubber tires, batteries and rubber from wires or any type of junk or old used automobiles which may cause fumes or odors injurious to the health and welfare of adjoining residents.

ARTICLE 3. TAG SALES

Sec. 8-11. Definition.

As used in this Article, Tag Sale shall mean any sale which is held out to be or is commonly known as a garage, porch, room, backyard or tag sale or any other type of general sale conducted from, or on any other premises not located in a zoning district which permits such sales, where goods or articles of any type are held out for sale to the public, but shall not include a situation where specific items are held out for sale and all advertisement of such sale specifically names the items to be sold.

Sec. 8-12. Restriction on Frequency of Sales.

No person shall conduct a tag sale for the sale of personal property items more than two (2) times during any twelve (12) month period on the same premises.

Sec. 8-13. Conditions of Sale.

a) Tag Sales shall be subject to the following conditions:

(1) The sale shall involve only personal property items owned by the person or members of his household conducting the sale;

(2) No sale item shall be located and no sales activities shall be conducted on any public sidewalk, parkway, area, or other public property;

(3) All signs advertising such sale shall be located in the front yard area of the premises, and no such sale signs, handbills or other advertising matter shall be located or posted in or upon any public street, building or public property, except that one sign may be posted at the nearest street intersection. All signs advertising the sale shall be removed within twenty-four (24) hours after expiration of the time limit for such sale;

(4) The sale shall be limited to a consecutive period of not more than three (3) days and shall be conducted only during the hours of 9:00 a.m. and 9:00 p.m.;

(5) The sale shall be conducted in accordance with all other laws of the Town; and

(6) The sale shall be conducted without the use of outdoor loud speakers or any other similar amplification equipment.

b) Any variation of the provisions of Article 4 as it applies to tag sales will be subject to approval by the Police Chief.

ARTICLE 4. SALESMEN.

Sec. 8-14. Definitions.

a) As used in this Article:

(1) Canvasser or Solicitor shall mean any individual whether a resident of the town or not, taking or attempting to take order from anyone on the premises of a house, apartment, trailer or other place of residence for sale of goods, wares, merchandise, including articles of food, or personal property of any nature whatsoever for future delivery, or for services to be performed in the future, whether or not such individual shall carry or expose for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales or not.

(2) Hawker or Peddler shall mean any person, whether principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefore, any goods, wares, merchandise, including articles of food, either on foot or from any animal or vehicle. Hawker or Peddler shall not include an "Itinerant food vending establishment" as defined in Sec. 19-13-B48 (a) (7) of the Regulations of Connecticut State Agencies.

(3) Itinerant Vendor shall mean any person, whether a principal or agent, who engages in a temporary or transient business in this state, either in one locality or in traveling from place to place, selling goods, wares, merchandise or conducting any closeout sale and who for the purpose of carrying out such business or sale, hires, leases or occupies any building or structure for the exhibition and sale of such goods, wares and merchandise, temporary or transient business meaning and including any exhibition and sale of goods, ware or merchandise which is carried on in any tent, booth, building or other structure, unless such place is open for business during usual business hours at least nine (9) months in each year.

(4) Salesman shall mean any person who shall sell or expose for sale, or solicit orders for any articles of food or any goods, wares, merchandise, materials or services, or solicit for any contracts within the town to or from anyone on the premises of a house, apartment, trailer or other place of residence, and shall include canvassers, solicitors, hawkers, peddlers and itinerant vendors.

Sec. 8-15. Credentials Required.

No peddler, hawker, solicitor, canvasser, or salesman, except as provided in Section 8-28, shall engage in such business within the Town limits without first obtaining identifying credentials therefore in compliance with this Chapter.

Sec. 8-16. Application for Credentials.

- a) Applicants for credentials under this Article must file with the Chief of Police a sworn application in writing, in duplicate, on a form to be furnished by the Chief of Police, which shall give the following information:
- (1) Name and Description of the applicant.
 - (2) Permanent home address and full local address of the applicant.
 - (3) A detailed description of the nature of the business and the goods to be sold.
 - (4) If employed, the name and address of the employer.
 - (5) The length of time for which the applicant wishes to engage in the business.
 - (6) The place where the property proposed to be sold, or orders taken for the

Sec. 8-17. Application Fee.

CHAPTER 8. Businesses

Sec. 8-19. Issuance of
Credentials.

- sale thereof, are manufactured or produced.
- (7) Where such goods or products are located at the time such application is filed, and the proposed method of delivery.
 - (8) Make, model or registration number of motor vehicle, if any, to be used.
 - (9) Whether, when, where and on what charges he has ever been arrested, together with the disposition of such charges.
 - (10) Whether, when, where, in what court, and by whom, he or any present or former employer, principal or contract associate, has ever been sued in a civil action alleging fraud or misrepresentation in connection with, or as a result of the registrant's activities in soliciting for any contract or in selling, exposing or offering for sale or soliciting orders for any articles of food or any goods, wares, merchandise, materials or services.
 - (11) If a peddler, the exact location the vehicle, carton or box will be located; except no peddler shall locate in a residential zone unless the applicant located; except no peddler shall locate in a residential zone unless the applicant does not intend to remain stationary for the purpose of soliciting business. Effective: 10/19/83

Sec. 8-17. Application Fee.

(a) At the time of filing the original application, a fee shall be charged and collected by the Chief of Police as set by the Council in the Schedule of Fees. At the time of filing a renewal application, a fee shall be charged and collected by the Chief of Police as set by the Council in the Schedule of Fees.

(b) The fee shall be waived for charitable, political, religious and government organizations and their representatives, including public service organizations engaged in soliciting for charitable projects.

Sec. 8-18. Investigation of Applicant.

(a) Upon receipt of the application, the Chief of Police shall cause to be undertaken and completed within a period of two (2) weeks such investigation of the applicant's business and moral character, and of the statements made in the application, as well as, in the case of peddlers as described in Sec. 8-16(11), the proposed location, which for stationary peddlers, shall not be in a residential zone, as he deems necessary for the public good. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse his disapproval on the application and the reasons for the same, and notify the applicant thereof. In the case of a peddler, as described in Sec. 8-16(11), if it is determined that the location will result in a traffic hazard, or in the case of a stationary peddler, is in a residential zone, then as Chief Traffic Officer, the Chief of Police shall endorse his disapproval on the application, specifying the exact nature of the traffic hazard or that it is in a residential zone, and notify the applicant thereof. Effective: 10/19/83

(b) If for any reasons, the Chief of Police should fail to carry out and complete such investigation within a two (2) week period, the applicant may demand and be issued temporary credentials, which credentials may be revoked or made permanent depending on the results of the investigation.

Sec. 8-19. Issuance of Credentials.

Sec. 8-20. Credentials Fee.

CHAPTER 8. Businesses

Sec. 8-23. Revocation of Credentials.

(a) If, as a result of such investigation, the character, business responsibility, and in the case of a peddler described in Section 8-16(11), the proposed application of the applicant, are found to be satisfactory, the Chief of Police shall endorse his approval on the application and deliver to the applicant credentials which shall show the name and address of the licensee, the kind of goods to be sold thereunder, the manner of sale, the date of issuance, and in the case of a peddler as described in Section 8-16(11), the location, and the length of time the credentials shall be operative.

(b) Before the credentials are delivered to the applicant, the applicant shall be photographed by the Chief of Police. Such photograph shall be permanently affixed to the credentials.

Sec. 8-20. Credentials Fee.

- a) The fee for issuance of credentials charged by the Chief of Police shall be as set by the Council in the Schedule of Fees.
- b) The fee shall be waived for charitable, political, religious and government organizations and their representatives, including public service organizations engaged in soliciting for charitable projects.

Sec. 8-21. Expiration of Credentials.

- a) Except as provided in Section 8-28, no person whose credentials have expired shall engage in any of the activities names in Section 8-15 until he shall have again registered with the Chief of Police, obtained new credentials and paid the same fee as in the case of original credentials.

Sec. 8-22. Presentation of Credentials.

It shall be the duty of any police officer of the Town to request any person seen engaging in any of the activities prescribed in Section 8-15, and who is not known by such officer to have proper credentials, to produce his credentials. Such officer shall enforce the provisions of this Article against any person found to be violating the same. Peddlers, hawkers, solicitors, canvassers and salesmen shall exhibit their credentials at the request of any citizen.

Sec. 8-23. Revocation of Credentials.

- a) Credentials issued under this Article may be revoked by the Chief of Police after notice and hearing, for any of the following causes:
 - (1) Fraud, misrepresentation or false statement contained in the application for credentials.
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddlers, hawker, solicitor, canvasser or salesman.
 - (3) Any violation of this Article.
 - (4) Conviction of any crime or misdemeanor involving moral turpitude.
- b) Notice of hearing for revocation of credentials shall be given in writing setting forth specifically the grounds of complaint. Such notice shall be

Sec. 8-24. Conduct of
Business.

CHAPTER 8. Businesses

Sec. 8-26. Peddler Plying
Trade.

mailed by certified mail to the last known address of the holder at least five (5) days prior to the date set for hearing.

Sec. 8-24. Conduct of Business.

- a) Each person to whom credentials have been issued shall, while engaged in the Town in the activities for which he has credentials:
- (1) Conduct himself at all times in a quiet, orderly and lawful manner.
 - (2) Enter within any home only upon being expressly invited to do so by an occupant thereof.
 - (3) Leave any premises immediately upon the request of any occupant of the same.
 - (4) Deliver as agreed or represented, and within a reasonable time, all food, goods, wares, merchandise and materials and perform in like manner all services for which he has been paid in whole or in part, except as provided in Subsection 5.
 - (5) Refund promptly any payment made to him if he shall find that it is not reasonably possible for him to comply with Subsection (a) (4), unless the refund shall be refused by the other party.
 - (6) Give a written and signed receipt for all payments in excess of Two (\$2.00) Dollars received by him, stating the amount of the payment, a description of the food, goods, wares, merchandise, materials and/or services or contracts in connection with which said payment was made, the total of all charges made or to be made in connection with the same and when and in what amounts any additional payments are to be made.
 - (7) Give to the other party a copy, signed by the holder of the credentials, of any order, contract or other document which the party has signed. Compliance with this Subsection shall constitute compliance with Subsection (a) (6) to the extent that the requirements of Subsection (a) (6) are met by the document.
 - (8) Shall solicit, sell, hawk, canvass, or peddle only during the hours of 10:00 A.M. to 9:00 P.M.

Sec. 8-25. Posted Premises.

No peddler, hawker, canvasser, solicitor or salesman shall enter onto any premises or otherwise disturb the inhabitants of such premises if a sign stating "No Peddlers", "No Soliciting" or a similar type of sign is conspicuously placed on the premises.

Sec. 8-26. Peddler Plying Trade.

No person licensed as a peddler who shall utilize a vehicle, carton or box for the display of his product, shall cause such vehicle, carton or box to be located within five hundred (500) feet of any store, shop or mercantile establishment located in the Town, which store, shop or mercantile establishment shall have as part of its stock, goods, wares, merchandise, provisions or articles of food similar in nature to the products sold by said peddler.

Effective: 11/18/81

Sec. 8-27. Police Records.

The Chief of Police shall keep records of all credentials issued under the provisions of this Article in a book or file kept for that purpose. The records shall contain, as to each holder of credentials, all application forms signed by him with a notation on each as to whether credentials were-issued or refused as a result of its being filed, the date of issuance or refusal, the reason for refusal, or the fee paid as the case may be, a summary of each complaint concerning the activities of the holder, and the date of any revocation of credentials granted pursuant to any application filed by him, together with a statement of the reasons therefore. The Chief of Police shall keep a detailed account of all receipts from applicants and shall turn such fees over to the Town Treasurer monthly.

Sec. 8-28. Exemptions.

a) The provisions of this Article shall not apply to:

(1) Persons selling only to stores, institutions, business, industrial, commercial establishment, and municipal agencies.

(2) Persons canvassing, soliciting or selling exclusively by telephone

(3) Persons delivering food, groceries, fuel oil, milk, newspapers and other goods or supplies which have been ordered or contracted for.

(4) Persons exempted by the Statutes and laws of the state, or persons in possession of valid licenses issued by the state covering the activities which would otherwise be regulated by this Article.

(5) Charitable, political, religious, governmental organizations and their representatives, including public service organizations engaged in soliciting for charitable projects, provided the organization itself makes application through its duly authorized representative for credentials for the organization as a whole.

(6) Persons selling arts and crafts at functions sponsored by a non-profit corporation, provided that the authorized representative of the non-profit corporation provides a list of those selling arts and crafts at the event.

Effective: 3/22/85

(7) Itinerant vendors, hawkers-peddlers, canvassers, solicitors and sales persons conducting business under the direction and control of a managing itinerant vendor licensed by the State under Connecticut General Statutes Section 21-28, as amended from time to time, at a facility used primarily for trade shows, exhibitions or conventions for at least nine months of the year.

Effective: 10-6-95

(8) Hawkers, peddlers and itinerant vendors doing business at functions sponsored wholly or in part by the Town, provided that prior to the function a duly authorized representative of the sponsoring Town department or commission has furnished the Chief of Police with the name and address of all such salesmen to be conducting business at the function, and provided the sponsoring Town department or commission makes the final determination on the location of such hawkers, peddlers, and itinerant vendors at such functions

ARTICLE 5. MASSAGE PARLORS

Sec. 8-29. Definitions.

a) For the purpose of this Article:

(1) Employee shall mean any and all persons, other than the masseurs or masseuses, who render any service to the permittee and who have no physical contact with customers and clients.

(2) Massage shall mean any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without any such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice.

(3) Massage Establishment shall mean any establishment having a fixed business where any person, firm association or corporation engages in or carried on, or permits to be engaged in or carried on, any of the activities mentioned under "Massage", and shall also include any business advertised or listed under the heading "Massage", and shall also include any massage business operated on a house call or out call basis. Effective 2/1/84

(4) Masseur and Masseuse shall mean any person who, for any consideration whatsoever, engages in the practice of massage as herein defined.

(5) Recognized School shall mean any school or institution of learning which has for its purpose the teaching of the theory, method, profession or work of massage, which school requires a resident course of study of not less than seventy (70) hours to be given in not more than three (3) calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning.

Sec. 8-30. Exceptions or Exemptions.

This Article shall not apply to (a) schools, hospitals, nursing homes, sanitariums, or (b) persons holding an unrevoked certificate or license to practice the healing arts under the laws of the State of Connecticut, including a licensed massage therapist pursuant to Chapter 384a of the Connecticut General Statutes, or to persons working under the direction of any such licensed or certified person, or in any such establishment of such licensed or certified person.

Effective 12/18/96

Sec. 8-31. Promulgation of Rules and Regulations.

The Chief of Police or his designate, or the Director of Public Health may, after a public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out, the intent of this Article.

Sec. 8-32. Permit Required.

No person shall engage in, conduct, or carry on or permit to be engaged in, conducted, or carried on, in or upon any premises in the Town, the operation of a massage establishment without first having obtained a permit from the Chief of Police or his designate, after approval by the Director of Health.

Sec. 8-33. Permit Application; **CHAPTER 8. Businesses**
Contents.

Sec. 8-36. Issuance of Business
Permit; Requirements.

Sec. 8-33. Permit Application; Contents.

(a) The application for a permit to operate a massage establishment shall set forth the exact nature of the massage to be administered, proposed place of business and facilities therein, and the name and address of each applicant.

(b) In addition to the foregoing, any applicant for a permit shall furnish the following information:

- (1) Written proof that the applicant is at least eighteen (18) years of age.
- (2) Two portrait photographs of at least two (2) inches by two (2) inches and fingerprints.
- (3) Business, occupation or employment of the applicant for the three (3) years immediately preceding the date of the application.
- (4) Message or similar business license history of the applicant, whether such person has previously operated in this or another municipality or state under license, has had such license revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.
- (5) Any criminal convictions, except minor traffic violations, within the last ten (10) years.

Sec. 8-34. Filing of Application; Fee.

(a) Each applicant for a permit to maintain, operate or conduct a massage establishment shall file an application with the Chief of Police or his designate and pay a permit fee as set by the Council in the Schedule of Fees.

(b) In the event that the massage establishment permit is disapproved, one half (1/2) of the permit fee shall be retained by the Town for expenses incurred in the investigation of the application.

(c) The permit shall be renewed annually upon payment of a fee as set by the Council in the Schedule of Fees.

Sec. 8-35. Notice of Hearing

When the application is filed for a massage establishment permit, the Chief of Police shall fix the time and place for a hearing where the applicant may present evidence upon the question of his application. Not less than ten (10) days before the date of such hearing, the Chief of Police shall cause to be posted a notice of such hearing in a conspicuous place on the property in which or on which the proposed massage establishment is to be operated. The applicant shall maintain the notices posted for the required number of days.

Sec. 8-36. Issuance of Business Permit; Requirements.

(a) The Chief of Police or his designate may issue a permit within thirty (30) days following a hearing if all requirements for a massage establishment described in this Article are met and may issue a permit to all persons who apply to perform massage services unless he finds:

1. The operation as proposed by the applicant, if permitted, would not have complied with all the applicable laws, including, but not limited to, the building, health, Town planning, housing, zoning and fire codes of

Sec. 8-37. Revocation or
Suspension of Permit.

CHAPTER 8. Businesses

Sec. 8-39. Masseur or
Masseuse Permit Required.

- the Town
2. That the applicant and any other person who will be directly engaged in the management and operation of a massage establishment has been convicted of:
 - a. A felony;
 - b. An offense involving sexual misconduct with minors; or
 - c. Obscenity, keeping or residing **in** a house of ill fame solicitation of a lewd or unlawful act, prostitution or pandering.
 - (b) Each such establishment shall conform to all rules and regulations contained herein and the State Sanitary Code as well as to such terms and conditions as the State Commissioner of Public Health and/or the local Director of Health, finds necessary and proper.
 - (c) The issuance of a massage establishment permit shall be conditioned upon the right of the Chief of Police and the Director of Health to inspect the premises during business hours.

Sec. 8-37. Revocation or Suspension of Permit.

- (a) Any permit issued for a massage establishment may be revoked or suspended by the Chief of Police or his designate, after a hearing:
 - i. If it is found that the provisions of this Article are violated;
 - ii. Where the permittee or any employee of the permittee, including a masseur or masseuse, has been convicted of any offense found in Section 8-42, and the permittee has actual or constructive knowledge of the violation or conviction; or
 - iii. Where the permittee or licensee refuses to permit any duly authorized police officer or health inspector of the town to inspect the premises or the operation therein.
- (b) The Chief of Police or his designate, before revoking or suspending any permit, shall give the permittee at least ten (10) days written notice of the charges against him and the opportunity for a hearing, at which time the permittee may present evidence bearing upon the questions. In such cases, the charges shall be specific and in writing.

Sec. 8-38. Transfer of Permit.

No permit shall be transferable except with the written consent of the Chief of Police or his designate and the approval of the Department of Public Health, provided, that upon the death or incapacity of the permittee, the massage establishment may continue in business for a reasonable period of time to allow for an orderly transfer of permit.

Sec. 8-39. Masseur or Masseuse Permit Required.

No person, including an applicant for a massage establishment permit, shall engage in the practice of massage without first having obtained a masseur or masseuse permit from the Chief of Police or his designate upon a form provided by the Chief of Police. The applicant shall pay a filing fee, which shall not be refundable, as set by the Council **in** the Schedule of Fees.

Sec. 8-40. Masseur Permit
Application; Contents;
Certificate of Health.

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Sec. 8-42. Issuance of Masseur
Permit.

Sec. 8-40. Masseur Permit Application; Contents; Certificate of Health.

- a) The application for a masseur or masseuse permit shall contain the following:
 - (1) Name and resident's address.
 - (2) Social Security Number.
 - (3) Applicant's weight, height, color of hair and eyes, and fingerprints.
 - (4) Written evidence that the applicant is at least eighteen (18) years of age.
 - (5) Business, occupation, or employment of the applicant for three (3) years immediately preceding date of application.
 - (6) Whether such person has ever been convicted of any crime within the last ten (10) years except minor traffic violations. If any person mentioned in this Subsection has been so convicted, statement must be made giving the place and court in which the conviction was obtained and the sentence imposed as a result of such conviction.
 - (7) Name and address of the recognized school attended, the date attended, and a copy of the diploma or certificate of graduation awarded the applicant, showing the applicant has successfully completed not less than seventy (70) hours of instruction.
- b) Any masseur or masseuse so employed is required to present a certificate from a physician licensed to practice in the State of Connecticut stating that the applicant has been examined and found to be free of any contagious or communicable disease and showing that the examination was conducted within thirty (30) days prior to the submission of the application.

Sec. 8-41. Applicability to Masseurs Without Educational Requirements.

(a) Applicants for a masseur or masseuse permit may substitute one year's continuous experience as a masseur or masseuse in lieu of a requirement of a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method and work of massage is taught. Such masseur or masseuse must obtain an affidavit attesting to such experience from the owner of the establishment where the continuous year of experience occurred. If, after diligent effort, the masseur or masseuse is unable to obtain an affidavit from the owner, such masseur or masseuse may submit an affidavit from a person who has first hand knowledge of his or her continuous year of experience.

(b) Qualified instructors in the art of massage shall not be required to obtain a masseur or masseuse permit unless such instructor engages in the practice of massage.

Sec. 8-42. Issuance of Masseur Permit.

- a. The Chief of Police or his designate may issue a masseur or masseuse permit within twenty-one (21) days following application, unless he find that the applicant for the masseur or masseuse permit has been convicted of:
 - (1) A felony;
 - (2) An offense involving sexual misconduct with minors; or
 - (3) Obscenity, keeping or residing in a house of ill fame, solicitation of a

Sec. 8-43. Revocation of
Masseur Permit.

CHAPTER 8. Businesses

Sec. 8-45. Operating
Requirements.

lewd or unlawful act, prostitution or pandering.

Sec. 8-43. Revocation of Masseur Permit.

(a) A masseur or masseuse permit issued by the Chief of Police or his designate shall be revoked or suspended after a hearing before the Chief of Police where it appears that the masseur or masseuse has been convicted of any offense enumerated in Section 8-42.

(b) The Chief of Police or his designate, before revoking or suspending any masseur or masseuse permit, shall give the masseur or masseuse at least ten (10) days written notice of the examination into his conviction record and the opportunity for a hearing before the Chief of Police, at which hearing, the Chief of Police or his designate shall determine the relevant facts regarding the occurrences of the conviction.

Sec. 8-44. Requirements of Facilities.

- (a) No permit to conduct the massage establishment shall be issued unless an inspection by the Director of Public Health or his authorized representative reveals that the establishment complies with each of the following minimum requirements:
 - (1) Construction of rooms used for toilets, tubs, steam baths, and showers shall be waterproofed with approved waterproof materials.
 - (2) Toilet facilities shall be provided in convenient locations. When five (5) or more employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single water closet per section shall be provided for each twenty (20) or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein.
 - (3) Lavatories or wash basins provided with both hot and cold running water should be installed in either the toilet room or vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.
- (b) The Director of Public Health shall certify that the proposed massage establishment complies with all the requirements of this Section and shall give or send such certification to the Chief of Police or his designate.

Sec. 8-45. Operating Requirements.

- (a) Every portion of the massage establishment, including appliances, apparatus and personnel shall be kept clean and operated in a sanitary condition.
- (b) All employees shall be clean and wear clean outer garments whose use is restricted to the massage establishment. Provisions for a separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.
- (c) All employees, masseurs and masseuses must be modestly attired.

Diaphanous, flimsy, transparent, form-fitting or tight clothing is prohibited. Clothing must cover the employees', masseurs' or masseuses' chest at all times.

- (d) Private parts of patrons must be covered by towels, cloth or undergarments when in the presence of any employee, masseur or masseuse. Any contact with a patron's genital area is strictly prohibited.
- (e) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in an approved sanitary manner.
- (f) Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned each day business is in operation. Bathtubs shall be thoroughly cleansed after each use.
- (g) Advertising. No massage establishment granted a permit under the provisions of this Article shall place, publish, or distribute, or cause to be placed, published or distributed, any advertising material that depicts any portion of the human body that would reasonably suggest to prospective patrons that any services are available other than those services as described in Section 8-29, or that employees, masseurs, or masseuses, are dressed in any manner other than described in Subsection (c) hereof, nor shall any massage establishment indicate in the text of such advertising that any services are available other than those services described in Section 8-29.
- (h) Health services defined as a "massage" must be carried on in one
- (i) cubicle, room, booth or area within the massage establishment. No service massage may be carried on in any cubicle, room, booth or area except where such cubicle, room, booth or area has doors or walls so that all activity within a
- (j) cubicle, room, booth or area is visible from outside the same. No massage service or practice shall be carried on within any cubicle, room, booth, or any area within a massage establishment which is fitted with a door capable of being locked.
- (k) A massage establishment shall not carry on, or engage in or conduct business on Sunday and on any other day, shall not carry on, engage in or conduct business before 8:00 A.M. or after 11:00 P.M.
- (l) No alcoholic beverage or other intoxicants shall be displayed, served, ingested or sold on the premises of the massage establishment.
- (m) A full schedule of service rates shall be posted in a prominent place within the massage establishment in such a manner as to come to the attention of all patrons. No charges other than the specified rates for specified services are to be allowed without the patron being notified of the full cost prior to the rendering of any service.

Sec. 8-46. Register of Patrons.

(a) Every person who engages in or conducts a massage establishment shall keep a daily register, approved as to form by the Chief of Police or his designate, of all patrons with names, addresses and hours of arrival and, if applicable, the rooms or cubicles assigned. The daily register shall at all times during business hours be subject to inspection by Health Department officials and by the Police Department and shall be kept on file for one year.

(b) No person shall give, sign or use any false name or address in the daily register required to be kept by the massage establishment.

Sec. 8-47. Inspections.

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Sec. 8-49. Opposite Sex
Massage Prohibited Outcall
Message.

Sec. 8-47. Inspections.

The Police Department and the Department of Public Health shall at least twice a year, make an inspection of each massage establishment in the Town for the purposes of determining that the provisions of this Article are complied with. Such inspections shall be made at a reasonable time and in a reasonable manner. No permittee shall fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

Sec. 8-48. Penalties.

Every person, except persons who are specifically exempt by this Article, whether acting as individuals, owner, employee of the owner, operator or employee of operator, or acting as a participant or worker in any way, who gives massages or conducts a massage establishment without first obtaining a permit and paying a license fee to the Town or who violates any of the provisions of this Article, shall be guilty of a misdemeanor. Upon conviction, such person shall be punished by a fine not to exceed One Hundred (\$100.00) Dollars, or by imprisonment for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

Sec. 8-49. Opposite Sex Massage Prohibited Outcall Message.

- (a) No person holding a permit under this Article shall treat a person of the opposite sex, except upon the signed order of a licensed physician, osteopath, chiropractor, or registered physical therapist, which order shall be dated and shall specifically state the number of treatments, not to exceed ten (10). The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be subject to inspection by the police. The requirements of this Subsection shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath or registered physical therapist, chiropractor, or in a regularly established and licensed hospital or sanitarium.
- (b) No permittee shall administer massage on an outcall basis. Such person shall administer massage solely within an establishment licensed to carry on such business under this Article. Any violation of these provisions shall be deemed grounds for revocation of the permit granted hereunder. The restriction on outcall message shall not apply to a permittee who performs outcall massage as defined herein upon a customer or client who, because of reasons of physical defects or incapacities or due to illness is physically unable to travel to the massage establishment. If any outcall message is performed under this exception, a record of the date and hour of each treatment, and the name and address of the customer or client, and the name of the employee administering such treatment and the type of treatment administered, as well as the nature of the physical defect, incapacity or illness of said client or customer shall be kept by the licensee or person or employee designated by the licensee. Such records shall be open to inspection by officials charged with the enforcement of public health laws. The information furnished or secured as a result of any such inspection shall be confidential. Any unauthorized disclosure or use of such information by an employee or the business or the Town shall be unlawful.
- (c) No person owning, operating or managing a massage parlor shall knowingly cause, allow or permit in or about such massage parlor, any agent, employee, or any other person under his control or supervision to perform such acts prohibited in Subsections (a) and/or (b) of this Section.

Section 8-60. Purpose and Intent.

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Section 8-60. Purpose and Intent.

Sections 8-50 through 8-59, DAY CARE NURSERIES, were repealed on 05/24/91.

ARTICLE 7. SEXUALLY ORIENTED BUSINESSES***Section 8-60. Purpose and Intent.***

- (a) It is the purpose of sections 8-60 through 8-79, inclusive, to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the Town of East Hartford, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the town. The provisions of sections 8-60 through 8-79, inclusive, have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of sections 8-60 through 8-79, inclusive, to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of sections 8-60 through 8-79, inclusive, to condone or legitimize the distribution of obscene material.
- (b) Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Town Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z. J. Gifts D-4, LLC*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); and *Charette v. Town of Oyster Bay*, 2 Fed.Appx. 112 (2d Cir. 2001); *Beal v. Stern*, 184 F.3d 117 (2d Cir. 1999); *Buzzetti v. City of New York*, 140 F.3d 134 (2d Cir. 1998); *Marty's Adult World v. Town of Enfield*, 20 F.3d 512 (2d Cir. 1994); *Hickerson v. City of New York*, 146 F.3d 99 (2d Cir. 1998); *Casanova Entertainment Group, Inc. v. City of New Rochelle*, 165 Fed.Appx. 72 (2d Cir. 2006); *United States v. Kinzler*, 55 F.3d 70 (2d Cir. 1995); *Gold Diggers, LLC v. Town of Berlin*, 469 F.Supp. 2d 43 (D. Conn. 2007); *Centerfolds, Inc. v. Town of Berlin*, 352 F.Supp. 2d 183 (D. Conn. 2004); *Derusso v. City of Albany*, 205 F.Supp. 2d 16 (N.D.N.Y. 2002); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Andy's Rest. & Lounge, Inc. v. City of Gary*, 466 F.3d 550 (7th Cir. 2006); *Heideman v. South Salt Lake City*, 165 Fed.Appx. 627 (10th Cir. 2006); *H&A Land Corp. V. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *DLS, Inc. v. City of Chattanooga*, 107 F. 3d 403 (6th Cir. 1997); *Colacurcio v. City of Kent*, 163 F.3d 545 (9th Cir. 1998); *Déjà vu of Nashville, v. Metro. Gov't of Nashville & Davidson County*, 466 F.3d 391 (6th Cir. 2006); *Dr. John's, Inc. v. City of Roy*, 465 F.3d 1150 (2006); *ASF, Inc. v. City of Seattle*, 408 F.2d 1102 (2005); *Sensations, Inc. et al. v. City of Grand Rapids, et al.*, United States Court of Appeals, (6th Cir. 5/20/08) and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas – 1986; Indianapolis, Indiana – 1984; Houston, Texas – 1983; McCleary Report – 2004; Littleton, Colorado – 2004; Oklahoma City, Oklahoma – 1986; Dallas, Texas – 1997, 2004; New York Times Square – 1994; Garden Grove, California – 1991; Phoenix, Arizona – 1979, 1995-1998; Los Angeles, California – 1977; Whittier, California – 1978; Amarillo, Texas – 1977; “Do Off-site Adult Businesses Have Secondary Effects?”,

McCleary, Weinstein, 11/14/07; "Rural Hotspots – The Case of Adult Businesses", McCleary, 2008; "NLC Summaries of 'SOB Land Use' Studies. Crime Impact Studies by Municipal and State Governments on Harmful Secondary Effects of Sexually Oriented Businesses", National Law Center, 1996; "How to Regulate Adult Entertainment by Zoning", Laurien, Delaware County Regional Planning Commission; "Adult Entertainment, Staff Report", St. Paul, MN 1983, 1988; "Report to: The American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses", Hecht, 1996 and the Report of the Attorney General's Working Group On The Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Town Council finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, lewdness, public indecency, unsanitary conditions, potential spread of disease, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, blight, litter, and sexual assault and exploitation; and
- (2) Each of the foregoing negative secondary effects constitutes a harm which the Town has a substantial government interest in preventing or abating. This substantial government interest in preventing secondary effects, which is the town's rationale for the provisions of sections 8-60 through 8-79, inclusive, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the Town's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate the in the Town. The Town finds that the cases and documentation relied on in the provisions of sections 8-60 through 8-79, inclusive, are reasonably believed to be relevant to said secondary effects.

Section 8-61. Definitions.

As used in section 8-61 through section 8-79, inclusive:

- (1) "applicant" means a person signing an application for a license to be issued pursuant to section 8-65;
- (2) "employee" means any person who performs any service on the licensed premises on a full time, part time or contractual basis, whether or not such person is denominated an employee, independent contractor or agent. Employee does not include a person exclusively on the licensed premises for regular maintenance of the licensed premises or for the delivery of goods to the licensed premises;
- (3) "licensed premises" means the entire building or structure used for a sexually oriented business and the area adjacent to such building or structure, including areas designated for the parking of motor vehicles by patrons of a sexually oriented business and other areas under the ownership, control or supervision of the licensee;
- (3) "licensee" means any person granted a license pursuant to section 8-65;

- (4) "live sexually oriented entertainment" means any on-site, live performance by a person which contains or is characterized by the person's exposure of sexual anatomical areas or the performance of sexual activity;
- (5) "live semi-nude entertainment" means any on-site, live performance by a person which contains the person's exposure of a semi-nude body;
- (6) "manager" means a person with authority to formulate policy for a sexually oriented business, to supervise employees of such business, or with overall responsibility of the operation of such business, including the on-site manager and all officers, directors, members or partners of the applicant;
- (7) "massage parlor" means any establishment having a fixed business where any person engages in or carries on, or permits to be engaged in or carried on, any method of vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electric apparatus or appliance with or without any supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used in this practice, whether or not such business is operated on a house call or out call basis, and any establishment advertised or listed under the heading of "massage," "massage parlor," spa, or similar wording. Massage parlor shall not include an establishment where the practice of massage is: (A) in any state-licensed hospital, nursing home, clinic, medical office or rehabilitation facility; (B) by a state-licensed physician, surgeon, chiropractor, osteopath, physical therapist or by a registered nurse or licensed practical nurse.; (C) by trainers for any amateur or professional athlete or athletic team or school athletic program; (D) by any state-licensed barber or beautician with regard to the massaging of the neck, face, scalp and hair for cosmetic or beautifying purposes; or (E) by a massage therapist: (i) who has been licensed by the State of Connecticut Department of Public Health to practice Massage Therapy under the provisions of Section 20-206a et.seq. of the Connecticut General Statutes as amended, and has completed all testing and educational requirements thereunder; (ii) who holds the masseur permit required pursuant to section 8-73; and (ii) and who works at an establishment that complies in all respects with the provisions of sections 8-72 (1)-(11), 8-78 and 8-79.

Effective 11-05-15

- (8) "media" includes any books, magazines, videos, films, DVD's, photographs, reproductions, software, hardware or web-based content or any other technological display;
- (9) "semi-nude" means generally exposing the entire body except for completely and opaquely covered human genitals, pubic regions, buttocks, anus, and the entire areola of the female breasts;
- (10) "sexual activity" means (A) the showing or depiction of human genitals in a state of sexual stimulation or arousal; (B) acts of human masturbation, sexual intercourse, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus or sodomy; (C) the fondling or erotic touching of human genitals, pubic region, buttock or female breasts; (D) lap dancing; or (E) excretory functions as part of or in connection with any such activities;
- (11) "sexual anatomical areas" means less than completely and opaquely covered human genitals, pubic region, buttocks, anus and the areola of the female breasts and human male genitals in a discernibly turgid state, even if completely and opaquely covered;

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Sec. 8-63. License Required.

**Sec. 8-62. Penalties for
Violation of Article.**

- (12) "sexually oriented business" means any enterprise where a substantial or significant amount of the business or activity is associated with the performance, depiction, display or exhibition of a semi nude body, sexual activity or sexual anatomical areas and shall include sexually oriented retail stores or theaters and sexually oriented cabarets, massage parlors or live semi-nude entertainment;
- (13) "sexually oriented cabarets" means any nightclub, bar, restaurant or similar enterprise, whether or not alcoholic beverages are served, in which there is live sexually oriented entertainment or live semi-nude entertainment;
- (14) "sexually oriented entertainer" means any person who performs live sexually oriented entertainment or live semi-nude entertainment for compensation at any sexually oriented cabaret;
- (15) "sexually oriented retail store or theater" means any enterprise which has a substantial or significant amount of its inventory or floor space for, or of its income from, (A) media or novelty items, gag gifts, toys and paraphernalia that depict sexual activity, semi-nude bodies, or sexual anatomical areas or (B) novelty items, gag gifts, toys and paraphernalia that are designed or marketed for stimulating human genital organs, sexual arousal or sadomasochistic use except for medical films or publications or art or photograph publications that devote at least twenty-five percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography; and
- (16) "significant interest" means any share or equity interest in a partnership, limited liability company, corporation, or other commercial entity, equal to ten percent or greater of the equity or voting control of such entity.

Sec. 8-62. Penalties for Violation of Article.

- (a) In addition to any fines or penalties for violation of the provisions of section 8-61 through section 8-79, inclusive, the town may apply to the superior court for injunctive and equitable relief including reasonable attorney's fees and costs expended by the town in enforcing the provisions of these sections.
- (b) The provisions of section 8-61 through section 8-79, inclusive, shall not preclude any additional enforcement action taken by any appropriate town, state or federal official conducted pursuant to any applicable ordinance, regulation or law of the town or state or the United States of America.
- (c) All remedies and penalties for violation of the provisions of section 8-61 through section 8-79, inclusive shall be cumulative.

Sec. 8-63. License Required.

- (a) On and after the effective date of this ordinance, no person shall engage in, conduct or carry

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on or permit to be engaged in, conducted or carried on, in or upon any premises in the town, the operation of a sexually oriented business without a license pursuant to section 8-65, provided any such business operating on the effective date of this act may continue to operate without such license until January 1, 2009. A license may be issued for only one sexually oriented business at each fixed location. Any person who operates more than one sexually oriented business must have a license for each such business.

(b) No person shall operate, or knowingly perform any service directly related to the operation of, any unlicensed sexually oriented business.

(c) No license issued pursuant to section 8-65 shall be sold, assigned or transferred in any way, including, but not limited to: (1) the sale, lease or sublease of the sexually oriented business; (2) the transfer of shares, securities or interests that constitute a significant interest in such business, whether by sale, exchange or similar means; or (3) the establishment of a trust, gift or other similar legal device that transfers ownership or control of such business.

Sec. 8-64. Application.

(a) Any person may submit an application on a form prepared by the town for a license to operate a sexually oriented business to the Director of Inspections and Permits, or designate, together with an application fee as set forth in the Fee Schedule prior to the commencement of the operation of such business. The Director of Inspections and Permits, or designate, shall date stamp the application.

(b) The application shall be signed and filed by the owner of such proposed sexually oriented business and shall also be signed by the owner of the building and property on which such business will be located. In instances where an applicant is a partnership, limited liability company or corporation, the application shall be signed and filed by each individual who holds a significant interest in the applicant. The application shall be sworn to be true and correct by all persons signing the application a violation of which shall constitute perjury or false statement.

(c) In addition to any other information requested by the Director of Inspections and Permits, or designate, the applicant for a license shall furnish the following information:

(1) Name, business address and primary residence address of each person with a significant interest in the sexually oriented business, including any partnership, corporation, limited liability company, corporation or other legal entity. Where an interest in a partnership, limited liability company or corporation is owned by an entity rather than an individual, the application shall include the name of that entity and all individuals with a significant interest in that entity must be disclosed, regardless of how many levels of ownership, or how many levels of parent, subsidiary or affiliate relationships;

(2) The location of the sexually oriented business to be operated under such license, including the street address, legal description of the property, and telephone number, if any;

(3) The current name, and any other name previously used by such person, and address of all employees and managers of the sexually oriented business at the time of application;

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(4) Written proof that all individuals listed in subdivision (1) and subdivision (3) of subsection (c) of this section are at least eighteen years of age and are either citizens of the United States or have a legal right to work at such sexually oriented business;

(5) A recent photograph of each individual signing the application;

(6) The driver's license number, if such person holds a driver's license, social security number, if any, and birth date of each individual signing the application;

(7) If the person with a significant interest is:

(A) A partnership, the application shall be accompanied by the partnership agreement, if any;

(B) A limited partnership, the application shall specify the name of the partnership, the date and state of the filing of its certificate of limited partnership, and the name and address of its statutory agent for service of process, and shall be accompanied by a copy of the partnership agreement, if any, and by evidence that such partnership is in good standing under the laws of the state;

(C) A limited liability company, the application shall specify the name of the company, the date and state of the filing of its articles of organization, and the name and address of its statutory agent for service of process, and shall be accompanied by a copy of the operating agreement, if any, and by evidence that such company is in good standing under the laws of the state;

(D) A corporation, the application shall specify the name of the corporation, the date and state of incorporation, and the name and address of its statutory agent for service of process, and shall be accompanied by a copy of its bylaws, if any, and by evidence that such corporation is in good standing under the laws of the state;

(E) Operating under a fictitious name, the application shall be accompanied by a copy of the applicant's recorded trade name certificate;

(8) The name and location of any sexually oriented business previously owned or operated by each applicant, or currently owned or operated by each applicant, in this or another municipality or state; whether the applicant has had a license for such business suspended or revoked; the dates of and reasons for such suspension or revocation; and the business entity or trade name under which the applicant operated such business that was subject to the suspension or revocation. Such business shall include any business of which the applicant was a partner, member, officer, director or shareholder;

(9) Any criminal convictions of each applicant, employee or manager of the sexually oriented business, of any crime constituting murder, felonious assault, robbery, bribery, extortion, criminal usury, arson, burglary, tax evasion, tax fraud, felonious acts of larceny, forgery, fraud in the offering, alteration of motor vehicle identification numbers, violation of any provision of Chapter 420b of the Connecticut General Statutes, dependency producing drugs, illegal sale or provision of alcohol to minors, moral turpitude, prostitution, obscenity or other sex-related crimes in any jurisdiction within ten years of the date of the filing of the application. Sex-related crimes include any action which constitutes a violation of sections 53a-194, 53a-196, 53a-196a, 53a-196b; 53a-

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196c, 53a-196d, 53a-82, 53a-83, 53a-83a; 53a-86, 53a-87, 53a-88, 53a-89, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b and 53a-73a of the Connecticut General Statutes, or violations of other laws of other States, the essential elements of which are substantially the same as these crimes;

(10) The exact nature of the activities to be conducted at the sexually oriented business;

(11) A sketch or diagram showing the configuration of the licensed premises drawn to a six inch accuracy scale and with marked dimensions of the interior of the premises, including a statement of total floor space occupied by the business. Such sketch or diagram shall include, without limitation, all doors, windows, bars, stages, manager's stations, restrooms, dressing rooms, booths, cubicles, rooms, studios, compartments, stalls, overhead lighting fixtures and any areas where patrons are not permitted; and

(12) A statement that each applicant is familiar with the provisions of this article, is in compliance with them, and consents to the authority of the Town in licensing and regulating the proposed sexually oriented business.

(d) If a license to operate a sexually oriented business is granted, the applicant shall provide the Director of Inspections and Permits, or designate, any material change in information contained in the application, including but not limited to changes in significant interests, within thirty days of such change.

Sec. 8-65. Licensing Procedure.

(a) Upon receipt of an application pursuant to section 8-64:

(1) the Director of Inspections and Permits, or designate, shall determine compliance of the proposed licensed premises with all applicable building codes and laws;

(2) the Chief of Police shall determine the criminal history of each applicant;

(3) the Fire Marshal shall determine compliance of the proposed licensed premises with all applicable fire codes and laws;

(4) the Director of Health and Social Services shall determine compliance of the proposed licensed premises with all applicable public health codes and laws; and

(5) the Zoning Enforcement Officer shall determine compliance of the proposed licensed premises with all applicable zoning regulations and laws and also compliance with all distance requirements set forth in section 8-69.

(b) Within thirty days of the date the application was filed, all determinations performed pursuant to subsection (a) of this section shall be completed. Each town official shall indicate a recommendation for approval or disapproval of the application, state the reasons for any disapproval, date it, sign it, and return such determination to the Director of Inspections and Permits, or designate. A town official shall disapprove an application if such official finds that the proposed sexually oriented business will be in violation of any provision of any statute, code, article, regulation or other law under such official's enforcement authority.

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(c) Within forty-five days of the date the application was filed, the Director of Inspections and Permits, or designate, shall render a decision approving or denying such application and shall file such decision with the town clerk and mail such decision to the applicant by certified mail, return receipt requested. If the Director of Inspections and Permits, or designate, denies the application, the Director shall state in writing the reasons for such denial. All copies of the determinations pursuant to subsection (b) of this section shall be attached to the decision.

(d) The Director of Inspections and Permits, or designate, shall issue to the applicant a license to operate a sexually oriented business if all requirements for a sexually oriented business described in section 8-61 through section 8-79, inclusive are met, unless the Director finds that:

(1) the applicant or any individuals disclosed under subdivision (1) or subdivision (3) of subsection (c) of section 8-64 are under eighteen years of age, except if such business will serve alcoholic beverages, then no applicant or individual shall be under twenty-one years of age;

(2) the applicant or any other person disclosed under subdivision (1) or subdivision (3) of subsection (c) of section 8-64 has been convicted in this state of any of the crimes specified in subdivision (9) of subsection (c) of section 8-64, or convicted in another state of crimes the essential elements of which are substantially the same as the crimes specified in subdivision (9) of subsection (c) of section 8-64, regardless of the pendency of any appeal, within ten years of the date the application was filed;

(3) within five years of the date the application was filed, an applicant or any other person disclosed under subdivision (1) or subdivision (3) of subsection (c) of section 8-64 has been denied a license by the town to operate a sexually oriented business, except for technical reasons including but not limited to denial pursuant to subsection (e) of this section, has had a license revoked by the town, or has failed to correct any material violation of section 8-61 through section 8-79, inclusive, for more than thirty days, after which the manager has received written notice;

(4) within three years of the date the application was filed, an applicant or any other person disclosed under subdivision (1) or subdivision (3) of subsection (c) of section 8-64 has had a license to operate a sexually oriented business denied or revoked by another municipality or state except for technical reasons;

(5) an applicant or any other person disclosed under subdivision (1) or subdivision (3) of subsection (c) of section 8-64 is overdue by more than thirty days on payment to the town of any taxes, fees, fines or other penalties relating to the sexually oriented business or the licensed premises;

(6) the business as proposed in the application, if permitted, would not have complied with all applicable statutes, codes, ordinances, laws and regulations including, but not limited to, the fire, building, health, and zoning codes of the town, and the provisions of section 8-61 through section 8-79, inclusive. If the premises are not in compliance, the applicant shall be advised of the reasons in writing and any measures the applicant must take to bring the premises into compliance for a license to issue;

(7) the licensed premises are not in compliance with all distance requirements set forth in section 8-69;

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- (8) the applicant has failed to complete the license application as specified in subsection (c) of section 8-64, or has provided materially false or misleading information in the application;
- (9) the application fee has not been paid;
- (10) the granting of the application would violate a statute, ordinance or court order; or
- (11) the business described in the application, if a limited partnership, limited liability company or corporation, is not in good standing under the laws of the state.

(e) Any failure of the Director to approve or deny an application for license within forty-five days of the date on which the application was filed shall constitute a denial subject to appeal.

(f) If the sexually oriented business application is denied except pursuant to subsection (e), the town shall retain fifty percent of the permit fee as payment for expenses incurred in the investigation of the application and shall return the remainder to the applicant.

(g) When an application is denied solely for reasons stated in subdivision (6) of subsection (d) of this section and such violation is correctable, the applicant shall be given an additional thirty days from the date of such notification of denial to bring the licensed premises into compliance. Upon verification by the Director of Inspections and Permits, or designate, that the correction has been made, which shall be determined no later than forty-eight hours after receipt by the Director of Inspections and Permits, or designate, of written notice of such correction, a license shall be issued unless no new violations or other disqualifying factors have occurred within such thirty days.

(h) As a condition of the license, the entire licensed premises shall be open to random physical inspections for compliance with the provisions of section 8-61 through section 8-79, inclusive, by any Town official or employee in the discharge of such official or employee's duties during all hours when the licensed premises are open for business. Any refusal to allow such an inspection shall constitute a violation of this article. This subsection shall be narrowly construed to authorize reasonable inspections of the licensed premises but not to authorize a harassing or excessive pattern of inspections.

(i) The license, if granted, shall state the name, business and residence address of the applicant, the expiration date, the address of the sexually oriented business, and the department or public official and telephone number to whom to report any violation of the provisions of section 8-61 through section 8-79, inclusive. The license shall also include a notice that the subject premises are subject to random inspections by town official or employees of the town for compliance with the provisions of section 8-61 through section 8-79, inclusive.

(j) The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read by the public at all times.

Sec. 8-66. Expiration and Renewal.

Sec. 8-67. Suspension and Revocation.

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(a) Each license issued pursuant to section 8-65 shall expire one year from the date it is issued, unless it is renewed upon application, pursuant to section 8-64, accompanied by payment of a renewal fee as set forth in the Fee Schedule. Such application and application fee shall be submitted to the Director of Inspections and Permits, or designate, at least thirty days before the expiration date of the license, but not more than ninety days. If the application is filed within such time and the renewal fee paid, the Director of Inspections and Permits, or designate, shall, prior to the expiration of the previous license, renew the license for an additional one year, unless the Director of Inspections and Permits, or designate, finds any grounds for denial of the original application pursuant to subsection (d) of section 8-65. If renewed, the Director of Inspections and Permits, or designate, shall mail the renewed license to the applicant prior to the expiration date of the previous license. If not renewed, the Director of Inspections and Permits, or designate, shall mail a notice of non-renewal to the applicant by certified mail, return receipt requested, prior to the expiration date of the previous license, stating the reasons for such non-renewal.

(b) If there are uncorrected violations of section 8-61 through section 8-79, inclusive or uncorrected violations of any fire, building, health or zoning codes or regulations, of which the applicant has received written notice, the current license shall be extended for a maximum of thirty days beyond the original expiration date in order for all corrections to be completed and inspections done to determine compliance. If the applicant does not make such corrections of violations within such thirty days, no license renewal shall be issued. The Director of Inspections and Permits, or designate, shall mail a notice of non-renewal to the applicant by certified mail, return receipt requested, within five days after the extended thirty-day period, stating the reasons for such non-renewal.

(c) Notwithstanding the provisions in subsection (a) and subsection (b) of this section, in no instance shall a renewal be issued if within the one-year period of the previous license, such sexually oriented business has had two or more material violations of section 8-61 through section 8-79, inclusive, to which the manager has received written notice, or has had one or more uncorrected material violations of section 8-61 through section 8-79, inclusive, pending for more than thirty days. As used in this section, "material violation" means any violation of the provisions of section 8-61 through section 8-79, inclusive, unless such violation is of a technical nature.

(d) Should a license not be renewed for any violation of section 8-61 through section 8-79, inclusive, no license shall be issued for five years from the expiration of the previous license.

Sec. 8-67. Suspension and Revocation.

(a) The Director of Inspections and Permits, or designate, may suspend a sexually oriented business license for a period not to exceed thirty days if there are uncorrected violations of section 8-61 through section 8-79, inclusive, or uncorrected violations of any fire, building, health or zoning codes or regulations, of which the manager has received written notice, or any condition under subsection (d) of section 8-65 that constitutes grounds for denial of such license. The Director of Inspections and Permits, or designate, shall issue such suspension in writing stating the reasons therefore and shall notify the applicant by certified mail, return receipt requested, or by service at such address or at the licensed premises. If a suspension is issued for a correctable violation, the Director of Inspections and Permits, or designate, within forty-eight hours of receipt of written notice that the correction has been made, shall verify the correction or failure to correct and shall terminate such suspension upon verification of such correction. No sexually oriented business shall continue to operate while under suspension.

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(b) The Director of Inspections and Permits, or designate, shall revoke any license if the Director finds:

- (1) any grounds for denial of such license application under subsection (d) of section 8-65;
- (2) that materially false or misleading information or data was given on, or material facts were omitted from, any application for a sexually oriented business license;
- (3) within a one-year period there have been two or more material violations of this article, to which the manager has received written notice;
- (4) there have been one or more uncorrected material violations of this article pending for over thirty days, to which the manager has received written notice;
- (5) there has been a failure to correct within thirty days any violation for which the license was suspended pursuant to subsection (a) of this section;
- (6) there has been a violation of subsection (c) of section 8-64;
- (7) the applicant or any other person disclosed under subdivision (1) and subdivision (3) of subsection (c) of section 8-64, or any manager has knowingly allowed any illegal activity to occur on the licensed premises including, but not limited to, prostitution, gambling, or the possession, use or sale of controlled substances; or
- (8) the applicant or any other person disclosed under subdivision (1) and subdivision (3) of subsection (c) of section 8-64, or any manager has knowingly operated the sexually oriented business while the business's license was under suspension.

(c) At least ten days prior to the revocation of any license, the Director of Inspections and Permits, or designate, shall issue such revocation in writing stating the reasons therefore and shall notify the applicant by certified mail, return receipt requested, or by service at such address or at the licensed premises.

(d) Subject to subsection (f) of section 8-68, no sexually oriented business shall continue operations after its license has been revoked and no new license shall be issued for the same applicant for five years from the date of revocation.

(e) As used in this section, "material violation: means any violation of the provisions of section 8-61 through section 8-79, inclusive, unless such violation is of a technical nature.

Sec. 8-68. Appeal.

(a) Within ten days of receipt of notification of a denial, non-renewal, suspension or revocation of a license, the applicant may appeal such decision by submitting a written appeal to the town clerk requesting an appeal hearing before the Town Council.

(b) Such hearing shall be scheduled no later than twenty days from the date of the appeal filed in accordance with subsection (a). Not less than ten days before the date of such hearing, a notice of hearing shall be sent to the applicant by certified mail, return receipt requested, or by service at such address or at the licensed premises, and shall be posted in a conspicuous place on the proposed or licensed premises.

(c) At such hearing, the applicant shall have the opportunity to present evidence on its behalf and shall have the right to cross-examine town officials and other witnesses. The Town Council shall conduct the hearing in accordance with the provisions of Chapter 54 of the Connecticut General Statutes.

(d) Within ten days of the close of such hearing, the Town Council shall either sustain or overrule the denial, non-renewal, suspension or revocation and shall issue written notice of its final decision, stating the reasons therefore, and shall forward such decision to the applicant by certified mail, return receipt requested. If the denial, non-renewal, suspension or revocation is overruled, the Director of Inspections and Permits, or designate, shall immediately issue such license or renewal of license, terminate the suspension or rescind the revocation, as the case may be.

(e) The decision of the Town Council may be appealed to the superior court within twenty days receipt of written notice of such decision or the applicant may challenge such decision in any court of competent jurisdiction by any available procedure, including a writ of certiorari, a writ of mandamus, a petition for temporary injunction or an action for declaratory or injunctive relief pursuant to 42 U.S.C. § 1983. If any court action challenging the Town Council's decision is initiated, the Town Council shall prepare and transmit to the court a transcript of the hearing within ten days of receipt of written notice of such action. The Town shall consent to an expedited briefing or disposition of the action, shall comply with any expedited schedule set by the court and shall facilitate prompt judicial review of the proceedings.

(f) During the pendency of any appeal of a non-renewal, suspension or revocation, the sexually oriented business may operate, unless otherwise ordered by the superior court.

Sec. 8-69. Location.

- (a) The provisions of section 503.1.b of the town zoning regulations, as may be amended from time to time, are hereby incorporated by reference, and any violation of such regulations shall be deemed a violation of the provisions of section 8-61 through section 8-79, inclusive.
- (b) The licensed premises of a sexually oriented business shall be at least two hundred and fifty feet from the property line of any property on which any school, college or other institution of higher education licensed by the state of Connecticut, or any portion thereof, is located.

Sec. 8-70. Operating Requirements.

(a) The following requirements shall apply to each sexually oriented business within the town:

(1) No manager or employee of a sexually oriented business shall perform or permit to be performed, offer to perform, or allow patrons to perform any illegal activity on the licensed premises;

(2) A sexually oriented business shall comply with all applicable statutes, codes,

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ordinances, laws and regulations including, but not limited to, the fire, building, health, and zoning codes of the town and state;

(3) A sexually oriented business shall be physically arranged in such a manner that the entire interior portion of any room or other area used for the purpose of viewing live sexually oriented entertainment or live semi-nude entertainment or any depiction of semi-nude bodies, sexual anatomical areas or sexual activity in any media shall be clearly visible and continuously open to view from the common areas of the premises. Visibility into such areas shall not be blocked or obscured by doors, curtains, partitions, drapes or any other obstruction. Such areas shall be readily accessible at all times to employees. There shall be no enclosed booths, cubicles, rooms or stalls within the licensed premises used for such purpose;

(4) The entire licensed premises shall, at all times during which such business is opened to the public, provide overhead lighting of sufficient intensity to illuminate every place to which patrons are permitted access as follows: (A) for sexually oriented retail stores or theaters, an illumination of no less than twenty foot candles as measured at the floor or ground level; (B) for sexually oriented cabarets, an illumination of no less than five foot candles as measured at the floor or ground level, except during performances during which time illumination shall be no less than two foot candles as measured at the floor or ground level;

(5) No sexually oriented business shall be conducted in such a manner that permits the observation of any depiction or portrayal of live sexually oriented entertainment, live semi-nude entertainment, sexual anatomical areas, semi-nude bodies or specified sexual activities from outside of the building that houses the sexually oriented business, provided this subdivision shall not prohibit a patron from removing any book, publication or video that the patron has purchased or rented from the licensed premises;

(6) No sexually oriented business shall advertise the availability at such business of any activity that would be in violation of section 8-61 through section 8-79, inclusive, or any state or federal law. No exterior sign, display, decoration, show window or other advertising of such business shall contain any material depicting or describing live sexually oriented entertainment, live semi-nude entertainment, sexual anatomical areas, semi-nude bodies or sexual activities;

(7) No alcoholic beverage or other intoxicant shall be displayed, served, ingested or sold on the premises of any sexually oriented business unless permitted by the state and unless the same are allowed under the zoning regulations of the Town of East Hartford. No employee shall be under the influence of any alcoholic beverage or other intoxicant while working at a sexually oriented business. No patron, who is impaired to the extent it would be illegal to serve alcoholic liquor to such patron, shall be allowed to enter the licensed premises;

(8) No gambling shall be permitted by any person on the licensed premises;

(9) No one under eighteen years of age, except if such business serves alcoholic beverages, then no applicant or individual shall be under the age of twenty-one years old, shall be allowed on the licensed premises;

(10) The manager shall be responsible for the conduct of all employees while on the licensed premises. Any act or omission of any employee constituting a violation of the provisions of section 8-61 through section 8-79, inclusive, shall be deemed the act or omission of the manager when such manager knew of such act or omission, for purposes of determining whether the operating license shall be renewed, suspended or revoked and whether the manager shall be

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subject to the penalties imposed under the provisions of section 8-61 through section 8-79, inclusive;

(11) No manager shall knowingly employ in any sexually oriented business any person who, within three years of the commencement of such employment, has been convicted in this or any other state of any of the crimes specified in subdivision (9) of subsection (c) of section 8-64, regardless of the pendency of any appeal;

(12) No manager shall knowingly employ in any sexually oriented business any person who is not a United States citizen or who does not have the legal status or appropriate authorization from the United States government to work in the United States and the State of Connecticut;

(13) A sexually oriented business shall display a sign outside each entrance of such business bearing the words "sexually oriented business. Persons Under 18 Not Admitted" in legible letters between two and six inches tall, except if such business serves alcoholic beverages, then such sign shall indicate that no person under the age of 21 shall be admitted.

(14) No sexually oriented business shall open for business before 9:00 a.m., Monday through Sunday, nor shall it remain open after 1:00 a.m.;

(15) On or before the fifth day of the first month succeeding the issuance of a license pursuant to section 8-65 and on or before the fifth day of each month thereafter, the applicant shall provide the Director of Inspections and Permits, or designate, with a list of the names, driver's licenses, if any, social security number and date of birth of all employees during the preceding month of operation;

(16) A sexually oriented business shall, at all times during which such business is open to the public, have a manager licensed pursuant to subsection (b) of this section on the licensed premises;

(17) A sexually oriented business shall maintain a twenty-four hour per day video monitoring system that records activity in all areas of the licensed premises. The manager shall maintain the recordings of such video monitoring for a period not less than ninety days from the last day surveillance was monitored on such tape for the purpose of reviewing for compliance with the provisions of section 8-61 through section 8-79, inclusive, by town officials or employees in the discharge of their duties, upon request; and

(18) There shall be no loitering in the parking lots or other outside areas used by patrons of the sexually oriented business. No person shall remain in the parking areas of such business after thirty minutes from the time such business is no longer opened to the public except for access to a person's motor vehicle for purposes of leaving the licensed premises.

(b) No person shall act in the capacity of a manager of a sexually oriented business without a license from the Director of Inspections and Permits, or designate. Such person shall file an application with the Director. Such application shall include the person's name, and any other name previously used by such person, home address, birth certificate, social security number, driver's license, if any, fingerprints and an application fee as established in the Fee Schedule. The Director shall issue such license within ten days of receipt of the application or shall deny such application if the applicant: (1) is under the age of twenty-one years; (2) has been convicted of any crimes listed in subdivision (9) of subsection (c) of section 8-64 within ten years of the date of

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application; or (3) has violated any provision of section 8-61 through section 8-79, inclusive, within three years of the date of application. Any failure of the Director to approve or deny an application within ten days shall be deemed a denial subject to appeal. Any applicant who has been denied may appeal such denial in accordance with the provisions of section 8-68. Any license issued pursuant to this subsection shall expire one year from the date of issuance.

Sec. 8-71. Live Adult Entertainment.

(a) In addition to the requirements contained in section 8-70, the following requirements shall apply to all sexually oriented cabaret:

- (1) No person shall engage in live sexually oriented entertainment;
 - (2) No person shall perform live semi-nude entertainment for patrons of a sexually oriented business except upon a stage at least eighteen inches above floor level and separated from any and all such patrons by a minimum distance of ten feet or of a greater distance as required by the liquor division of the state department of consumer protection;
 - (3) Separate dressing room facilities for male and female sexually oriented entertainers shall be provided that shall not be occupied or used in any way by any person other than such entertainers;
 - (4) No sexually oriented entertainer shall, on the licensed premises, expose any sexual anatomical areas to any patron of a sexually oriented business either before or after a performance including, but not limited to, when such entertainer is entering or exiting the stage;
 - (5) No sexually oriented entertainer, either before, during or after a performance, shall knowingly or intentionally have physical contact with any patron of a sexually oriented cabaret while on the licensed premises;
 - (6) No employee of any sexually oriented cabaret shall engage in any live sexually oriented entertainment or live semi-nude entertainment while acting as a waiter, host or bartender or in any other capacity for such business;
 - (7) No payments, tip or gratuity offered to or accepted by a sexually oriented entertainer may be accepted prior to any performance, dance or exhibition provided by such entertainer; and
 - (8) No sexually oriented entertainer performing upon any stage area shall be permitted to accept any form of gratuity offered directly to the entertainer by any patron. Any gratuity offered to any entertainer performing upon any stage area must be placed into a permanently affixed, non-movable receptacle provided for receipt of gratuities by the sexually oriented business or provided through a manager.
- (b) No person shall perform live semi-nude entertainment without a license from the Director of Inspections and Permits, or designate. Such person shall file an application with the Director. Such application shall include the person's name, and any other name previously used by such person, home address, birth certificate, social security number, driver's license, fingerprints and an application fee established in the Fee Schedule. The Director shall issue such license within ten days of receipt of the application or shall deny such application if the applicant: (1) is under the

age of twenty-one years; (2) has been convicted of any crimes listed in subdivision (9) of subsection (c) of section 8-64 within ten years of the date of the application; or (3) has violated any provisions of section 8-61 through 8-79, inclusive, within three years of the date of the application. Any failure of the Director to approve or deny an application within ten days shall be deemed a denial subject to appeal. Any applicant who has been denied may appeal such denial in accordance with the provisions of section 8-68. Any license issued pursuant to this subsection shall expire one year from the date of issuance.

Sec. 8-72. Massage Parlors.

Sec. 8-72. Requirements for establishments where massage is performed by massage therapists who meet the requirements of section 8-73, 8-74 and 8-76.

The following requirements shall apply:

(1) Construction of rooms used for toilets, tubs, steam baths and showers shall be waterproofed with approved waterproof materials;

(2) Toilet facilities shall be provided in convenient locations. When five or more persons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. Toilets shall be designated as to the sex accommodated therein;

(3) Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels;

(4) Every portion of the premises, including appliances and apparatus, shall be kept clean and operated in a sanitary condition. Adequate lighting shall be provided, and each room or enclosure where a massage is being administered shall have an illumination of no less than five foot candles as measured at the floor level while such room or enclosure is occupied;

(5) All employees of the massage parlor shall be clean and wear clean outer garments, which use is restricted to the massage parlor. Provisions for a separate dressing room for each sex must be available on the licensed premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing;

(6) All employees shall be modestly attired. Diaphanous, flimsy, transparent, form-fitting, or tight clothing is prohibited. Clothing must cover the employee's or masseur's chest at all times. Hemlines of skirts, dresses or other attire may be no higher than three inches above the top of the knee;

(7) All sexual anatomical areas of patrons must be covered by towels, cloth or undergarments when in the presence of any employee or masseur. No person in a massage parlor to expose his specified anatomical areas to any other person or for any person to expose the specified anatomical areas of another person;

(8) No person shall engage in any sexual activity or to place his hand upon, to touch with any part of his body, to fondle in any manner, or to massage any sexual anatomical areas of any other person;

(9) The premises shall be provided with clean, laundered sheets and towels in sufficient

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quantity and shall be laundered after each use thereof and stored in an approved sanitary manner;

(10) Wet and dry heat rooms, shower compartments and toilet rooms shall be thoroughly cleaned each day business is in operation. Bathtubs shall be thoroughly cleaned after each use;

(11) No business shall place, publish, or distribute or cause to be placed, published, or distributed any advertising material that depicts any portion of the human body or contains any written text that would reasonably suggest to prospective patrons that any services are available other than those services described in the definition of massage parlor in section 8-61, or that employees or masseurs are dressed in any manner other than described in subdivision (6) of this section.

Effective 11-05-15

Sec. 8-73. Masseur Permit Required.

No massage therapist shall engage in the practice of massage without first having obtained a masseur permit from the Chief of Police or his designate upon a form provided by the Chief of Police. The applicant shall pay a filing fee, which shall not be refundable, as set by the Council in the Schedule of Fees.

Effective 11-05-15

Sec. 8-74. Masseur Permit Application; Contents

The application for a masseur permit shall contain the following:

- (1) Name, and any other name previously used by such person, and resident's address;
- (2) Social Security Number and date of birth;
- (3) Applicant's weight, height, color of hair and eyes, and fingerprints;
- (4) Written evidence that the applicant is at least eighteen years of age;
- (5) Business, occupation, or employment of the applicant for three years immediately preceding date of application;
- (6) Whether such person has ever been convicted of any crime within the last ten years except minor traffic violations and if so convicted, the place and court in which the conviction was obtained and the sentence imposed as a result of such conviction; and
- (7) Copy of the license issued by the Connecticut Department of Public Health to practice Massage Therapy under the provisions of Section 20-206a et.seq. of the Connecticut General Statutes as amended, and evidence that all testing and educational requirements thereunder have been completed.

Effective 11-05-15

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The Director of Health and Social Services, and Chief of Police, or their designees, shall have the right to periodically inspect establishments where massage therapy is provided to ensure compliance with these requirements. Such inspections shall be made in a reasonable time and in a reasonable manner. No permittee shall fail to allow access when requested, or hinder such officials' access in anyway.

Effective 11-05-15

Sec. 8-76. Issuance of Masseur Permit.

The Chief of Police or his designate shall issue a masseur permit within twenty-one days following application, unless he find that the applicant for the masseur permit has been convicted of: (1) a felony; (2) an offense involving sexual misconduct with minors; or (3) obscenity, keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering. Any applicant who has been denied may appeal such denial in accordance with the procedure set forth in section 8-68.

Effective 11-05-15

Sec. 8-77. Revocation of Masseur Permit.

(a) A masseur permit issued by the Chief of Police or his designate shall be revoked or suspended after a hearing before the Chief of Police where it appears that the masseur has been convicted of any offense enumerated in section 8-76 or that the establishment where massage therapy is being performed is not compliant with the provisions of section 8-72.

(b) The Chief of Police or his designate, before revoking or suspending any masseur permit, shall give the masseur at least ten days written notice of the examination into his conviction record, or non-compliance with section 8-72, and the opportunity for a hearing before the Chief of Police, at which hearing, the Chief of Police or his designate shall determine the relevant facts regarding the occurrences of the conviction. Any person whose masseur permit has been suspended or revoked may appeal such revocation or suspension in accordance with the procedure set forth in section 8-68.

Effective 11-05-15

Sec. 8-78. Register of Patrons.

(a) Every person who engages in or operates a massage parlor shall keep a daily register, approved as to form by the Chief of Police or his designate, of all patrons with names, addresses and hours of arrival and, if applicable, the rooms or cubicles assigned. The daily register shall at all times during business hours be subject to inspection by the Department of Public Health and Social Services officials and by the Police Department and shall be kept on file for one year.

(b) No person shall give, sign or use any false name or address in the daily register required to be kept by the massage establishment.

Sec. 8-79.

Massage Parlors Prohibited Consistent with Section 20-206a et.seq. of the Connecticut General Statutes as amended, Massage parlors, as defined in Section 8-61 (8) hereof, are not permitted.

Effective 11-05-15

Sections 8-60 through 8-79, unless otherwise noted, effective 09-19-08.

ARTICLE 8. NEWS RACKS.

Sec. 8-78. Purpose.

The Town Council finds that the unregulated maintenance of news racks in public rights-of-way can present an inconvenience and a danger to the safety and welfare of persons using such rights-of-way, including pedestrians, persons entering and leaving all types of motor vehicles, cyclists, and to persons entering and leaving buildings. The Council also finds that the unregulated maintenance of such news racks also can present an inconvenience and a danger to persons performing essential utility, traffic control, and emergency services; prevent easy access for the use, repair, maintenance and replacement of posts, poles, traffic signs and traffic signals; makes it difficult and/or hazardous to maintain, repair or replace hydrants and mailboxes; encourages the keeping of unsightly news racks; and increases the Town's exposure to claims for personal injuries or damages to property brought by persons injured directly or indirectly by the unregulated placement of such news racks. To avoid such conditions, found by the Council to be injurious to the public health, safety and welfare, the Council finds it necessary and desirable to enact this ordinance to regulate the placement, appearance, maintenance and insurance of news racks located on public rights-of-way.

Sec. 8-79. Definitions.

- a. For the purpose of this Chapter, the following terms shall have the following meaning:
 1. News rack shall mean any self-service or coin-operated box, container, storage unit, or any other vending or dispensing device installed, used or maintained for the display and sale of magazines or other news periodicals. The use of the singular herein shall include the plural.
 2. Public rights-of-way means any place of any nature which is dedicated to use by the public for pedestrian and/or vehicular travel and includes, but is not limited to, streets, sidewalks, tree belts located between sidewalks and curbs, curbs, gutters, crossing intersections, parkways, highways, alleys, lanes, malls, courts, avenues, boulevards, roads, roadways, viaducts, underpasses, tunnels, bridges, thoroughfares, parks, square, and any other similar public ways.
 3. Person shall mean any individual, natural person, corporation, partnership, voluntary association, society, club, firm, company, trust or any other group acting as a unit or the manager, lessee, agent, servant, partner, member, director, officer or employee of any such entity including executors, trustees, administrators, receivers or other representatives appointed according to law.
 4. Owner shall mean the title owner of any news rack and the lessee, renter, officer, servant, employee and agent of any

Sec. 8-80. News Racks
Prohibited on Public Streets.

CHAPTER 8. Businesses

Sec. 8-83. General Regulations.

such owner.

5. Public street means that portion of any public right-of-way designed or ordinarily used for vehicular travel.

Sec. 8-80. News Racks Prohibited on Public Streets.

It shall be unlawful for any person to install, place or maintain any news rack which projects into, onto, or over any part of a public street or which rests wholly or in part upon, along or over any portion of any public street.

Sec. 8-81. Application for Permit.

On and after May 10, 1994, any person who wishes to place or locate a news rack on any public right-of-way shall consult with the Director of Inspections and Permits concerning its location, and shall, as part of said consultation, provide the following information:

- (1) The name, address and telephone number of the owner;
- (2) The name, address and telephone number of a responsible person whom the town may notify or contact at any time concerning the owner's news rack;
- (3) The number and names of newspapers or periodicals to be contained in each news rack;
- (4) Type of brand of news rack, including a description of the news rack and supporting or enclosing structure;
- (5) A site plan showing the exact location of such news rack and supporting or enclosing structure and sufficient information to enable the Director to determine that said location complies with Sections 8-83 and 8-84 of this chapter.

Sec. 8-82. Review by the Director of Inspections and Permits.

If the Director of Inspections and Permits finds that any of the regulations hereinafter set forth would be violated by the proposed news rack, he shall so inform the person proposing the placement within five business days of receipt of the information comprising Sec. 8-81(1)-(5) inclusive, and during said five-day period no such news rack shall be so placed. Thereafter, the Director and such person shall further consult to attempt to ensure conformity with said regulations.

May 10, 1994

Sec. 8-83. General Regulations.

- (a) No news rack or news rack enclosure shall be located so as to obstruct the following:
 - (1) Reasonable use of public rights of way by pedestrians.
 - (2) The vision of operators of vehicles at street intersections.
 - (3) The reasonable use of bus stops. News racks may be located within bus stop zones, but shall not be placed so as to block the front or rear door of the buses.
 - (4) Reasonable access to the front doors of buildings.
 - (5) Reasonable use of parking spaces and parking meters. News racks may be located within parking zones and/or metered spaces if no other alternative is available. The news racks

Sec. 8-84. Dimensions and Design.

CHAPTER 8. Businesses

Sec. 8-86. Violations; Notice; Hearing.

shall, wherever possible, be placed at the rear of the parking space so as not to block car doors.

(6) The reasonable use of cross-walks, handicapped ramps, sidewalks, driveways, fire hydrants and boxes, and sign stanchions.

(7) Truck loading zones and taxi-cab stands. Where no other space is available, news racks may be placed in loading zones if the row consists of no more than three news racks and it is located so as not to interfere with vehicles doors and loading.

(b) The owner shall be responsible for any damage or repairs caused by the installation or removal of any news rack.

(c) News racks may contain advertising concerning the newspaper contained in the news rack and its contents.

(d) News racks shall be maintained in good working order, neatly painted, and with unbroken hoods.

(e) The name, address and telephone number of the responsible person who may be contacted at any time concerning the news rack shall be displayed on the hood of the news rack in such manner as to be readily visible and readable to a prospective customer thereof.

(f) Each news rack shall be maintained in accordance with the terms of this chapter.

Sec. 8-84. Dimensions and Design.

The following criteria concerning dimensions and design shall apply:

(a) No news rack shall exceed the following:

(1) A height of fifty inches measured from the surface of the sidewalk or ground.

(2) A depth of two (2) feet; or

(3) A length of two and one-half (2-1/2) feet

(b) The color of any news rack shall be in the neutral range of colors. May 10, 1994

Sec. 8-85. Insurance and Indemnification.

The owner shall at all times maintain a policy of liability insurance in a minimum amount of five hundred thousand dollars (\$500,000) for the injury or death of any number of persons per occurrence, and one hundred thousand dollars (\$100,000) for property damage per occurrence. Such coverage will name the Town as an additional insured. All such policies and certificates of insurance shall be issued by companies authorized to do business in the State of Connecticut.

Sec. 8-86. Violations; Notice; Hearing.

If at any time it is determined by the Director of Inspections and Permits that any news rack is not in compliance with requirements of this Chapter, a "Notice of Probable Violation" shall be issued, in writing, to the owner. Said notice shall set forth the location of the news rack involved, the precise conditions the Director believes constitute a violation of this Chapter, and the specific provisions of this Chapter the Director believes have been violated. The notice shall contain the date, time and place on which a hearing is to be had with respect to such charges, and shall be mailed to the owner by registered or certified mail. The hearing shall be held not less than ten days from the date the notice has been so mailed. The owner may, prior to said hearing, file a written response to said notice specifically setting forth the reason or reasons the owner believes this Chapter has not been violated; or, in the alternative, the owner shall cause said violation or violations to be corrected. The hearing shall be held before a person designated by the Corporation Counsel of the Town of East Hartford who is neither an official nor employee of, or contracting party with, the Town. If at such hearing the hearing officer shall determine that the Director of Inspections and Permits has by clear and convincing evidence proven that the violations contained in the Notice have in fact occurred and continue to exist, he may order the violation to be corrected within a period of time not less than five

Sec. 8-87. Enforcement.

CHAPTER 8. Businesses

Sec. 8-88. Severability.

days from the date that notice of the decision has been mailed to the owner, in default of which correction the owner shall be required to remove the news rack. If at the hearing the hearing officer finds that the violation or violations have been corrected, or for some other reason do not exist, he shall dismiss the charges.

May 10, 1994

From any order to correct violations or to remove a news rack, the owner shall have a right of appeal to the Superior Court for the Judicial District of Hartford/New Britain at Hartford. Said appeal shall be filed and served within the time provided by and in accordance with the provisions of Connecticut General Statutes Section 4-183, as the same may be amended from time to time, and appeal proceedings shall be governed by said statute. Enforcement of any decision by the hearing officer shall be stayed until the expiration of the time within which the owner may appeal; and if the owner shall appeal, the order shall be stayed until 20 days after notice of the decision of the Superior Court on said appeal has been sent to all parties. Service of any such appeal shall be made upon the Director of Inspections and Permits.

Sec. 8-87. Enforcement.

It shall be the duty of the Director of Inspections and Permits to enforce the provisions of this chapter.

Sec. 8-88. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereby be declared invalid or unconstitutional.

Voted: 4/5/94
Published: 4/15/94
Effective: 5/10/94

Chapter 9. Elections

Sec. 9-1. Voting Districts Boundaries

Boundaries. The Town of East Hartford shall be divided into seven (7) voting districts, the boundaries of which shall be as follows:

DISTRICT NO. 1

Beginning at a point where the north boundary of the Town of East Hartford intersects the center line of the Connecticut River, thence easterly along said north boundary line about eight thousand, one hundred feet (8,100') to the center line of the Connecticut Southern Railroad right-of-way; thence southerly along the center line of said railroad right-of-way about one thousand, six hundred and twenty-five feet (1,625') to the center line of School Street; thence southerly along the center line of School Street about six thousand, one hundred and ninety feet (6,190') to the center line of Burnside Avenue; thence westerly along the center line of Burnside Avenue about sixty five feet (65'); thence southerly along the east property line of #657 Burnside Avenue about four hundred fifteen feet (415'); thence southwesterly about five hundred forty feet (540') through land of N/F The St. Rose Church Corporation of Burnside to rear property line of #61- 67 Church Street; thence southwesterly about one thousand one hundred sixty five feet (1,165') through land N/F Town of East Hartford to the rear property line of #148 Roberts Street; thence southerly along the east property line of #148 Roberts Street about eight hundred five feet (805') to the center line of Roberts Street; thence westerly along the center line of Roberts Street about one hundred forty five feet (145'); thence southerly along the east property line of #171 Roberts Street about seven hundred ninety feet (790') to the center line of Interstate 84; thence easterly along the center line of Interstate 84 about seven hundred feet (700'); thence southerly along the west property line of #936 Silver Lane about eight hundred forty feet (840') to the rear property line of #818-850 Silver Lane; thence westerly along the rear property line of #818 – 850 Silver Lane about two hundred twenty five feet (225') to the centerline of Applegate Lane (private road); thence northerly along the center line of Applegate Road (private road) about seventy feet (70') to the center line of Nutmeg Lane (private road); thence westerly along the center line of Nutmeg Lane (private road) about two thousand six hundred feet (2,600') to the center line of Simmons Road; thence northerly along the center line of Simmons Road and Hillside Street about four thousand three hundred feet (4,300') to the center line of Burnside Avenue; thence westerly along the center line of Burnside Avenue about five thousand nine hundred eighty feet (5,980') to the center line of Main Street; thence southerly along the centerline of Main Street about two hundred feet (200') to the center line of Orchard Street; thence westerly along the center line of Orchard Street about one thousand six hundred and five feet (1,605') to the centerline of Prospect Street; thence northerly along the centerline of Prospect Street about one hundred and fifty feet (150') to the centerline of the Connecticut Southern Railroad right-of-way; thence westerly along the centerline of the said railroad right-of-way about three thousand four hundred and ninety feet (3,490') to the centerline of the Connecticut River, thence northerly along the center line of the Connecticut River about nine thousand one hundred feet (9,100') to the point of beginning.

DISTRICT NO. 2

Beginning at a point where the center line of Burnside Avenue and the East Hartford-Manchester town line intersect; thence westerly along said center line of Burnside Avenue about seven thousand seven hundred sixty feet (7,760') to the center line of Scotland Road; thence southerly along the center line of Scotland Road and Forbes Street about five thousand six hundred feet (5,600') to center line of Silver Lane; thence westerly along the center line of Silver Lane about two thousand four hundred fifty feet (2,450') to the center line of Applegate Lane (private road); thence northerly along the center line of Applegate Lane (private road) about one thousand one hundred ninety five feet (1,195'); then easterly along the north property line of #818 - 850 Silver Lane about two hundred twenty five feet (225'); thence northerly along the west property line of #936 Silver Lane about eight hundred forty feet (840') to the center line of Interstate 84; thence westerly along the center line of Interstate 84 about seven hundred feet (700'); thence northerly along the east property line of #171 Roberts Street about seven hundred ninety feet (790') to the center line of Roberts Streets; thence easterly along the center line of Roberts Street about one hundred forty five feet (145'); thence northerly along the eastern property line of #148 Roberts Street about eight hundred five feet (805') to the northeast corner of the property; thence northeasterly through land of the N/F Town of East Hartford about one thousand sixty five feet (1,165') to the rear property line of #61 - 67 Church Street; thence northeasterly about five hundred forty feet (540') through land of N/F The St. Rose Church Corporation of Burnside to rear property line of #657 Burnside Avenue; thence northerly about four hundred fifteen feet (415') to the centerline of Burnside Avenue; thence easterly along the center line of Burnside Avenue about sixty five feet (65') to the center line of School Street; thence northerly along the center line of School Street about six thousand, one hundred and ninety feet (6,190') to the center line of the Connecticut Southern Railroad right-of-way ; thence northerly along the Connecticut Southern Railroad right-of-way about one thousand six hundred twenty-five (1,625') to the East Hartford-South Windsor town line; thence easterly along the East Hartford-South Windsor town line about eight thousand nine hundred fifty feet (8,950') to where the East Hartford-Manchester-South Windsor town lines intersect; thence southerly along the East Hartford-Manchester town line about six thousand seven hundred fifteen feet (6,715') to the point of beginning.

State law reference: As to elections, see CGS Title 9: as to the creation of voting districts, see CGS Section 9-169.

Charter Reference: Elections generally, Sec. 2.1, et seq; political activities of Town Personnel, Sec. 5.25, 7.3.

DISTRICT NO. 3

Beginning at a point where the center line of Silver Lane and the East Hartford-Manchester town line intersect; thence westerly along the center line of Silver Lane about six thousand three hundred twenty feet (6,320') to the center line of Forbes Street; thence northerly along the center line of Forbes Street and Scotland Road about five thousand six hundred feet (5,600') to the center line of Burnside Avenue; thence easterly along the center line of Burnside Avenue about seven thousand seven hundred sixty feet (7,760') to

the intersection of the East Hartford-Manchester town line; thence southerly along the East Hartford-Manchester town line about six thousand sixty feet (6,060') to the point of beginning.

DISTRICT NO. 4

Beginning at a point where the center line of the Connecticut River intersects the center line of the Connecticut Southern Railroad right-of-way; thence easterly along the centerline of the Connecticut Southern Railroad right-of-way about three thousand four hundred and ninety feet (3,490') to the center line of Prospect Street; thence southerly along the center line of Prospect Street about one hundred and fifty feet (150') to the center line of Orchard Street; thence easterly along the center line of Orchard Street about one thousand six hundred and five feet (1,605') to the center line of Main Street; thence northerly along the center line of Main Street about two hundred feet (200') to the centerline of Burnside Avenue; thence easterly along the center line of Burnside Avenue about five thousand nine hundred eighty feet (5,980') to the center line of Hillside Street thence southerly along the center line of Hillside Street and Simmons Road about four thousand three hundred feet (4,300') to the center line of Nutmeg Lane (private road); thence easterly along the center line of Nutmeg Lane (private road) about two thousand six hundred feet (2,600') to the center line of Applegate Lane (private road); thence southerly along the center line of Applegate Lane (private road) about one thousand one hundred ninety five feet (1,195') to the center line of Silver Lane; thence easterly along the center line of Silver Lane about two thousand four hundred fifty feet (2,450') to the center line of Forbes Street; thence southerly along the center line of Forbes Street about four thousand, nine hundred and fifteen feet (4,915') to a point; thence westerly about two thousand, four hundred (2,400') to a point; thence southerly about three hundred and seventy feet (370') to a point; thence westerly about eight hundred and thirty feet (830') to a point; thence southerly about one thousand, seven hundred feet (1,700') to a point; thence easterly about three hundred feet (300') to a point; thence southerly about one hundred and fifty feet (150') to a point; thence westerly about two thousand four hundred feet (2,400') to a point; thence southerly about two hundred and twenty five feet (225') to the center line of Brewer Street; thence westerly along the center line of Brewer Street about three thousand two hundred and twenty feet (3,220') to the center line of Main Street; thence northerly along the center line of Main Street about three thousand seven hundred and twenty five feet (3,725') to the center line of Willow Street Extension; thence westerly along the center line of Willow Street Extension about eighty hundred and thirty feet (830') to the center line of Route 2; thence continuing westerly about one thousand four hundred and seventy feet (1,470') to the center line of the Connecticut River, thence northerly along the center line of the Connecticut River about twelve thousand nine hundred and fifty feet (12,950') to the point of beginning.

Districts 1, 2, 3, & 4 effective: 03-06-12

DISTRICT NO. 5

Beginning at a point where the center line of the Connecticut River intersects with the East Hartford-Wethersfield town line; thence southeasterly along the East Hartford-Wethersfield town line about three thousand two hundred feet (3,200') to the Glastonbury-Wethersfield town line; thence easterly along the East Hartford-Glastonbury town line

about six thousand six hundred feet (6,600') to where the east right-of-way line of interstate highway Route #2 and the East Hartford-Glastonbury town line intersect; thence northwesterly about two thousand twenty feet (2,020') to the center line of Porter Brook; thence northerly along the property line between houses numbered 111 and 117 Maple Street, and the east street line of Handel Road to the rear lot line of house number 120 Maple Street; thence easterly along the rear lot line extended, about four hundred thirty-four feet (434') to the northeast corner of house number 132 Maple Street; thence northeasterly about six hundred twenty feet (620') to an angle point on the rear property line of house number 49 Canterbury Street; thence easterly about three hundred feet (300') to the southwest corner of house number 33 Clayton Road; thence northerly along the rear property lines of houses numbered 33 and 41 Clayton Road, about one hundred seventy-two (172') to the southeast corner of land now or formerly of the Town of East Hartford (John J. McCartin School); thence westerly along the south property line of land now or formerly of the Town of East Hartford (John J. McCartin School) about three hundred twenty feet (320') to a point; thence northerly along the west property line of land now or formerly of the town of East Hartford (John J. McCartin School) about eight hundred seventy-three feet (873') to a point on the rear property line of house number 270 Woodycrest Drive; thence westerly along the rear property line of houses numbered 270, 274, 280 and 284 Woodycrest Drive, about three hundred eighty feet (380') to a point; thence northerly along the rear property line of houses fronting on Handel Road and Crescent Drive about eight hundred fifty feet (850') to the northeast corner of house number 250 Handel Road; thence westerly along the north property line extended about three hundred thirty feet (330') to a point one hundred thirty feet (130') east of the east street line of Jefferson Lane; thence northerly one hundred thirty feet (130') east and parallel with the east street line of Jefferson Street about one thousand one hundred and fifteen feet (1,115') to the center line of Brewer Street; thence westerly along the center line of Brewer Street about three thousand two hundred and twenty feet (3,220') to the center line of Main Street; thence northerly along the center line of Main Street about three thousand seven hundred and twenty five feet (3,725') to the center line of Willow Street Extension; thence westerly along the center line of Willow Street Extension about eight hundred and thirty feet (830') to the center line of Route 2; thence continuing westerly about one thousand four hundred and seventy feet (1,470') to the center line of the Connecticut River; thence southerly along the center line of the Connecticut River about eight thousand six hundred feet (8,600') to the point of beginning.

DISTRICT NO. 6

Beginning at a point where the center line of Forbes Street and the center line of Hills Street intersect; thence easterly along the center line of Hills Street about eight thousand seven hundred and ninety feet (8,790') to the East Hartford-Manchester town line; thence southerly along the East Hartford-Manchester town line about three thousand seven hundred and sixty five feet (3,765') to a point where the East Hartford-Manchester-Glastonbury town lines intersect; thence westerly along the East Hartford-Glastonbury town line about eleven thousand six hundred and five feet (11,605') to the east right-of-way line of Interstate Highway Route #2; thence northwesterly about two thousand twenty feet (2,020') to the center line of Porter Brook; thence northerly along the property line between houses numbered 111 and 117 Maple Street, and the east street line of Handel Road to the rear lot line of house number 120 Maple Street; thence easterly along the rear lot line extended, about four hundred thirty-four feet (434') to the northeast corner of house

number 132 Maple Street; thence northeasterly about six hundred twenty feet (620') to an angle point on the rear property line of house number 49 Canterbury Street; thence easterly about three hundred feet (300') to the southwest corner of house number 33 Clayton Road; thence northerly along the rear property lines of houses numbered 33 and 41 Clayton Road, about one hundred seventy-two feet (172') to the southeast corner of land now or formerly of the Town of East Hartford (John J. McCartin School) ; thence westerly along the south property line of land now or formerly of the Town of East Hartford (John J. McCartin School) about three hundred twenty feet (320') to a point; thence northerly along the west property line of land now or formerly of the Town of East Hartford (John J. McCartin School) about eight hundred seventy three feet (873') to a point on the rear property line of house number 270 Woodycrest Drive; thence westerly along the rear property line of houses numbered 270, 274, 280 and 284 Woodycrest Drive, about three hundred eighty feet (380') to a point; thence northerly along the rear property line of houses fronting on Handel Road and Crescent Drive about eight hundred fifty feet (850') to the northeast corner of house number 250 Handel Road; thence westerly along the north property line extended about three hundred thirty feet (330') to a point one hundred thirty feet (130') east of the east street line of Jefferson Lane; thence northerly one hundred thirty feet (130') east and parallel with the east street line of Jefferson Lane about one thousand three hundred forty feet (1,340') to a point two hundred feet (200') north of the north street line of Brewer Street thence easterly two hundred feet (200') north and parallel with the north street line of Brewer Street about two thousand four hundred feet (2,400') to a point; thence northerly about one hundred fifty feet (150') to a point; thence westerly about three hundred feet (300'); thence northerly about one thousand, seven hundred feet (1,700') to a point; thence easterly about eight hundred and thirty feet (830') to a point; thence northerly about three hundred and seventy feet (370') to a point; thence easterly about two thousand, four hundred feet (2,400') to the center line of Forbes Street; thence southerly along the center line of Forbes Street about five thousand, one hundred and twenty feet (5,120') to the point of beginning.

DISTRICT NO. 7

Beginning at a point where the center line of Forbes Street intersects the center line of Silver Lane; thence easterly along the center line of Silver Lane about six thousand three hundred and twenty feet (6,320') to the East Hartford-Manchester town line; thence southerly along the East Hartford-Manchester town line about eight thousand and thirty feet (8,030') to the center line of Hills Street; thence westerly along the center line of Hills Street about eight thousand seven hundred and ninety feet (8,790') to the center line of Forbes Street; thence northerly along the center line of Forbes Street about ten thousand thirty five feet (10,035') to the point of beginning

Voted: April 19, 2022
Published: April 28, 2022
Effective: May 19, 2022

Chapter 10. FINANCE AND TAXATION

ARTICLE 1.

Sec. 10-1. Fiscal Year.

The fiscal year for the transaction of the business of the Town shall close annually on June 30, and all officers and departments of the Town shall close accounts for each fiscal year on said day.

Sec. 10-2. Reports of Tenants Moving.

(a) The owner, manager or other person in control of any apartment building or groups of buildings containing five or more dwelling units as defined in the zoning ordinance, shall notify the Director of Finance, in writing on forms prescribed by the Director of Finance with ten days after receipt of notice from the tenant or occupant of any dwelling unit of his intent to move, of such notice and name of the tenant moving.

(b) Failure to comply with this section shall result in a fine, as provided in the Schedule of Fees.

Sec. 10-3. Disposition of Town-Owned Property Other Than Real Estate.

(a) No Town-owned property other than real estate shall be sold or otherwise disposed of by any Town department without approval of the Council except as provided in this section and except if such property is the subject of a trade-in agreement as part of the purchase of replacement or similar property.

(b) Any offer to purchase Town-owned property other than real estate shall be made in writing to the Director of Public Works, who shall thereupon give notice in writing to all Town Directors that the offer has been received and inquire whether or not any department has use or potential use for the property. Any Director, who wishes to use such property, shall notify the Director of Public Works in writing of such interest within fourteen days of receipt of the notice from the Director of Public Works. The Director of Public Works shall report the offer to purchase such property to the Council and shall certify as to whether or not any Town Director is interested in the property. The offer to purchase the property may be referred to the Committee for Disposition of Town-Owned Property Other Than Real Estate for its recommendation.

(c) Notwithstanding the provisions of subsection (a) of this section, the Mayor may authorize the disposal of any furniture or equipment that is determined by the Finance Director to be unsuitable for town use and of any computer equipment that is determined

**CHAPTER 10. Finance
and Taxation**

Sec. 10-4. Property Tax
Exemption for Religious
Houses: Reimbursement of
Previously Paid Taxes

Sec. 10-4a. Vendor Services
on Town-owned Property

by the Information Technology Manager to be unsuitable for town use because of obsolescence or damage, provided no Director has indicated an interest in the property within fourteen days of notice of intent to dispose by the Mayor, and provided further, that if such furniture or equipment has some use other than for town use, such furniture or equipment shall be disposed by auction or other means of sale. The Mayor shall notify in writing the Town Council of any disposal or auction of property pursuant to this section prior to such disposal or auction.

(d) Notwithstanding the provisions of subsection (a) of this section, the Chief of Police is authorized to dispose of found property in accordance with the provisions of Sections 50-10 through 50-14, inclusive, of the Connecticut General Statutes, which the town adopts by reference. The town may also dispose of property as authorized by State Statutes, including but not limited to the provisions of Section 47a-42 of the Connecticut General Statutes.

Voted: 11-03-04
Published: 11-10-04
Effective: 12-01-04

***Sec. 10-4. Property Tax Exemption for Religious Houses:
Reimbursement of Previously Paid Taxes. 2***

The property tax exemption authorized by Section 12-81 of the Connecticut General Statutes, Paragraphs (13) and (15) shall be effective as of the date of acquisition of the real property by the Connecticut religious organization for its use as a house of religious worship or parish house. Any tax paid by said religious organization for a period subsequent to the date and/or for any tax paid by the prior owner for a period subsequent to the date for which such organization reimbursed such owner of the transfer of title, shall be reimbursed by the town upon application to the Collector of Revenue by the organization and upon submission by him to the Town Council which shall approve or disapprove the reimbursement. If approved by the Council, payment shall be made by the Director of Finance.

2 Editor's Note: This section was codified as Sec. 8-11 of the 1970 Code.

Sec. 10-4a. Vendor Services on Town-owned Property

No person shall charge a fee for a service provided to the public, which service utilizes Town owned or leased equipment, facilities, property, data, or goodwill, without approval of such service contract by the Mayor and Town Council. The provisions of this section shall not apply to persons who hold a valid license, permit or approval, pursuant to Articles 5, 8

**CHAPTER 10. Finance
and Taxation**

Sec 10-5 Definitions

Sec. 10-6. Purchasing
Manual

or 14 of the Code of Ordinances to charge a fee for services provided to the public utilizing Town owned or leased equipment, facilities, property, data or goodwill.

Effective 08-29-17

**ARTICLE 2. PURCHASES AND PUBLIC WORKS
CONTRACTS"**

Sec. 10-5. Definitions.

For the purposes of this Article the following terms, phrases, words and their derivations shall have the meanings given herein:

- (1) "Outside Vendor" shall mean any person, as that term is defined in Section 1-2 (a)(21) of The Code of Ordinances, except Town personnel, who provides a service to the Town.
- (2) "Public Works" shall mean any project constructed with public funds that adds to or improves the infrastructure of the town, including, but not limited to, improvements and/or additions to buildings, parks, roads and utilities. "Public Works" shall not include those projects undertaken by the Board of Education.
- (3) "Professional Services" shall mean the furnishing of judgment, expertise, designs, advice or efforts by persons other than Town officials or employees. The term shall include consulting, professional, legal, financial, personal and technical services delivered by professionals including, but not limited to, architects, auditors, attorneys, physicians and other health care professionals, real estate appraisers, actuaries, engineers, computer programmers, and other data processing specialists.

Sec. 10-6. Purchasing Manual.

The Purchasing Agent and the Director of Finance shall prescribe rules, regulations, and procedures in a written administrative purchasing manual and all purchases shall be made pursuant thereto. The manual shall be given to all departments with instructions regarding its use. Such purchasing manual and any and all amendments thereto shall be included on the Council Agenda under Communications to be officially accepted into the minutes.

° Charter reference: As to requirement of sealed bids, see Sec. 5.6(c)

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Sec. 10-6a. On-Call Service Contracts.

The Town may enter into on-call service contracts for a period of not more than five years. No additional request for services pursuant to the contract shall be made once the payments to the contracted service provider exceeds one hundred seventy-five thousand dollars or such lesser amount as provided in such contract. Within sixty days of the end of the fiscal year, the Finance Director shall report to the Town Council the amount expended by the town on each on-call service contract during that fiscal year. As used in this section, "on-call service contract" shall mean any contract for professional services including, but not limited to, architectural, engineering, computer, legal, real estate appraisal, plumbing, electrical and financial services, where the contractor agrees to provide services over a specified period of time as requested by the town.

Voted: 04-02-24
Published: 04-04-24
Effective: 04-25-24

Sec. 10-7. Bidding Procedures.

(a) All single purchases and contracts, except for professional services and except as provided in subsection (c) of this section, in which the amount of expenditure is estimated to be twenty-five thousand dollars or more, shall be made from or let by sealed bids. All purchases, except for those for professional services and except as provided in subsection (c) of this section of less than twenty-five thousand dollars, but more than ten thousand dollars, shall be substantiated by three written quotations which shall be held as a permanent record for audit and public inspection.

(b) Purchases of professional services estimated to cost twenty-five thousand dollars or more shall be subject to the following requirements:

(1) The Director requiring professional services shall (A) prepare a request for proposals defining the specific services to be delivered by the professional, requiring those responding to set out their professional qualifications, experience and ability to deliver such services, as well as the fee to be charged and containing such other information as may be required by the Director, or (B) prepare a request for qualifications containing a list of services to be provided, requiring those responding to set out their professional qualifications, experience and ability to deliver such services as well as the rates to be charged for each service and containing such other information as may be required by the Director;

(2) The Director shall appoint a committee of three persons, each of whom shall be qualified to judge such proposals by having knowledge, expertise and background in the field or subject matter addressed in the proposals. The committee shall review and evaluate such proposals and may, on behalf of the

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Town, negotiate specific terms, rates and prices with any person who submits a proposal;

(3) The Committee shall, after reviewing such proposals, submit its report and recommendations to the Mayor and the Director along with copies of the proposals. The Mayor may accept the committee's recommendation, select one of the other proposals, or reject all proposals. If the Mayor selects one of the other proposals or rejects all proposals, he shall document his reason for doing so in writing;

(4) Notices for requests for proposals shall be published in accordance with Section 10-8(a) (1) of The Code of Ordinances.

(c) The Town Council may waive the requirements of subsection (a) or subsection (b) of this section whenever it deems that such waiver is in the best interests of the Town.

(d) The provisions of subsections (a) and (b) of this section and section 10-8 and section 10-9 of the town ordinances do not apply if a single purchase or contract in excess of twenty five thousand dollars is made or let based on a bid, either through a competitive bidding process or reverse auction process, received by (1) a federal or state government, (2) a regional governmental entity, including but not limited to the Capital Region Council of Governments; (3) a purchasing consortium of state governments, including but not limited to the Western States Contracting Alliance; or (4) the Connecticut Conference of Municipalities, when such government, governmental entity or purchasing consortium has received such bid through a sealed competitive bidding process and the bidder agrees to offer such goods or professional services at that bid to municipal governments in Connecticut.

(e) The provisions of subsections (a) and (b) of this section and section 10-8 and section 10-9 of the town ordinances do not apply if a single purchase or contract in excess of twenty five thousand dollars is made or let in connection with a project funding in whole or in part by state or federal funds and (1) the town is required, as a condition of receipt of such funds, to follow state or federal bidding procedures and (2) the Purchasing Agent certifies that such federal or state bidding procedures have been followed.

Voted: 04-02-24
Published: 04-04-24
Effective: 04-25-24

Sec. 10-8. Notice of Invitation to Bid; Soliciting Bid from Bidder's List; Bids through State or Capitol Region Council of Governments.

In every instance of purchases or contracts requiring sealed bids, notice inviting sealed competitive bids shall be given as follows:

- (1) Notice shall be published at least once in a newspaper having substantial circulation in the town and at least ten calendar days must intervene between the date of last publication and the final date for submitting bids. Such notice shall include a general description of the articles to be purchased, shall state where bid blanks and

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specifications may be secured, and the time and place for opening bids; The Purchasing Agent shall solicit sealed bids from all responsible suppliers who have requested their names to be added to a bidder's list; and

- (2) All pending purchases shall be advertised by a notice posted on a public bulletin board in the Town Hall.

Voted: 02-03-04
Published: 02-10-04
Effective: 03-02-04

Sec. 10-9. Bids to be Sealed; Security Deposit; Opening; Records Required.

- (a) All bids shall be submitted sealed to the Purchasing Agent and, when deemed necessary by him, shall be accompanied by security in the form and in such amounts as shall be prescribed in the public notice inviting bids. The bids shall be opened in public at the time and place stated in the newspaper notice. A tabulation of all bids showing the name of the bidders and amounts of bids and indicating in each case the successful bidder, together with the originals of all sealed bids and other documents pertaining to the award of contracts, shall be preserved for not less than six (6) years in a file which shall be open to public inspection.
- (b) The Purchasing Agent shall confer with the Director of Public Works and the Town Engineer at the time the bid specifications are written to determine if a guarantee of performance will be required. If a guarantee of performance will be required, such information shall be included in the notice of invitation to bid. The guarantee of performance may take the following forms, but is not limited thereto: performance bond, certified check or letter of credit.

Sec. 10-10. Awarding a Contract.

(a) The Purchasing Agent shall accept the lowest responsible bid that is in the Town's best interest. In determining the successful bidder, the Purchasing Agent shall consider, but is not limited to, the following factors: price, compliance to specifications, quality offered, freight costs, delivery time, past performance, standardization of current equipment, financial resources, technical qualifications, equipment and experience.

(b) The Purchasing Agent shall have the power to reject any or all bids or the bid for any one or more commodities or contractual services thereby and to advertise again for bids. If all bids received are for the same total amount or unit price, and if the public interest will not permit the delay of re-advertising for bids, the Purchasing Agent may purchase the commodities for contractual services in the open market, provided the price paid in the open market shall not exceed the lowest contract bid price submitted for the same commodity or contractual service. When not accepting the lowest bid, the Purchasing Agent shall, prior to notifying any bidder, notify the Mayor and provide any and all reasons for rejection of the lowest bid. The Purchasing Agent shall thereafter notify the Town Council and likewise provide any and all reasons for rejection of the lowest bid. Such

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notification shall appear on the Council agenda under Communications to be officially accepted into the minutes.

(c) A contract shall be awarded only in accordance with the specifications given in the notice of invitation to bid. If prior to the award of any contract, the bid specifications are altered and are consequently different from those specifications listed in the notice of invitation to bid, the Purchasing Agent shall reopen competitive bidding and, in so doing, shall follow the notice requirements of Section 10-8 above.

(d) The Town shall not award a bid to any bidder who owes a delinquent tax to the Town. Bidders certify by virtue of their signature on the bid sheet that neither the bidder nor any business or corporation in which the bidder owns an interest is delinquent in tax obligations to the Town. The Purchasing Department shall verify that no delinquent taxes are owed before any bid is awarded.

(e) All bidders certify upon acceptance of a bid by virtue of their signature on that bid, that they have read, understood and will comply with Section VIII of the Town's Plan of Affirmative Action and Equal Opportunity, as it may hereafter be amended, relating to contractual and purchasing procedures. All vendors agree to cooperate fully should the Town choose to audit this compliance.

Sec. 10-11. Dividing Transactions Restricted.

No transaction which is essentially a unit shall be divided for the purpose of evading the intent of this Article.

Sec. 10-12. Committee of Award.

(a) A Committee of Award, consisting of the Mayor, the Town Engineer, the Director of Public Works, the Director of the requisitioning department and the Director of Finance is hereby established and shall function as detailed in subsection (b) below. Any member of the Committee of Award may designate a representative to attend any meeting of the Committee of Award which the designator is unable to attend; such representative shall have the same authority to vote on matters coming before the Committee of Award as would his/her designator.

(b) Notwithstanding the provisions of subsections (a) and (b) of Section 10-10 above, the following procedures shall be adhered to:

- (i) The Purchasing Agent shall, on the basis of specifications prepared by the Director of Public Works and approved by the head of the department or agency concerned and the Mayor, provide for competitive bidding on public works by advertising and receiving bids, as provided in Sections 10-7 and 10-8 above. He shall open and tabulate the same and present the results to the

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Committee of Award. The Committee of Award shall either accept the lowest responsible bid or reject all bids;

- (ii) For all equipment purchases for which the bid amount exceeds \$100,000, the Purchasing Agent shall present the results of the competitive bidding and his recommendations thereon to the Committee of Award. The Committee of Award shall either accept the lowest responsible bid or reject all bids.

Sec. 10-13. Prevailing Wages Provision Required in Public Works Contracts.

In accordance with state law, each contract for the construction, remodeling or repair of any public building or public works or improvements shall contain the following provision when the cost of construction, remodeling or repair exceeds the limits as provided in Connecticut General Statutes § 31-53: "The wages paid on an hourly basis to any mechanic, laborer or workman employed upon the work herein contracted to be done and the amount of payment or contribution paid or payable on behalf of each such employee to any employee welfare fund, as defined in Subsection (h) of Section 31-53 of the Connecticut General Statutes, shall be at a rate equal to the rate customary or prevailing for the same work in the same trade or occupation in the Town of East Hartford. Any contractor who is not obligated by agreement to make payment or contribution on behalf of such employees to any such employee welfare fund shall pay to each employee as part of his wages the amount of payment or contribution for his classification on each pay day."

Sec. 10-14. Written Contract Required; Approval of Form; Forfeiture of Security for Failure to Enter.

(a) Where single services are to be provided to the Town by outside vendors, purchases of such services shall be made by written contract if such contract was obtained by the requirements of competitive bidding.

(b) All contracts required by subsection (a) above shall be reviewed and approved in writing as to form and legality by the Corporation Counsel and shall be signed by the Mayor.

(c) If a successful bidder fails to return all required documents, as listed by the Purchasing Agent in the notice of award, within twenty-one (21) days of the date of the notice of award or fails to enter into contract within fourteen (14) days of the bidder's receipt of the contract, he shall forfeit any security which accompanied his bid.

Voted: 8/18/92
Published: 9/11/92
Effective: 10/2/92

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Sec. 10-15. Inventory of Movable Equipment.

The Department of Finance shall maintain an inventory of all movable equipment belonging to the Town.

Sec. 10-16. Adoption of Rules and Regulations.

The Department of Finance shall establish and amend from time to time the rules and regulations necessary to carry out the intent of this Article.

ARTICLE 3. TOWN OWNED REAL ESTATE

***DIVISION 1. REAL ESTATE ACQUISITION AND DISPOSITION
COMMITTEE***

Sec. 10-17. Definitions.

“acquire” shall mean to purchase, lease for a term of more than ten years, receive as a gift or bequest, bid through foreclosure action, an option to purchase or otherwise take title to any interest in real estate but shall not include acceptance of town streets;

“interest” shall mean fee simple, an easement, covenant, license, leasehold or any other form of interest in real property;

“Real Estate Acquisition and Disposition Committee” shall mean a committee established by the Town Council for the purposes of reviewing and making recommendations for the acquisition or disposition of an interest in real property by the Town of East Hartford.

Sec. 10-18. Real Estate Acquisitions.

- (a) The Town of East Hartford shall not acquire any interest in a parcel of real estate unless approved by the Town Council upon request by the Mayor in accordance with the procedure contained in subsection (b) of this section. If required by C.G.S. section 8-24, such request shall also be submitted to the Planning and Zoning Commission for its review pursuant to the provisions of such statute.
- (b) The Mayor shall submit a request to acquire an interest in real property in writing to the Town Council. The Town Council may refer such request to the Real Estate

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Acquisition and Disposition Committee for its review and recommendation. The Town Council shall not approve any acquisition of real property unless the Town Council obtains on such property: (1) an appraisal; (2) a phase one environmental assessment; (3) a survey; (4) a title search including a list of encumbrances; and (5) a report of any property taxes owed to the town. The Town Council may waive any or all of these requirements if such waiver is in the town's best interest. If the Town Council determines that the acquisition is in the town's best interests, the Town Council may approve such acquisition, with or without conditions, and a purchase and sale agreement. Such approval shall be effective for not more than six months after the Town Council vote on such approval, provided the Town Council may extend such approval for an additional six months.

Sec. 10-19. Real Estate Disposition.

- (a) The Town of East Hartford shall not grant, sell or lease any interest in a parcel of real estate owned by the Town of East Hartford unless such grant, sale or lease is approved by the Town Council upon request by the Mayor in accordance with the procedure contained in this section.
- (b) The Mayor shall submit a request to grant, sell or lease an interest in real property owned by the Town in writing to the Town Council. If required by Conn. Gen. Stat. section 8-24, such request shall also be submitted to the Planning and Zoning Commission for its review pursuant to the provisions of such statute. Unless the request is to dispose of such interest by gift, the Town Council shall refer such request to the Real Estate Acquisition and Disposition Committee for its review and recommendation.
- (c) The Real Estate Acquisition and Disposition Committee shall obtain an appraisal of any interest in real property that is being granted, sold or leased for a period of twenty years or more by the Town unless the Town Council waives such requirement. The committee may use the services of an appraiser with whom the Town has a contract or may choose from quotations for cost from at least three appraisers. The committee shall indicate in its minutes the reasons for choosing such appraiser. The committee shall determine whether to seek bids or negotiate with a potential buyer. If the committee determines the Town should grant, sell or lease for a period of twenty years or more such property through competitive bids, the committee shall give public notice of such request for bids and the time and place for submitting such bids through legal advertisement in a newspaper having substantial circulation in the town of East Hartford. The committee shall publicly open all bids. Subsequent to the opening of the bids, the committee shall submit such bids to the Town Council with a recommendation to grant, sell or lease such property to one of the bidders, reject all bidders and submit another request for bids or negotiate with another person. If the committee, at any time, determines the Town should grant, sell or lease such property through negotiation with another person, the committee shall recommend such negotiations to the Town Council. If the Town Council approves such negotiations, the committee may enter into negotiations. The committee shall report its recommendations to the Town Council.

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Sec. 10-24. Property Tax
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- (d) If the lease is for a period of less than twenty years, the Town Council shall refer such proposed lease to the Fees Committee which shall make its recommendations regarding any rent or other fees associated with the lease to the Town Council.
- (e) Upon receipt of the committee's recommendations pursuant to subsections(c) or (d) of this section, the Town Council may approve or reject the requested grant, sale or lease real property with or without conditions.

Voted: 08-01-17
Published: 08-08-17
Effective: 08-29-17

Sec. 2 Sections 10-31 through 10-33 inclusive of the code of ordinances of the town of East Hartford were repealed effective 08-29-17.

Sections 10-20 through 10-23 were repealed on 02/02/05

ARTICLE 4. SOLAR ENERGY TAX EXEMPTION.

Sec. 10-24. Property Tax Exemption.

- (a) Pursuant to subdivision (56) of section 12-81 of the Connecticut General Statutes, the town of East Hartford exempts from property tax assessment any building which is constructed with an active solar energy heating or cooling system or any building which is equipped with an active solar energy heating or cooling system, provided that such construction or system addition is within the time period authorized by Conn. Gen. Stat. section 12-81(56) for such exemption. The exemption shall be the extent to which the value of the real property with such heating or cooling system exceeds the value of the real property if such real property was equipped with a conventional heating or cooling system. Such exemption shall apply for the first fifteen assessment years following such construction or system addition. As used in this section, "active solar energy heating and cooling system" shall have the same meaning as such term is defined in Conn. Gen. Stat. section 12-81(56)(b).
- (b) Pursuant to subdivision (57) of section 12-81 of the Connecticut General Statutes, the town of East Hartford exempts from property tax assessment any Class I renewable energy source, as defined in Conn. Gen. Stat. section 16-1 or any hydropower facility described in subdivision (27) of Conn. Gen. Stat. section 16-1 installed for the generation of electricity for a single family dwelling or multifamily dwelling consisting of two to four units.
- (c) Pursuant to subdivision (62) of section 12-81 of the Connecticut General Statutes, the town of East Hartford exempts from property tax assessment any building which is constructed with a passive or hybrid solar energy heating or cooling system or any building which is equipped with a passive or hybrid solar energy

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Sec. 10-26. Cost Estimate
Required for Issuance of
Building Permit.

Sec. 10-27. Exemption from
Property Tax for the Blind.

heating or cooling system, provided that such construction or system addition is within the time period authorized by Conn. Gen. Stat. section 12-81(62) for such exemption. The exemption shall be the extent to which the value of the real property with such heating or cooling system exceeds the value of the real property if such real property was equipped with a conventional heating or cooling system provided any portion of such system which is allowed an exemption under Conn. Gen. Stat. section 12-81(56) shall not be eligible. Such exemption shall apply for the first fifteen assessment years following such construction or system addition. As used in this section, "passive solar energy heating and cooling system" and "hybrid system" shall have the same meaning as such terms are defined in Conn. Gen. Stat. section 12-81(62).

- (d) Any person claiming an exemption under this section shall file an application, in accordance with the procedure established in Conn. Gen. Stat. section 12-81 for such exemptions, with the tax assessor by November 1 of the first year in which the exemption would apply. The exemption shall continue for fifteen years without any new application being required unless such system is altered.

[Sections 10-24 and 10-25 were repealed on March 7, 2006]

Voted: 03-07-06
Published 03-15-06
Effective: 04-05-06

Sec. 10-26. Cost Estimate Required for Issuance of Building Permit.

In addition to any other requirement provided in this Article, any person applying for a building permit in the Town, shall, in addition to providing an estimate of the total cost of construction, provide to the Department of Inspections and Permits a separate and detailed listing of the cost of any solar energy heating or cooling system that is to be installed or proposed for installation in such structure or building

July 2, 1980

ARTICLE 5. PROPERTY TAX EXEMPTIONS.

Sec. 10-27. Exemption from Property Tax for the Blind.

The Town adopts the provisions of Section 12-81j of the Connecticut General Statutes to allow an additional exemption from property tax for persons who are blind and who meet the eligibility requirements set forth in said section.

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Sec. 10-28. Exemption from
Property Tax for Veterans.

Sec. 10-30. Additional
Exemptions From Property
Tax for Totally Disabled
Persons.

Effective: 05-19-2022

Sec. 10-28. Exemption from Property Tax for Veterans.

- (a) The Town adopts the provisions of subsections (a) and (c) of Connecticut General Statutes section 12-81f to allow an additional exemption from property tax of twenty thousand dollars for the October 1, 2005 grand list and subsequent grand lists for persons who are veterans or their surviving spouses and who meet the eligibility requirements set forth in said section, provided such veteran's or surviving spouse's qualifying income does not exceed an amount equal to fifteen thousand dollars more than the applicable maximum amount as provided under Connecticut General Statutes section 12-811.
- (b) The Town adopts the provisions of subsection (b) of Connecticut General Statutes section 12-81f to allow an additional exemption from property tax of three thousand dollars for persons who are veterans who meet the eligibility requirements set forth in said subsection, provided such veteran's qualifying income does not exceed an amount equal to twelve thousand dollars more than the applicable maximum amount as provided under Connecticut General Statutes section 12-811.
- (c) The Town adopts the provisions of subsection (c) of Connecticut General Statutes section 12-81(21) to allow for a total exemption from local property taxation for the dwelling and property on which such dwelling is located for a severely disabled veteran who has receive financial assistance for specially adapted housing under the provisions of 38 U.S.C. section 2101

Effective: 05-19-22

Sec. 10-29. Exemption from Property Tax for Disabled Persons.

The Town adopts the provisions of subdivision 55 of Connecticut General Statutes section 12-81 to allow an additional exemption from property taxes for persons who are disabled and who meet the eligibility requirements set forth in said subdivision.

Effective: 05-19-22

Sec. 10-30. Additional Exemptions From Property Tax for Totally Disabled Person

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Sec. 10-30a. Additional
Property Tax Exemptions

Sec. 10-30a. Additional
Property Tax Exemptions

(a) The Town adopts the provisions of Connecticut General Statutes section 12-81i to allow an additional exemption from property tax of one thousand dollars for totally disabled persons who meet the eligibility requirements set forth in said section.

(b) Any one motor vehicle owned by a person with a physical disability, which was equipped after its original date of manufacture with devices such as lifts, ramps, elevators or special controls for the purpose of adapting its use for the person who uses such vehicle, shall be exempt from personal property taxes. As used in this Section, physical disability means quadriplegia, paraplegia, loss of arm or leg, or other disability that requires use of a modified motor vehicle.

Effective: 05-19-22

Sec. 10-30a. Additional Property Tax Exemptions.

(a) Pursuant to Section 12-129n of the Connecticut General Statutes, the Town Council of the Town of East Hartford hereby enacts a supplemental property tax credit program for senior or disabled taxpayers who meet the criteria established in Section 12-129n of the Connecticut General Statutes. In addition to meeting such criteria, eligible taxpayers shall be current with their property tax payments to the Town, shall not have individual or joint investments, cash and/or real property, except for their principal residence and any tax deferred retirement investment vehicle or any funds which the Finance Director and the Tax Assessor determine are used primarily for retirement income purposes, in excess of one hundred thousand dollars, and shall not have an annual gross income as defined in Section 12-170aa of the Connecticut General Statutes, in excess of an amount equal to fifteen thousand dollars more than the income limits established pursuant to Section 12-170aa(b)(2) of the Connecticut General Statutes.

(b) Each eligible taxpayer shall receive a tax credit equal to the amount of property tax owed, after deducting any eligible property tax credits under State law or Town ordinances, on his real property owned and occupied as his principal residence, which exceeds seven percent of his income as defined in section 12-170aa of the Connecticut General Statutes, provided such credit shall not exceed nine hundred dollars and provided further that such credit, when combined with other state and local tax assistance, may not exceed seventy-five percent of the taxes levied on such property. Any eligible taxpayer shall receive a property tax credit under this section of not less than one hundred dollars.

(c) The Tax Assessor shall develop a biennial application for the tax credit program established pursuant to this section. Such application may incorporate by reference any information provided on the taxpayer's application for the circuit breaker program.

(d) Failure to provide all information required on such application shall render the applicant ineligible for the benefits provided in subsection (b) of this section.

Effective: 05-19-22

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Sec 10-30b. Property Tax
Exemption – Farm Buildings

Sec 10-30b. Property Tax
Exemption – Farm Buildings

Sec 10-30b. Property Tax Exemption – Farm Buildings

The town of East Hartford adopts the property tax exemption for any building used actually and exclusively in farming to the extent of an assessed value of one hundred thousand dollars as provided in subsection (c) of section 12-91 of the Connecticut General Statutes. A written application for such exemption shall be filed as provided in subsection (d) of section 12-91 of the Connecticut General Statutes.

Effective: 10-04-05

Sec. 10-30c. GOLD STAR FAMILIES PROPERTY TAX EXEMPTION

Any residential property that is the primary residence of a parent whose child was killed in action while performing active military duty with the armed forces as defined in subsection (a) of section 27-103 of the Connecticut General Statutes or of a surviving spouse of such person shall be entitled to a property tax exemption of ten percent of the assessed value provided the annual income of such person who is owner of such property does not exceed the maximum amount under Section 12-81L of the Connecticut General Statutes plus twenty five thousand dollars.

- (a) The town adopts the provisions of Public Act 17-65 regarding the application of this property tax exemption.

Effective 3-21-19

ARTICLE 6. APPROVAL OF LEASES

Sec. 10-31. Procedure for Setting of Fee.

Sec. 10-32. Leasing Procedure.

Sec. 10-33. Provision to Waive.

Sections 10-31 through 10-33 inclusive of the code of ordinances of the town of East Hartford are hereby repealed.

Voted: 08-01-17
Published: 08-08-17
Effective: 08-29-17

ARTICLE 7. AN ORDINANCE CREATING MUNICIPAL RESERVE FUNDS

Sec. 10-34. Creation.

In accordance with the provisions of Chapter 108 of the General Statutes, two reserve funds are hereby established for capital and nonrecurring expenditures. The Treasurer shall establish the accounts, one for the Town's general funds, and one for funds under the jurisdiction of the Board of Education.

Sec. 10-35. Procurement of Funds.

The Board of Education is hereby authorized to put budget surpluses available at the end of any fiscal year into the Board account. General Fund cash surpluses available at the end of any fiscal year shall be put into the Town's account, unless provisions are made to utilize a surplus in the forthcoming fiscal year. Upon approval by Council, other funds may be transferred into or appropriated for the Town account, subject to the limitations set forth in Sections 7-361 and 7-367 of the General Statutes.

Sec. 10-36. Investment of Fund.

The Treasurer may, from time to time, invest in securities which are legal investments for savings banks, such portion of such funds as in his or her opinion is advisable; provided not less than fifty percent of the total amount invested shall be invested in the stock or bonds or interest-bearing notes or obligations of the United States, or those to which the faith of the United States is pledged to provide the payment of the principal and interest, including the bonds of the District of Columbia. In making investments of reserve funds, the Treasurer shall give preference to financial institutions located within the town, unless such preference would result in materially lower investment rates. Notwithstanding the above, no funds shall be invested in any businesses which conduct business in South Africa until and unless the Council declares that apartheid has ended. Before investing any funds contained in the Board of Education account, the Treasurer shall consult with the Board to insure that such funds have the liquidity desired by the Board.

Sec. 10-37. Report of Treasurer.

The Treasurer shall annually submit a complete and detailed report of the condition of such fund to the Finance Director, Mayor, Council, and Board of Education, and such report shall be made a part of the Annual Report of the Town.

Sec. 10-38. Use of Funds.

Upon the recommendation of the Finance Director and the Mayor, and approval by the legislative body, any part of such funds may be used for capital and nonrecurring

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Sec. 10-41. Creation.

Sec. 10-42. Income and
Expenses of Funds.

expenditures, but such use shall be restricted to the financing of all or part of the planning, construction, reconstruction or acquisition of any specific capital improvement or the acquisition of any specific item of equipment. All funds contained in the Board of Education's account shall be reserved for capital and nonrecurring expenditures for educational purposes determined by the Board. Upon request of the Board, and certification that funds are to be used for such educational purposes, the Finance Director and the Mayor shall recommend, and the Council shall approve, release of such funds, up to the amount then included in the Board account. Upon the approval of any such expenditure, an appropriation shall be set up, plainly designated for the project or acquisition for which it has been authorized, and such unexpended appropriation may be continued until such project or acquisition is completed. Any unexpended portion of such appropriation remaining after such completion shall revert to the reserve account from which the appropriation was taken.

Sec. 10-39. Appropriation When Reserve Fund Insufficient.

If, in the opinion of the Mayor and Finance Director, such reserve funds are insufficient to meet the cost of any capital or nonrecurring expenditure which they deem immediately necessary, they may, with the approval of the Council, authorize that an appropriation be made therefore, provided the total of such fund and the sum anticipated from a tax collected for the purposes authorized in Section 10-38 above, in the year following the date when such authorization is made is estimated by the Mayor and Finance Director to be sufficient to meet such expenditures. This process shall also apply to projects commenced by the Board of Education from funds in its reserve account; provided that in requesting such additional funding, the Board shall include the appropriation in its forthcoming budget. This ordinance shall not be interpreted as a limitation on the Town's bonding authority if, in lieu of an additional appropriation as described herein, the Town desires to supplement its reserve funds by issuing bonds.

If, in the opinion of the Mayor and Finance Director, such reserve funds are insufficient to meet the cost of any capital or nonrecurring expenditure which they deem immediately necessary, they may, with the approval of the Council, authorize that an appropriation be made therefore, provided the total of such fund and the sum anticipated from a tax collected for the purposes authorized in Section 10-38 above, in the year following the date when such authorization is made is estimated by the Mayor and Finance Director to be sufficient to meet such expenditures. This process shall also apply to projects commenced by the Board of Education from funds in its reserve account; provided that in requesting such additional funding, the Board shall include the appropriation in its forthcoming budget. This ordinance shall not be interpreted as a limitation on the Town's bonding authority if, in lieu of an additional appropriation as described herein, the Town desires to supplement its reserve funds by issuing bonds.

Sec. 10-40. Termination of Appropriation.

If any authorized appropriation is set up pursuant to the provisions of Section 10-38 above,

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Sec. 10-41. Creation.

Sec. 10-42. Income and
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and through unforeseen circumstances the completion of the project or acquisition for which such appropriation has been designated is impossible of attainment, upon recommendation of the Finance Director and the Mayor, and upon approval of the Council, such appropriation shall terminate and no longer be in effect.

Voted: 6/2/87
Published: 6/12/87
Effective: 7/3/87

**ARTICLE 8 AN ORDINANCE CREATING RESERVE FUNDS FOR
VARIOUS SELF-INSURED PROGRAMS.**

Sec. 10-41. Creation.

(a) The following reserve funds are hereby established:

1. A reserve fund for self-insured workers' compensation benefits and heart and hypertension benefits in accordance with Connecticut General Statutes as same may be amended from time to time.
2. A reserve fund for self-insured employee health benefits.
3. A reserve fund for self-insured general and automobile liability.

(b) The purpose of the establishment of said reserve funds -is to provide protection against expenses which, in the aggregate during any fiscal year, could significantly affect the budget.

(c) These reserve funds shall be adequately funded in accordance with the provisions of sections 10-41 through 10-52, inclusive because the town's fiscal stability is dependent on setting aside funds annually to meet the long term obligations for employee pensions, workers compensation liabilities, health benefits and legal liabilities of the town.

Effective: 10-16-18

Sec. 10-42. Income and Expenses of Funds.

- (a) Income to said funds shall include: in the reserve fund for self-insured workers' compensation and heart and hypertension benefits, the amount budgeted by the Town Council and the Board of Education for each fiscal year for such workers' compensation and heart and hypertension benefits reserve funds; in the reserve fund for self-insured employee health benefits, the amount budgeted by the Town Council and the Board of Education for each fiscal year for such employee health benefits reserve fund, subject to transfers to or from budget accounts for alternative health plans; in the reserve fund for general liability and automobile liability, the amount budgeted by the Town Council and the Board of Education for each fiscal year for such general and automobile liability reserve fund; and, in each

**CHAPTER 10. Finance
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Expenses of Funds.Sec. 10-42. Income and
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fund, investment return accrued with respect to retained reserves, retrospective and experience-rated premium refunds and other recoveries as may from time to time be received in conjunction with each of these programs. The amount budgeted for each reserve fund set forth in this subsection shall be in an amount at least equal to the amount calculated pursuant to subsection (d).

- (b) Expenses of each fund shall include those expenses necessary for the maintenance and administration of that fund, including, but not limited to, insurance premiums, actuary/consulting legal fees and cost control programs. Fund expenses shall not include compensation of any Town employee or other general office-related expenses unless approved by the Town Council.
- (c) The Town Council, upon recommendation of the mayor, may approve a transfer of any portion of a surplus of one of said funds to another of said funds. Such transfer shall be approved only after the Town Council has received the recommendations from the person contracted by the Town to provide actuarial services for the reserve funds for the annual appropriation to each reserve fund and the reserve funds affected by such transfer will receive sufficient funding to maintain minimum reserves as recommended by the person contracted by the Town to provide actuarial services for the reserve funds. The provisions of this subsection shall not apply to the Self-Insured Employee Health Benefits Reserve Fund.
- (d) The reserve funds set forth in subsection (a) shall be budgeted in an amount at least equal to the following:
 - 1. The workers' compensation reserve fund shall be funded in an amount at least equal to fifty percent of the five year operating expense average, as shown on the Town's most recent year-end audited statement. Operating expense shall include claims other than heart and hypertension, premiums and expenses. Beginning in fiscal year 2020, heart and hypertension claims shall be funded in an amount at least equal to ten percent of the heart and hypertension accepted claims as calculated by the Town's external Workers' Compensation Trust Administrator. The percentage funding level shall increase at a rate of two percentage points annually, for each successive fiscal year. Notwithstanding the foregoing, the Town Council may elect to forego budgeting for that component of the cost of the reserve for heart and hypertension accepted claims that is categorized as long-term liability, for the upcoming budget year, provided: (i) the tax rate adopted by the Town Council increases by a percentage greater than the Consumer Price Index for Urban consumers for the preceding full calendar year; (ii) the Town Council votes to forego the payment by a two-third vote; and (iii) the vote and explanation is noted in the budget adoption motions and contains the following language: "The adopted budget does not adequately set aside funds for future liabilities which could result in significantly higher funding requirements in future budget years".

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Sec. 10-43. Appropriation
and Maintenance of Funds.

Sec. 10-45. Golf Course
Improvement Fund.

2. The self-insured employee health benefits reserve fund shall be funded in an amount at least equal to two months of the most recent two year operating expense average, as shown on the Town's most recent year end audited statements, where operating expense shall include claims, premiums and expenses.

3. The automobile and general liability reserve fund shall be funded in an amount at least equal to the Town's then current self-insured retention.

Effective: 10-16-18

Sec. 10-43. Appropriation and Maintenance of Funds.

(a) Sixty days before the end of the fiscal year or on the date the Mayor shall present to the Council a budget whichever date is earlier, the Director of Finance, in consultation with the Risk Manager, shall recommend to the Town Council the amount of appropriation necessary to keep each fund actuarially sound, which appropriation shall be in an amount at least equal to the amount calculated pursuant to section 10-42 (d) above. Said funds shall be subject to normal budgetary procedures and appropriation action provided that due consideration be given to the recommendations of the Director of Finance and any actuary/consultant hired by the Town to review the fund. Effective: 10-16-18

(b) The Director of Finance shall maintain each fund in accordance with generally accepted accounting principles and shall include complete financial statements for each fund in the Town's annual financial report. Effective: 10-16-18

(c) The Director of Finance shall provide the Town Council with (1) a quarterly report on the expenses paid from the reserve funds established pursuant to section 10-41; and (2) a report of any actuarial, consulting or legal expense from such reserve fund in excess of ten thousand dollars within fourteen days of such expense. As used in this section, 'expense' means any request for payment from the town for an actuarial, consulting or legal service regardless of how such request is paid by the town.

[Section 10-43 (c) effective 09-19-02]

Sec. 10-44. Transfer Between Funds Prohibited; Transfers from Funds to General Fund Prohibited; Funding From General Fund.

(a) Transfers between the reserve funds established by Section 10-41 is prohibited. Transfers from such funds to the General Fund is also prohibited.

(b) In an emergency, either of said funds may be funded through the General Fund pursuant to the procedures set forth in Section 6.8(e) and (f) of the Town Charter.

Voted: 01-05-93
Published: 01-15-93
Effective: 02-05-93

Sec. 10-45. Golf Course Improvement Fund.

(a) All revenues from the golf course fees established by the Town Council shall

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Sec. 10-46. Local
Conveyance Tax.

Sec. 10-47. \$5.00 Surcharge
on Delinquent Motor
Vehicle Payments.

be deposited in the golf course fund. The Town Council shall appropriate funds from the golf course fund for the expenses incurred in the operation of the municipal golf course on Long Hill Street as part of the annual town budget. Any funds remaining in the golf course fund shall not lapse at the end of the fiscal year, but shall be available for use in subsequent fiscal years.

(b) Notwithstanding the provisions of subsection (a), all funds received by the town from the two dollar golf course improvement surcharge adopted by the Town Council on January 27, 1998, or from any adjustment subsequently adopted by the Town Council, shall be deposited in the golf course improvement account of the golf course fund. The Town Council may appropriate funds from the golf course improvement account upon request of the mayor for capital improvements. As used in this subsection, "capital improvements" means any new construction or renovation to any building, structure or facility at the municipal golf course or any improvement to the golf course land including but not limited to drainage, reconfiguration of holes, tree removal and bunker reconstruction and any engineering, architectural or other professional expenses related to the capital improvement, but shall not include routine maintenance or purchase of equipment.

Voted: 12-10-02
Published: 12-13-02
Effective: 01-03-03

Sec. 10-46. Local Conveyance Tax.

Pursuant to Connecticut General Statutes Section 12-494, as amended by section 40 of Public Act 03-02, there is imposed a tax on each deed, instrument or writing, whereby any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, when the consideration for the interest or property conveyed equals or exceeds two thousand dollars, at a rate of one quarter of one percent. Such tax shall remain in effect as long as the Connecticut General Statutes Section 12-494, as amended from time to time, shall provide the town with the authority to impose such tax.

Voted: 04-01-03
Published: 04-08-03
Effective: 04-29-03

Sec. 10-47. \$5.00 Surcharge on Delinquent Motor Vehicle Payments.

Pursuant to Connecticut General Statutes Section 12-146, any person who owes past due motor vehicle property taxes to the Town of East Hartford, shall, in addition to the past due taxes, interest and penalties on each such motor vehicle, pay five dollars to the Town of East Hartford to use the Department of Motor Vehicles' registry for tracking taxpayers who owe motor vehicle property taxes if the Town of East Hartford notified the Commissioner of Motor Vehicles of such delinquency pursuant to the provisions of Connecticut General Statutes Section 14-33.

Voted: 09-20-16

CHAPTER 10. Finance

**Sec. 10-48. Overpayment of
Taxes**

**Sec. 10-48. Overpayment of
Taxes**

Published: 09-27-16

Effective: 10-18-16

Sec. 10-48. Overpayment of Taxes

- (a) Pursuant to section 12-129 of the Connecticut General Statutes, the Tax Collector for the Town of East Hartford may retain on behalf of the town any tax payment in excess of the amount due provided such excess payment is less than five dollars.

Effective: 03-02-04

- (b) No later than January 1, 2009, the town of East Hartford shall mail a written notice to the owner of any real estate for which there was an overpayment of property taxes regarding the grand list years of 1992 through 2001. Such notice shall indicate the amount of property taxes that were overpaid and the year that such overpayment occurred and shall contain a claim form by which the property owner may seek a refund of such overpayment. Such claim form shall also hold the town harmless to any other person who may claim such overpayment. No further notification by the town shall be required under this ordinance. Such claim form shall be received by the town within 90 days from the date on which such notice was received by the property owner.
- (c) No later than March 1, 2009, the town of East Hartford shall mail a written notice to the owner of any real estate for which there was an overpayment of property taxes regarding the grand list years of 2002 through 2004. Such notice shall indicate the amount of property taxes that were overpaid and the year that such overpayment occurred and shall contain a claim form by which the property owner may seek a refund of such overpayment provided that such property owner provide reasonable proof that such owner overpaid the property taxes. Such claim form shall also hold the town harmless to any other person who may claim such overpayment. No further notification by the town shall be required under this ordinance. Such claim form shall be received by the town within 90 days from the date on which such notice was received by the property owner.
- (d) For any overpayment of property taxes regarding the 2005 grand list year and any subsequent grand list year, the town shall, within ninety days after the expiration of the three year time period from the date on which such property taxes were due, mail a written notice to the owner of real estate for which there was an overpayment of property taxes. Such notice shall indicate the amount of property taxes that were overpaid and the year that such overpayment occurred and shall contain a claim form by which the property owner may seek a refund of such overpayment provided that such property owner provide reasonable proof that such owner overpaid the property taxes. Such claim form shall also hold the town harmless to any other person who may claim such overpayment. No further notification by the town shall be required under this ordinance. Such claim form

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Section 10-49. Annual
Report of Forfeiture Funds.

Section 10-51. Pension and
Retiree Benefit Board.

shall be received by the town within five years from the date on which such
property taxes were due.

Subsections (b), (c) and (d) Effective: 11-03-08

Section 10-49. Annual Report of Forfeiture Funds.

On or before October 1, 2005 and annually thereafter, the Mayor shall file with the Town Council a report consisting of the amount of funds received by the town from federal or state agencies representing forfeiture assets, including but not limited to assets received from the State of Connecticut pursuant to section 54-36i of the Connecticut General Statutes. Such report shall include the annual certification provided to the United States Department of Justice for the use of federal forfeiture funds. Such report shall be placed on the next Town Council agenda meeting under communications.

Voted: 09-06-05
Published: 09-13-05
Effective: 10-04-05

***Section 10-50. Budget Review Committee for Large Town
Projects.***

- (a) The mayor shall appoint a budget review committee for each large construction project. The budget review committee shall consist of the mayor, finance director, public works director and such other individuals as the mayor shall designate. The budget review committee shall approve all change orders.
- (b) The department head for each department that shall utilize the town building that is the subject of the large construction project shall review the architectural and engineering drawings for such project and provide input on how the project will affect the operations of such department.
- (c) As used in this section, "large construction project" shall mean any project concerning the construction or reconstruction of a town building that exceeds two million dollars.

Effective: 11-29-06

Section 10-51. Pension and Retiree Benefit Board.

- (a) There is established a Pension and Retiree Benefit Board consisting of five members as follows: (1) the town treasurer serving a term concurrent with the term as treasurer; (2) a Town Councilor appointed by the chair of the Town Council serving a term concurrent with the term as Councilor; and (3) three electors of the town, one of whom shall be a member of the town's retirement system serving a term of five years unless serving the remainder of another member's term.
- (b) The Pension and Retiree Benefit Board shall supervise and maintain the town pension

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and Taxation**

Section 10-52. Retiree
Benefit Trust Fund.

Section 10-52. Retiree
Benefit Trust Fund.

fund in accordance with rules and regulations contained in agreements between the town employees and the town of East Hartford regarding pension benefits. The Board shall have such other powers and duties as provided to the Retirement Board in such contracts. The Board shall ensure the pension funds are prudently invested for long-term, safe growth of invested funds. The Board shall also supervise and maintain the Retiree Benefit Fund established pursuant to section 10-52 of the town ordinances.

(effective 06-03-08)

Section 10-52. Retiree Benefit Trust Fund.

(a) There is established a Retiree Benefit Trust Fund. The purpose of the fund is to provide funds to meet long-term obligations of the town of East Hartford regarding health benefits provided to retired town employees in accordance with provisions for such benefits contained in any agreement between town employees and the town of East Hartford.

(b) Income to such fund shall include any amounts appropriated to such fund by the town council or as provided in this subsection and any return on investments of such funds. If, at the close of any fiscal year, the undesignated reserve fund for the town exceeds ten percent of the total budget appropriation for such fiscal year, the budget surplus in such fiscal year, as verified by the town auditors, shall be appropriated to the Retiree Benefit Trust Fund, provided that effective July 1, 2023, the percentage by which the fund exceeds the total budget appropriation shall be as follows: for fiscal year 2022-2023, ten and one quarter percent; for fiscal year 2023-24, ten and one half percent; for fiscal year 2024-25, ten and three quarter percent; for fiscal year 2025-2026; eleven percent and for fiscal year 2026-2027 eleven and one quarter percent. The Town Council may, on an affirmative vote of at least six councillors, authorize the retention in the undesignated reserve fund an amount greater than the percentage provided in this subsection for such fiscal year.

(Effective 02-08-24)

(c) Expenses of such fund shall include those expenses necessary for the maintenance and administration of the fund, including but not limited to actuary and consulting fees. Fund expenses shall not include compensation of any town employee or other general office-related expenses unless approved by the Town Council.

(Effective 06-03-08)

(d) Beginning in fiscal year 2020, the budget contribution to the Retiree Benefit Trust Fund shall be equal to or greater than the five-year average of the paid claims issued from the Retiree Benefit Trust Fund. The budget contribution shall include amounts from the Town and Board of Education including their annual budget contribution, employee contributions, retiree and spouse premium shares, and any investment income which includes interest and dividends. Additionally, included in the budget contribution shall be an additional amount equal to or greater than .10% of the unfunded actuarial accrued liability for other post-employment benefits as calculated by the external actuaries and displayed in the most recent valuation. The funding level shall increase by .10 percentage points annually, for each successive fiscal year. Notwithstanding the foregoing, the Town Council may elect to forego budgeting for the unfunded actuarial liability for other post-employment

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Section 10-52. Retiree
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benefits for the upcoming budget year, provided: (i) the tax rate adopted by the Council increases by a percentage greater than the Consumer Price Index for Urban consumers for the last full calendar year; (ii) the Town Council votes to forego the payment by a two thirds vote; and (iii) the vote and explanation is noted in the budget adoption motions and contains the following language: "The adopted budget does not adequately set aside funds for future liabilities which could result in significantly higher funding requirements in future budget years".

[Section 10-52(d) effective 10-16-18]

**CHAPTER 11. Fire
Protection**

Section 11-1 Hindering or
Obstructing Fire Apparatus or
Firefighter

Section 11-3 Fire Lanes

CHAPTER 11. FIRE PROTECTION

Sec. 11-1. Hindering or Obstructing Fire Apparatus or Firefighter.

a) No person shall hinder or obstruct any fire apparatus or any 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 firefighter from free access to the front or rear of any such dwelling.

Sec. 11-2. 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 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. 11-3 Fire Lanes.

(a) The Fire Marshal may designate any portion of any roadway, parking lot or parking area in _a

**CHAPTER 11. Fire
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Section 11-3 Fire Lanes

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.

Sec. 11-3a. Smoke Detectors Required.

Effective upon adoption of this Ordinance, all residential buildings designed to be occupied by two 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. 11-4 Fire Hydrants; Use: Obstruction.

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

(b) 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 end of any snow or sleet event or eight hours following the sunrise after the end of such event, whichever is later, 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.

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(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 by the town's building, fire and property maintenance codes.

(Sections 11-1 through 11-5) Effective 03-18-21.

Sec. 12-1. GENERALLY.
Purpose and Authority.

**CHAPTER 12. Food and
Food Establishments**

Sec. 12-3. License Required.

**CHAPTER 12. ARTICLE 1. FOOD AND FOOD
ESTABLISHMENTS**

Sec. 12-1. GENERALLY. Purpose and Authority.

This chapter shall be liberally construed and applied to promote its underlying purpose of protecting the public health by regulating the storage, preparation, processing, sale and service of food consistent with the Public Health Code of the State of Connecticut and specifically sections 19a-36h-1 through 19a-36h-7 of such Code.

Sec. 12-2. Definitions.

- (a) Director of Health means the Director of Health and Social Services or the director's authorized agents.
- (b) Authorized Agent means an individual certified to inspect food service establishments by the State of Connecticut, and designated to do so by the Director of Health.
- (c) Approved means acceptable to the Director of Health, based on a determination that the source of food, the plans for the facility, and/or the storage, preparation, processing, sale and service of a food establishment is in conformance with the requirements of this chapter, the Public Health Code of the State of Connecticut, and/or good public health practices.
- (d) Food means any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for human consumption, except produce sold at temporary vegetable stands, carts, or other vehicles on a seasonal basis.
- (e) Food Establishment shall have the same meaning as contained in section 19a-36g of the Connecticut General Statutes.
- (f) Catering Operation means any operation involved in the sale and/or distribution of food prepared in bulk in one location for service in individual portions at another, or, which involves preparation and/or service of food on public or private premises not under the ownership or control of the operator of such service.
- (g) Itinerant Food Vending Establishment means a food vending business as defined in section 19a-36g of the Connecticut General Statutes.

ARTICLE 2 LICENSE REQUIREMENTS.

Sec. 12-3. License Required.

- (a) No person shall operate a food establishment within the Town of East Hartford without first having obtained a license from the Director of Health.
- (b) No license shall be issued without the prior written approval of the Director of Health. The duration of such license shall be for one calendar year except as provided in Sec. 12-7 and shall expire on December 31 of such year.
- (c) The fee for a food establishment license shall be as provided by the Town Council in its Schedule of Fees, provided that such fees shall not be prorated.
- (d) Applications for a food establishment license shall be made on forms to be provided by the Director of Health.
- (e) The food establishment license is not transferable.

Sec. 12-4. License Display.

**CHAPTER 12. Food and
Food Establishments**

Sec. 12-6. Waiver of Fees for
Charitable Causes.

(f) If two or more types of licensed activities are carried on at one location and as part of one operation, only one fee shall be charged. Such fee shall be the highest amount charged if any one of the activities were to be licensed separately.

(g) No license is required for establishments which sell only food products which do not require preparation, refrigeration, cooking and/or heating of any kind on the premises.

(h) An Itinerant Food Vending Establishment is subject to the requirements of sections 19a-36h-1 through 19a-36h-7, inclusive, of the Regulations of Connecticut State Agencies, any applicable state law and rules and regulations promulgated by the Town's Director of Health and Social Services. Unless otherwise provided by State law or regulation, an Itinerant Food Vending Establishment may not operate within the town of East Hartford without a license from the Director of Health and Social Services. In determining the location or locations on which the Itinerant Food Vending Establishment may operate, the Director of Health and Social Services shall consult with the Chief of Police.

Sec. 12-4. License Display.

The food establishment license shall be displayed in a prominent location within the establishment so that it may be easily seen by the public.

Sec. 12-5. License Suspension and Revocation.

(a) The Director of Health shall have the power to suspend and/or revoke the license of a food establishment upon any violation of the Public Health Code of the State of Connecticut or any health ordinances and/or regulations of the Town.

(b) No order of revocation shall be issued except after a hearing held after reasonable notice has been given to the licensee except that, if the Director of Health finds unsanitary or other conditions, which in his judgment, constitute an immediate and substantial hazard to the public health, he may immediately issue written notice of suspension to the license holder or person in charge citing the reasons for such action. Such notice shall also advise the licensee that it shall appear at a hearing to be held by the Director of Health within five (5) working days from the date of the notice to give reasons why such license should not be permanently revoked.

(c) When a food establishment incurs damage to its facilities, including but not limited to, water, wind, fire damage, or loss of utility services necessary to maintain food in a fresh and wholesome condition, upon notice, the license will be suspended pending a site inspection of the premises by the Director of Health or his agent. Upon satisfactory completion of the inspection, the license shall be reinstated.

(d) The holder of any food establishment license who is aggrieved by a suspension or revocation of such license by the Director of Health may appeal such suspension or revocation to the State of Connecticut in accordance with State law. During the filing on an appeal, the license shall not stay the revocation or suspension unless a stay is expressly granted in writing by the Director of Health for good cause.

Sec. 12-6. Waiver of Fees for Charitable Causes.

(a) The Director of Health may waive the payment of a fee by a food establishment whose total profits are devoted to charitable purposes. Eligibility for such waiver shall be determined by the Director of Health.

Sec. 12-7. Temporary
Licenses.

**CHAPTER 12. Food and
Food Establishments**

Sec. 12-10. Classifications of
Food Establishment Operation
Licenses.

(b) The Director of Health may waive payment of a fee for a food establishment license by an applicant for a temporary license who intends to serve food for a period not in excess of three (3) days at a festival or other event sponsored by the Town or a non-profit organization with which such applicant intends to share profits derived from its sales at such festival or event.

Sec. 12-7. Temporary Licenses.

The Director of Health may upon application issue a temporary food establishment license to a qualified food establishment for a period not to exceed two weeks.

Sec. 12-8. Promulgation of Regulations.

The Director of Health may supplement this Chapter with such regulations as may, in his judgment, be required for the protection and preservation of the public health, provided the same shall not be inconsistent with any provision of State laws or with the provisions of this Chapter.

Sec. 12-9. Plan Review.

In addition to other provisions of the Statutes or Ordinances of the town, no person shall construct or remodel any food establishment or substantially change or alter any food preparation equipment in any food establishment without first obtaining the approval of the Director of Health. Two copies of the proposed plan shall be submitted to the Director of Health in accordance with technical requirements the director may establish. The Director of Health shall approve the plans if the director determines that they conform to State and local laws and regulations. The Town Council shall establish a fee for any plan application filed pursuant to this section for a class 2, class 3 or class 4 food establishment, as defined in Section 19a-36g of the Connecticut General Statutes.

ARTICLE 3. CLASSIFICATIONS.

Sec. 12-10. Classifications of Food Establishment Operation Licenses.

Section 18-19 was repealed on April 25, 2024.

CHAPTER 13. Offenses

CHAPTER 13. OFFENSES

ARTICLE 1. NUISANCES

Sec. 13-1. Nuisance

(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 fourteen 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.

Voted: 02-16-21
Published: 02-25-21
Effective: 03-18-21

Sec. 13-2. Public Nuisance Prohibited

No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance, or any public nuisance affecting public safety or affecting health within the Town.

CHAPTER 13. Offenses

Sec. 13-3. Filing Complaint: Inspections

- (a) All complaints alleging the existence of a public nuisance shall be filed with the Chief of Police.
- (b) The Chief of Police shall inspect the premises and make a written report of his findings. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the photographs in the Police Department.
- (c) All complaints alleging the existence of a public nuisance affecting public safety shall be filed with the Director of Inspections and Permits who shall inspect the premises and make a written report of findings.
- (d) All complaints alleging the existence of a public nuisance affecting health shall be filed with the Director of Health who shall inspect the premises and make a written report of findings.

Sec. 13-4. Notice to Abate Nuisance

- (a) If the inspecting officer determines that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, in addition to any other enforcement authority under law, such officer may serve notice on the owner or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance, and to post a copy of the notice on the premises.
- (b) Such notice shall direct the owner, occupant, or person causing, permitting, or maintaining such nuisance to abate or remove such nuisance within twenty-four hours. The notice shall state that unless such nuisance is so abated, the Town will cause it to be abated and will charge such costs to the owner, occupant, or person causing, permitting, or maintaining the nuisance.

Sec. 13-5. Abatement by Court Action

If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such so as to threaten great and immediate danger to the public health, safety, morals or decency, such officer, in addition to any other enforcement authority under law, shall file a written report of findings with the Corporation Counsel who may seek appropriate remedies in the Superior Court. The Corporation Counsel shall cause an action to abate such nuisance to be commenced in the name of the Town.

Town Of East Hartford-
Sec. 13-6. Possession and
Consumption of Alcoholic
Liquor In, Within and Upon
Public Areas, Public Highways,
and Parking Areas

Code Of Ordinances
Sec. 13-6. Possession and
Consumption of Alcoholic Liquor In,
Within and Upon Public Areas,
Public Highways, and Parking Areas

CHAPTER 13. Offenses

ARTICLE 2. OFFENSES AGAINST PUBLIC PEACE AND SAFETY³

Sec. 13-6. Possession and Consumption of Alcoholic Liquor In, Within and Upon Public Areas, Public Highways, and Parking Areas

(a) For the purposes of this section, the following terms shall be defined as follows:

(1) "Alcoholic Liquor" shall have the same meaning as ascribed to that term in Section 30-1(2) of the Connecticut General Statutes, as amended from time to time.

(2) "Motor Vehicle" means a motor vehicle as defined in Section 14-1(30) of the Connecticut General Statutes, as amended from time to time.

(3) "Open Container" means any open bottle, flask, or other container lacking an intact liquor tax stamp or seal, whether or not stopped; any can or other container which has been opened in any way; any key, mini-keg or other container which has been tapped or opened in any way; or any glass, cup, jar, or other container or vessel containing an alcoholic beverage which is open or has been opened in any way.

(4) "Parked Vehicle" shall have the same meaning as ascribed to that term in Section 14-1(3) of the Connecticut General Statutes, as amended from time to time.

(5) "Public Highway" means a highway, road, street, avenue, boulevard, or other way located within and under the control of the Town of East Hartford and open to public use, including the tree-belts and sidewalks of any such public highway. This term shall not include sidewalks or driveways located within the boundaries of privately owned property.

(6) "Public Area" means any park, plaza, mall, arena, stadium, theater, cemeteries, and other areas, regardless of by who owned or controlled, open to the public use with or without charge. This term shall not include any private property whose owner or lessee has given written permission to any person who consumes alcoholic liquor therein to so use the property.

(7) "Parking Area" means parking lots, parking garages and similar areas made available for the parking of motor vehicles away from the highway or street which are open to public use with or without charge.

(b) Except as permitted by sub-section (a) (6) above, no person shall consume any alcoholic liquor, or have in his possession any open container of alcoholic liquor, while upon or within the limits of any public highway, public area or parking area within the Town of East Hartford. The possession of an open container of alcoholic liquor or consumption therefrom by any person while in a motor vehicle parked within or upon parking areas of a public highway or sidewalk, or within or upon a public area, shall also be a violation hereof.

Effective: 5/18/90

CHAPTER 13. Offenses

Sec. 13-7. Barbed Wire and Electrical Fences

- a) No person shall build, construct, erect or maintain any electrical or barbed wire fencing within the town.
- b) Any such barbed wire or electrical fencing shall be removed within ten days after notice by the Chief of Police has been given to the owners or occupants of lots on which such fences are constructed or maintained. If the fencing is not removed, the Chief of Police shall cause such fencing to be removed and the costs to be charged as taxes and become a lien against the property.
- c) This Section shall not apply to:
 - 1. Electrical fencing when used on any land used for raising livestock; provided that the energizing unit used shall be approved for said use by the Underwriters Laboratories or other recognized certified body; that it shall not cause physical injury to any person, and, that there shall be warning signs on the fence every seventy-five feet.
Effective: 3/17/82
 - 2. Barbed wire when strung on extension arms at the top of a fence; provided that such barbed wire is at least six feet from the ground and not extend beyond the property line upon which such fence is situated.
 - 3. Barbed wire when used on any land used for raising livestock

Effective: 3/17/82

Sec. 13-8. Public Library Rules of Conduct

- a) No person shall, in or about the public libraries:
 - (1) Engage in loud talking in such manner or volume or to otherwise create such noise as unreasonably to disturb other individuals using the library facilities;
 - (2) Obstruct or unreasonably interfere with an individual's use of any entrance, exit, aisle, or library facility;
 - (3) Smoke or carry about the person a lighted cigarette, cigar, pipe or other material in the library building, except in such portions of the premises posted as smoking areas;
 - (4) Litter, deface, spit upon or otherwise injure any library property;
 - (5) Mutilate or deface a book, record, work of art, or other library materials;
 - (6) Eat or drink any food or beverage in the library building except where a special permit has been granted for functions sponsored by or under agreement with the Public Library in areas so designated by such permit; and,
 - (7) Violate any rule or regulation promulgated for the conduct of the Library by the Town, provided notice of such rule or regulation is posted upon the library premises in a conspicuous place.

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Sec. 13-9. Trespassing or Unauthorized Entry on School Property

- (a) No person who is not a regularly enrolled student, or parent or guardian of a student, or a school official, teacher, or other public or school employee, shall enter or trespass upon or loiter in or upon any school building or school property for any reason whatsoever unless such person has received written permission from the principal or other person designated by the principal to be in or upon or to remain in or upon such school building or school property.
- (b) This Section shall not apply to persons engaging in or attending a school or Recreation Department authorized activity, or to persons lawfully using the school playground or any playground equipment after school hours or when school is not in session, unless such entry or use has been prohibited by an order, rule or regulation of the School Board, school principal, or other person, department, board, or committee with authority to prohibit such use or entry.

Sec. 13-10. Presence on School Property Between Sunset and Sunrise

No person shall loiter or idle in any school building or in or on any school property between the hours of sunset and sunrise. No person shall be present in any school building or on any school property between the hours of sunset and sunrise without specific authorization from a duly authorized official or employee of the Board of Education, the Department of Parks and Recreation or any other department having jurisdiction over and control of the school buildings or property.

Sec. 13-11. Display of Firearms for Sale

No person shall display or place on exhibition in any show window or other window facing upon any street, any pistol, revolver or other firearm, with a barrel of less than twelve inches in length.

Sec. 13-12. Playing in Streets

No person shall play ball or engage in any other athletic activity or sport in any street.

ARTICLE 3. CURFEW

Sec. 13-13. Minor Defined

As used in this Article, minor shall mean any person under the age of sixteen years.

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Sec. 13-14. Minors on Streets

- (a) No minor shall loiter, idle, congregate or otherwise be in or on any public street, highway, alley, park or other public place between the hours of 10:00 P.M. and 5:00 A.M., unless such minor is:
- (1) Accompanied by his parent or guardian or some other adult delegated by the parent or guardian to accompany such minor;
 - (2) In any such place in connection with and required by some legitimate work, trade, profession or occupation in which such minor is engaged;
 - (3) On an emergency errand or other legitimate business directed by his parent or guardian;
 - (4) Returning home from a dance, party, or other function held under the auspices of a public, private, or parochial school, or any other organization approved by the Police Department; or
 - (5) During the hours of employment in some occupation or business in which such minor may lawfully be engaged under State Law.

Sec. 13-15. Responsibility of Parent or Guardian

- (a) No parent or guardian of a minor shall permit such minor to be upon any of the streets, alleys, or public places between the hours of 10:00 P.M. and 5:00 A.M. except as provided in this Article.
- (b) It shall not constitute a defense that such parent or guardian did not have knowledge of the presence of the minor upon any of the streets, alleys, or public places.

ARTICLE 4. ADULT READING MATERIAL

Sec. 13-16. Definitions

As used in this Chapter, the following words and phrases shall have the following meaning:

- a) "Adult Reading Material" means any magazine or newspaper which contains on the cover any photograph, picture, drawing or depiction of any of the following:
1. The complete exposure of the entire nipple area or entire areola area of any female breast or breasts except those of infants; and
 2. The complete exposure of the entire genitalia or buttocks of either males or females, except those of infants. This definition of "adult reading material" does not include any medical publications or bona fide educational publications, nor does it include any art or photography publication which devotes at least twenty-five per cent

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(25%) of the lineage of each edition to articles and advertisements dealing with the subjects of art or photography. Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time, publishes photographs or nude or semi-nude persons in connection with dissemination of the news. Nor does this definition apply to publications which describe and report on different cultures, and which may, from time to time, publish photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

- b) "Display" means the exhibiting within the open view of patrons, invitee or other persons of adult reading material for sale. "Display" shall include the exhibiting of adult reading material from news racks or newspaper vending stands.

Sec. 13-17. Display of Adult Reading Material Limited

No person shall display adult reading material, or permit or allow the display of adult reading material, except as follows: The shelf, rack, stand or ledge upon which adult reading material is displayed shall be located behind a counter or other place not readily accessible to minors, or such adult reading materials shall be sealed in plastic or other suitable material or otherwise bound so as to prevent the viewing of the contents and all but the top two inches of the cover of such adult reading materials by minors.

Sec. 13-18. Exceptions

Section 13-44 shall not apply to any establishment or portion thereof where in fact the entry of any person under eighteen years of age is prohibited and which has notice posted accordingly.

ARTICLE 5. ALARM SYSTEMS

Sec. 13-19. Short Title

This article shall be known and may be cited as an "Ordinance Regulating the Use of Alarm Systems."

Sec. 13-20. Purpose and Definitions

- a) The purpose of this article is to reduce avoidable alarm signals and to encourage the use of reliable alarm systems.
- b) For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words in the singular number include

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the plural number. The word "shall" is always mandatory and not merely directory.

1. The term "alarm system" means an assembly of equipment and devices (whether operated by AC current supplied by a utility company or by battery, or a single device, such as a solid state unit, which plugs directly into a one hundred ten-volt AC line) arranged to signal the presence of a hazard requiring urgent attention, and to which police are expected to respond. In this article, the term "alarm system" shall include the terms "holdup alarm systems", "burglar alarm systems", and "automatic tape dialing device".
2. The term "alarm user" means any owner or occupant on whose premises an alarm system is maintained within the town except for alarm systems on motor vehicles or proprietary systems. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises (other than a proprietary system), the person using such a system is an alarm user. Also excluded from this definition and from the coverage of this article are persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located. If such a system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of alarm system and shall be subject to this article.
3. The term "automatic tape dialing device" refers to an alarm device which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect. Specifically excluded from this definition are devices which send coded messages over regular telephone lines onto a receiver specifically designed to receive these coded signals.
4. The term "hold-up alarm system" means any alarm system in which a signal is transmitted that requires a police response.
5. The term "burglar alarm system" refers to an alarm system signaling an entry into the area protected by the system.
6. Alarm signals are defined and classified as follows:
 - a. Avoidable alarm signal. An emergency signal transmitted to the emergency response authority and necessitating a response by them, which can be definitely classified as resulting from one of the following causes:
 1. Intentional hold-up alarm system activation by the alarm user, or persons under his direct or indirect control, with the intent to summon the Police Department, where no threat of hold-up is present.
 2. Intentional burglar system activation by the alarm user, or persons under his direct or indirect control, with the intent to summon the police where no threat of burglary is present.
 3. Negligent activation of a burglar alarm by the alarm user, or persons under his direct or indirect control, when no threat of burglary is present
 4. Negligent activation of hold-up alarm system by the alarm user, or

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persons under his direct or indirect control, when no threat of hold-up is present.

5. Alarm system malfunction. Activation of the alarm system caused by a defect in the alarm equipment or by improper installation.

6. Testing of the alarm system by the alarm user, or persons under his direct or indirect control without prior notice to the alarm monitoring facility and the police of such test.

b. Unavoidable alarm signal. An emergency signal transmitted to the emergency response authority and necessitating a response by them, which can definitely be classified as resulting from one of the following causes:

1. Acts of God, e.g., severe storm, flood, prolonged power outage, etc.

2. Telephone line malfunction.

3. Attempted break-in.

4. Actual break-in.

5. Fire or smoke.

6. Suspicious or unauthorized activity within neighborhood of premises.

2. The term "false alarm" means all of the items listed under subsection (6) a.

Sec. 13-21. Requirements for Registration

It shall be unlawful for any person, firm or corporation to own or to occupy any building or structure where there is installed an alarm system which is used or so installed that it can be used by such owner or occupant without registering the same with the Chief of Police as herein provided. Applications for registration shall be made within thirty days of any installation of an alarm system on forms provided by the Chief of Police and shall include the following information:

(1) Name, address and telephone number of owner or occupant.

(2) Address of place where device is installed and telephone number at that location.

(3) Name and telephone number of any other person at a different location who is authorized to respond to any emergency and open the place where the device is installed.

(4) Name, address & phone number of company responsible for servicing the alarm.

Sec. 13-22. Time of Registration; Fees

Such registration shall be renewed on an annual basis by the first of May of each year. The fee for any registration of an alarm system, the fee for false alarms and the fee for any renewal of registration of an alarm system shall be as provided by the Town Council in the Schedule of Fees.
(Effective: 10/23/92)

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Sec. 13-23. Prohibitions

(a) It shall be unlawful for any owner or occupant to install, operate, or cause to be installed, or operated, any alarm system unless such owner or occupant has complied with Sections 13-50 and 13-51 of this chapter.

(b) It shall be unlawful to maintain, own, or operate an alarm system which is defective or which is improperly used in that it causes more than three false alarms within a twelve-month registration period.

(Effective: 10/23/92)

(c) It shall be unlawful to install or maintain an automatic tape dialing device that is or could be connected directly to the East Hartford Police Department.

(d) It shall be unlawful to operate any alarm system that emits a sound beyond the boundaries of the property for any period of time in excess of thirty minutes.

(Effective: 10/23/92)

(e) Notwithstanding any other provisions of this Article, the first false alarm of any unregistered system shall not be considered a violation of this Article; however, the alarm system owner shall have seven days thereafter within which to register said system.(Effective: 10/23/92)

(f) Notwithstanding any other provisions of this Article, the owner and/or the said building occupant of a new alarm system shall have thirty days from the date of installation within which no false alarm shall be charged against that system.

(Effective: 10/23/92)

Sec. 13-24. Revocation of Registration

An alarm system user guilty of ten or more false alarms may have his or her registration revoked or the Chief of Police may refuse to renew such registration. A copy of revocation shall be mailed to the alarm user by certified mail and revocation shall be effective three days after the receipt of the revocation notice by the alarm user.

ARTICLE 6. Control of Noise Pollution Emitted by Sound Amplifying Equipment

Sec. 13-25. Purpose

The Town Council of the Town of East Hartford hereby finds and declares that excessive noise created by sound amplifying equipment such as radios, cassette recorders/players, compact disc players, television receivers, and instruments pose a serious hazard to the health, welfare and quality of life of East Hartford's residents. It also finds that excessive noise can inflict psychological and economic damage to persons submitted to such noise, and that such noise should be abated so that residents of the Town may enjoy an environment free from excessive noises which may jeopardize their health and welfare.

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Sec. 13-26. Definitions

For the purposes of this Ordinance, the following definitions shall apply:

- (a) "Background Noise" shall mean noise which exists at a point as a result of the combination of many distant sources which are not distinguishable from other sources regulated pursuant to C.G.S. Section 22a-69.
- (b) "Daytime Hours" shall mean the hours of the day which are not nighttime hours.
- (c) "Nighttime Hours" shall mean the following:
 - 9:00 p.m. Sunday through 7:00 a.m. on Monday
 - 9:00 p.m. Monday through 7:00 a.m. on Tuesday
 - 9:00 p.m. Tuesday through 7:00 a.m. on Wednesday
 - 9:00 p.m. Wednesday through 7:00 a.m. on Thursday
 - 9:00 p.m. Thursday through 7:00 a.m. on Friday
 - 10:00 p.m. Friday through 9:00 a.m. on Saturday
 - 10:00 p.m. Saturday through 9:00 a.m. on Sunday
- (d) "Decibel" (dB) is a unit of measurement of a sound level.
- (e) "Sound" is a transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations including, but not limited to, an auditory response when impinging upon an ear. For the purposes of measuring such sound, the A scale (dBA) as specified in ANSI Specifications for Sound-Level meters, S1.4 — 1971 as revised, shall be used
- (f) "Sound Amplifying Equipment" is any machine or device used to amplify the human voice, music or any other sound. Sound amplifying equipment or devices, as used in this ordinance, does not include warning devices used on emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

Sec. 13-27. Prohibitions

- (a) No person shall operate in public or in private any sound amplifying equipment at a level above fifty-five (dBA) during daytime hours, or forty-five (dBA) during nighttime hours as measured from a point outside the property from which the sound originated unless the noise created by such sound amplifying equipment registers not more than five (dBA) higher than the background noise, provided that no source subject to the provisions of this section shall emit noise in excess of eighty (dBA) at any time.

Sec. 13-28. Exemptions

- (a) Noise created by emergency activities authorized by State or local governmental authorities, or emergency vehicles such as fire trucks, police cars or ambulances.
- (b) Noise created to give warning of emergencies or signaling particular times of the day, such as church bells or clocks.
- (c) Noise generated by parades, carnivals and other special public social events, sporting events or celebrations sponsored by the Town, or a private entity which has been granted a valid permit by the Town to conduct such parade, carnival, social event, sporting event or celebration.

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Sec. 13-29. Compliance with Request from Police Officers

If a police officer has reason to believe that there is a violation of this Article, such officer may request that a person turn down or off the sound amplifying equipment suspected of generating the noise so that measurements of ambient noise may be made. Refusal to turn down or off such sound amplifying equipment shall be a violation of this Section.

Voted: 10-16-01
Published: 11-29-01
Effective: 12-20-01

ARTICLE 7. Panhandling

Section 13-30.

- (a) As used in this section: "Panhandling" means any solicitation made in person requesting an immediate donation of money or the purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is, in substance, a donation. Except where the following activity is on private property without the written permission of the owner or tenant of such property, "Panhandling" does not include passively standing or sitting with a sign or other non-verbal indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person;
- (b) No person shall engage in panhandling: (1) between sunset and sunrise on any street, sidewalk, public right-of-way, or other public property; (2) at a bus stop; (3) in a vehicle on the street; (4) on private property, unless the person panhandling has written permission from the owner or tenant of the private property; (5) in a manner that blocks the path of the person being asked for a donation; (6) by following a person who walks away from the person who is panhandling; (7) by making any statement, gesture, or other communication by which the person panhandling knows, or should have known, that his action causes, or would cause, another to believe that the panhandler will cause physical harm to the person or property of the other person; (8) by knowingly making any false or misleading representation in the course of panhandling; or (9) by stating that the donation is needed for a specific purpose then spending the donation received for a different purpose.
- (c) Any person violating the provisions of this ordinance shall be fined not more than one hundred dollars for each offense.

Voted: 06-03-14
Published: 06-10-14
Effective: 07-01-14

Article 8. Outdoor Wood-Burning Furnace

Section 13-31.

No person shall use or install an outdoor wood -burning furnace. As used in this section, outdoor

CHAPTER 13. Offenses

wood- burning furnace shall have the same definition as contained in section 22a-174k of the Connecticut General Statutes, as amended from time to time.

Effective: 03-21-17

Section 13-31(a) *Bingo Regulation*

(a) No person shall conduct or operate within the town of East Hartford a bingo game, as defined in section 7-169 of the Connecticut General Statutes as amended by Public Act 17-231 or a bazaar or raffle as defined in section 7-170 of the Connecticut General Statutes without a permit issued by the police chief.

(b) Any person who obtains a bazaar or raffle permit from the police chief may also operate a fifty-fifty coupon games, cow-chip raffle, teacup raffle, duck-race raffle, frog race raffle, golf ball drop raffle or tuition raffle provided such person complies with the provisions of sections 7-170 through section 7-186 inclusive as amended by Public Act 17-231.

(c) All permit application requirements, operational standards for such bingo, bazaar or raffle shall be consistent with the provisions of sections 7-169 through 7-180, inclusive, of the Connecticut General Statutes as amended by Public Act 17-231.

(d) All enforcement policies and penalties for violations of the provisions of this section shall be as set out in sections 7-169 through 7-180, inclusive, of the Connecticut General Statutes as amended by Public Act 17-231.

(e) The fees for such applications shall be the maximum as provided in sections 7-169 through 7-180, inclusive of the Connecticut General Statutes as amended by Public Act 17-231 unless a different amount is adopted by the Town Council.

Effective: 02-01-18

Sec. 14-5. Adoption of Rules
and Regulations by Director.

**CHAPTER 14. Parks and
Recreation**

Sec. 14-5. Adoption of Rules
and Regulations by Director.

CHAPTER 14. PARKS AND RECREATION¹

Sec. 14-1 Commission on Culture and Fine Arts

(a) There is established the Commission on Culture and Fine Arts which shall consist of fifteen members appointed for a term of five years. Terms shall be staggered so that three members are appointed each year. On the effective date of this ordinance, the Commission members shall consist of the members of the Fine Arts Commission and the Library Commission who shall serve until their terms expire. Vacancies shall be filled once the membership of the commission is no more than 15 members.

(b) The Commission shall promote and stimulate general interest among the citizens of the town in the fine arts and other cultural arts and the town libraries. On or about the second Monday in October, the Commission shall conduct ceremonies or recognition activities to further the public's understanding of the history and contributions of Indigenous People to the community of East Hartford and the United States. The Commission shall also further the recognition of the many groups that emigrated to the United States and their contributions to the town of East Hartford and the nation.

(c) The Commission shall work with the Town Librarian to encourage the use of the Raymond Library and other town libraries for the display of fine arts and other cultural arts. The Commission may charge a fee for any activity that it conducts. Such revenue shall be credited to an account for use by the Commission on future projects or to offset expenses of such activity.

Subsections (b) and (c) Effective: 05-20-21

(Sections 14-2, 14-3 & 14-4 deleted effective 10-17-17)

ARTICLE 2. GENERAL PROVISIONS.

Sec. 14-5. Adoption of Rules and Regulations by Director.

The Director of Parks and Recreation may make such rules and regulations as may be necessary for the effective and economical administration of the Department. The Director shall draw up rules and regulations governing the use and enjoyment of the facilities under the jurisdiction of the Department. These rules and regulations shall be promptly presented to the Mayor and then to the Council for approval and, if adopted, they shall have the force of law and shall be binding on all concerned.

Sec. 14-6. Closing Parks.

CHAPTER 14. Parks and Recreation

Sec. 14-8. Insurance Requirements.

Sec. 14-6. Closing Parks.

In case of an emergency, or where, in the judgment of the Director of Parks and Recreation the public interest demands it, portions or all of the parks may be closed to the public. All persons shall be excluded from such portions or parks until permission is given to return.

Sec. 14-7. Permit Subject to Rules; Liability of Permittee.

(a) All permits issued by the Director of Parks and Recreation shall be subject to the park rules and regulations and Town ordinances.

(b) The Chief of Police, after consultation with the Mayor may, by permit, authorize the sale or dispensing of alcoholic beverages within a designated area of a town park or recreational facility, provided (1) such sale or dispensing is in conjunction with an event; (2) the permittee has obtained a liquor permit for such sale from the state of Connecticut; (3) the permittee maintains liquor liability insurance as required by the Director of Finance in consultation with the Risk Manager; (4) the Chief of Police determines that the event can be conducted in a safe manner consistent with the public safety and public welfare of the Town. The provisions of this subsection shall not apply to any outdoor amusement event permitted pursuant to Section 5-3 of the town ordinances.

(c) The permittee shall be liable for any loss, damage, or injury sustained by any person by reason of the negligence of the permittee or his agents or employees, as well as for any breach of Town rules, regulations and ordinances, and the permittee shall be liable to the town in case the Town becomes liable to the person injured.

Effective: 03-19-13

Sec. 14-8. Insurance Requirements.

(a) The Director of Parks and Recreation may require any applicant for a permit or franchise to provide a Certificate of Insurance indicating that the applicant has obtained a Comprehensive General Liability (CGL) insurance policy with a \$1,000,000 per occurrence limit covering injuries to the public arising out of the permitted activities. Such Certificate shall name the Town as an additional insured party and be reviewed and approved by the Finance Director or his/her designee before the requested permit is issued.

Effective: 5/24/91

(b) Every applicant for a permit or franchise shall, before receiving same, sign and deliver to the Director of Parks and Recreation on a form provided by the Director, a hold harmless and indemnification agreement to protect the Town against claims and demands from injured parties.

Effective: 5/24/91

Sec. 14-9. Permit Issuance;
Presence of Police Officer.

**CHAPTER 14. Parks and
Recreation**

Sec. 14-10. Park Rules and
Regulations.

Sec. 14-9. Permit Issuance; Presence of Police Officer.

(a) As a condition to the issuance of any permit under this Chapter, the Director of Parks and Recreation may require the presence of a Town Police Officer at the event for which the permit was issued, during the entire event.

(b) The cost of having such Police Officer present during the permitted event shall be borne by the permittee.

ARTICLE 3. PARKS AND RECREATIONAL FACILITIES.

DIVISION 1. RULES AND REGULATIONS

Sec. 14-10. Park Rules and Regulations.

- (a) No person in any Town park or recreational facility shall:
- (1) Damage, destroy or abuse any park property.
 - (2) Commit any nuisance or otherwise annoy or interfere with the lawful use of the park by others.
 - (3) Leave waste or rubbish on or about the grounds or seats of any area under the jurisdiction of the Department of Parks and Recreation.
 - (4) Injure or remove any trees or shrubs or pick branches, buds, leaves, flowers, seeds or any other plant life.
 - (5) Willfully disturb any animals, birds' nest or fish.
 - (6) Kill, maim or otherwise injure any animal, bird, or fish unless otherwise provided by law.
 - (7) Play active games or ball or any other activity or sport within the parks except in designated areas.
 - (8) Drive any vehicle at a rate exceeding fifteen (15) miles per hour unless otherwise posted.
 - (9) Use any park for teaching persons to drive automobiles or motorcycles.
 - (10) Bring any dog into the parks except on a leash or otherwise permit any animal to pass over or stray upon any park area unless such animal or pet is participating in a program sponsored by the Town; provided, that this provision shall not apply to horses when ridden along the park roadways or bridle paths.
 - (11) Discharge any arrows, darts or other dangerous missiles or projectiles or discharge or carry firearms, except for law enforcement officers and persons using starting guns in starting contests.
 - (12) Make any fire except by permit in any unauthorized area.
 - (13) Possess any alcoholic beverages in any park except in a facility licensed to serve alcoholic beverages, within the designated areas in Veteran's Memorial Park Clubhouse, or as authorized by the Director of Parks and Recreation pursuant to section 14-7. (04-15-08)
 - (14) Sell, offer or expose for sale any goods or wares, except under a written

Sec. 14-11. Selling and Advertising.

CHAPTER 14. Parks and Recreation

Sec. 14-11. Selling and Advertising.

- permit from the Director of Parks and Recreation.
- (15) Post, display or distribute any sign, placard, bag or advertising device or handbill without a permit from the Director of Parks and Recreation. Non-commercial handbills may be distributed without permit as provided in Chapter 3 of this Code.
 - (16) Drive or propel any bicycle, motorcycle, mini-bike, automobile or other vehicle in any park except on the regular park roads; provided, that bicycles propelled solely by human power may be operated upon any designated bicycle path.
 - (17) Skate, slide or coast upon or across any walk or on any driveway except in designated areas.
 - (18) Drive or park any business vehicle or any truck over three fourths (3/4ths) ton capacity upon any park road except while engaged in park business.
 - (19) Drive or operate any snowmobile in any park unless authorized by the Director of Parks and Recreation.
 - (20) Deface, injure or remove any notice placed by the Director of Parks and Recreation in any park.
 - (21) Drive or park any automobile or any other motor vehicle, or bicycle, or ride a horse in any park or playground or other recreational facility between sunset and sunrise unless such activity has been expressly authorized in writing by the Director of Parks and Recreation.

Effective: 10/6/89

(22) Enter into or remain in any park or playground or recreational facility between sunset and sunrise, unless the Director of Parks and Recreation has specifically designated and posted such park or playground, or a portion thereof, as being open to the public for recreation during night-time hours.

Effective: 10/6/89

(23) Park, moor, anchor, tie up or allow to remain stationary within the boundaries of Great River Park for a period in excess of two (2) hours, any boat, canoe, kayak, raft or any other type of watercraft, regardless of how propelled, unless such activity has received prior written authorization from the Director of Parks and Recreation.

Effective: 10/6/89

(24) Block access to any Town-owned boat or canoe launching ramp with boats, canoes, kayaks, or any other type of watercraft, boat trailers or any motor vehicle.

Effective: 10/6/89

(b) The provisions of sub-sections (22), (23), and (25) of Section (a) above, shall not apply to employees of the Town whose duties may require such employees to enter into and/or remain in Town parks after dark, or anchor or moor boats or other watercraft in Great River Park, or block access to Town-owned boat and/or canoe launching ramps.

Effective: 10/6/89

Sec. 14-11. Selling and Advertising.

No person shall expose any article or thing for sale, or do any hawking or peddling, or distributing handbills, or erect any sign board or posts, or erect any booth, tent, stall, or other

Sec. 14-11a. Advertising on
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**CHAPTER 14. Parks and
Recreation**

Sec. 14-11a. Advertising on
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Stadiums.

structure, or affix any notice, bill, or other writing or printing on any tree, lamp post, hydrant, curbstone, sidewalk, coping, flagstone, fence, wall, building, or other place in any park, parkway, park road, driveway, or other park grounds under the control or supervision of the Director.

Sec. 14-11a. Advertising on Fences Surrounding Town Stadiums.

- (a) The following terms have the following meanings when used in this Section:
 - (1) "Local athletic organization" means a non-profit corporation established for the purpose of organizing and operating a baseball, softball, soccer or football league or team within the town of East Hartford;
 - (2) "Stadium" means any athletic field enclosed by a fence and which is contained within a town park;
 - (3) "Field" means any athletic field not enclosed by a fence and which is contained within a town park.
- (b) Notwithstanding the provisions of Section 14-11, and subject to the guidelines and restrictions contained in this Section, commercial advertising shall be permitted on the fences surrounding those town stadiums designated by the Director of Parks and Recreation.
- (c) The town may enter into contracts with local athletic organizations, whereby the town authorizes such organizations to market and sell advertising space on the fences surrounding the designated town stadiums and to create and erect the signs on which the advertising shall appear. The contract shall include, but not be limited to the following provisions: any obligations and/or restrictions created by this Section or any applicable town regulations; any restrictions concerning the percentage of the revenues that may be used on the marketing, construction, erection and maintenance of the advertising signs; and the specific fields or stadiums that may be improved through the use of revenues generated by the particular organization's sale of advertising.
- (d) Any revenues from the sale of advertising space shall be deposited into a specifically designated bank account in the name of the local athletic organization that sold such advertising. Such account must require the signature of the Director of Parks and Recreation, in addition to the signature of the organization representative, for any withdrawals made from the account. The use of revenues realized from the sale of the advertising shall be restricted to capital improvement projects and any expenses associated with the marketing, construction, erection and maintenance of the signs as limited by contract. The Director of Parks and Recreation, in consultation with the local athletic organization officials, shall make the final decision as to the specific improvements to be made and the manner in which those improvements will be accomplished.
- (e) Political advertising shall not be permitted.
- (f) Advertising of tobacco or alcohol by trade name shall not be permitted.
- (g) The Director of Parks and Recreation shall have the authority to accept or reject any use of the advertising space. Said Director shall promulgate regulations

Sec. 14-12. Official Signs and Notices.

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Sec. 14-16. Traffic Violations.

establishing the criteria to be used in making the decision whether to accept or reject an advertisement. Such regulations shall also establish the criteria governing the size, shape, appearance and erection of any advertisement and shall further establish any guidelines, restrictions, and criteria necessary for the implementation of this Section. Said regulations shall be promulgated in accordance with Section 14-5.

Voted: 2/16/93

Published: 2/26/93

Effective: 3/19/93 (Section 11a - IIh)

Sec. 14-12. Official Signs and Notices.

(a) No person shall alter, destroy, remove, deface, molest, interfere or tamper with any official traffic control device, sign, or marking in any park which has been installed by proper authority of the Town.

(b) No person shall enter any building, enclosure or place upon which the words "no admittance" or similar sign is posted, or violate the injunction of such sign.

Sec. 14-13. Walking on Grass Where Posted.

No person shall stand, walk, ride or lie upon any place laid out and appropriated for shrubbery or grass when a sign has been placed on such area forbidding such activity.

Sec. 14-14. Loitering on Town Golf Course.

No person, except Town Employees in the performance of their duties, shall trespass or be upon any golf course in any park or upon any lands in a park within one hundred (100) yards of any fairway or putting green of any golf course, except upon park roads. This prohibition shall not apply to persons actually engaged in playing golf upon the courses with permission under the rules governing golf courses.

Sec. 14-15. Parking in Designated Areas.

No person shall park any automobile, motorcycle or other vehicle upon any established roadway, or in any area of any park, except in an area set aside for the purpose by the Director.

Sec. 14-16. Traffic Violations.

Any person operating a motor vehicle who fails to observe and come to a complete stop at any stop sign may be issued a traffic summons. The fine for such failure to obey any stop sign or parking violation shall be as determined by the Town Council in the Fee Schedule. Effective: 4/15/81

Sec. 14-17. Park Permit
Required.

**CHAPTER 14. Parks and
Recreation**

Sec. 14-19. Conditions for
Permit Issuance.

DIVISION 2. ASSEMBLIES AND GROUP ACTIVITIES.

Sec. 14-17. Park Permit Required.

(a) No person shall engage in, participate in, aid, form, or organize any assembly or group of people, or make any public speeches, or conduct any musical program or festival, in any park, unless a permit has been obtained from the Director.

(b) The provisions of this Section shall not apply to students when constituting a part of their educational activities and under the immediate direction and supervision of the proper school authorities or to any government agency within the scope of its functions.

Sec. 14-18. Permit Application; Contents.

(a) Applications for a park permit shall be filed with the Director.

(b) The application shall state:

(1) The name of the person or organization proposing to conduct such activity;

(2) If the activity is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized agent of such organization;

(3) The name, address and telephone number of the person who will be the chairman of such activity and who will be responsible for its conduct;

(4) The name, address and telephone number of the person or organization to whom the permit is to be issued;

(5) The date when such activity is to be conducted;

(6) The park or portion thereof for which such permit is desired;

(7) An estimate of the anticipated attendance;

(8) The hours when such activity will start and terminate; and

(9) If the activity is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the Director a communication in writing from the person proposing to hold such activity, authorizing the applicant to apply for the permit on his behalf.

Sec. 14-19. Conditions for Permit Issuance.

(a) The Director shall grant and issue the park permit if, from a consideration of the application and such other information as may otherwise be obtained, he finds that:

(1) The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

(2) The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

(3) The facilities desired have not been reserved for other use at the day and hour required in the application;

(4) The conduct of such activity will not substantially interrupt the safe and orderly movement of other traffic contiguous to it;

Sec. 14-20. Permit Denial;
Appeals.

**CHAPTER 14. Parks and
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Section 14-25. Use of Town-
Owned Real Property by Non-
Profit Organizations.

(5) The conduct of such activity will not require the diversion of so great a number of police officers of the town to properly police such activity and the areas contiguous thereto, as to prevent normal police protection to the Town;

(6) The conduct of such activity is not reasonably likely to cause injury to persons or property, incite violence, crime or disorderly conduct; and,

(7) Such activity is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit.

Sec. 14-20. Permit Denial; Appeals.

(a) The Director shall act upon the application for a park permit within five (5) days after the filing. If the Director disapproves the application, he shall notify the applicant within ten (10) days.

(b) Any applicant may appeal to the Mayor from the Director's denial of a park permit.

Sec. 14-21. Notification of Chief of Police.

Upon the issuance of a park permit, the Director of Parks and Recreation shall notify the Chief of Police.

(Article 4. Sections 14-22, 14-23 & 14-24 – “Patriotic Commission” deleted effective 10-17-17)

ARTICLE 5.

Section 14-25. Use of Town-Owned Real Property by Non-Profit Organizations.

(a) No person may modify or alter Town-owned real property for fundraising activities except as provided in this section. Charitable non-profit organizations which engage in activities that provide tangible benefits to East Hartford and its citizens may request permission to modify or alter Town-owned real property for fundraising activities.

(b) Applications to request such permission shall be made on a form provided by the Director of Public Works at least sixty days prior to the date on which the requesting charitable non-profit organization wishes to use a specific Town-owned property.

(c) Within thirty days of the Town's receipt of an application, pursuant to this section, the Director of Public Works shall review such application and advise the Mayor in writing whether or not allowing the use of such property would be in the best interest of the Town and the

Section 14-25. Use of Town-Owned Real Property by Non-Profit Organizations.

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Section 14-25. Use of Town-Owned Real Property by Non-Profit Organizations.

conditions, if any, that should be attached to the use of the property.

(d) Any use of Town owned real property pursuant to this section shall be in the form of a contract between the charitable non-profit organization and the Town which shall be subject to approval by the Town Council. Each contract shall require that the revenues derived from the use of Town owned property be used for the benefit of the neighborhood in which such property is located. No political advertising or the use or promotion of alcohol or tobacco products shall be permitted on Town owned property.

(e) The Town Council may waive any time periods contained in this section for good cause.

Voted: 01-16-01
Published: 02-12-01
Effective: 03-05-01

Sec.15-1. Established;
Membership.

Sec. 15-5. Subpoena of
Witnesses.

CHAPTER 15. PERSONNEL

ARTICLE 1. PERSONNEL APPEALS BOARD.'

Sec.15-1. Established; Membership.

There is established the Personnel Appeals Board consisting of three (3) regular members, not more than two (2) of whom shall be members of the same political party, and three (3) alternate members, not more than two (2) of whom shall be members of the same political party.

Sec. 15-2. Duties.²

Duties of the Personnel Appeals Board shall be as provided in the Charter and in the personnel ordinance.

Sec. 15-3. Qualifications and Affiliations of Members.

Insofar as possible, the members of the Personnel Appeals Board shall be selected so that there shall be one (1) member associated with labor, one (1) member associated with management, and one (1) member not associated directly with either management or labor. No member of the Board or the alternate panel shall be a Town employee or elected official. The alternates shall be appointed from the same categories as the regular members.

Effective: 03-29-16

¹Charter Reference: As to Personnel Board, see Sec. 7.4.

²Charter Reference: As to the Personnel Department, see Sec. 5.7.

Sec. 15-4. Appointment and Term of Members.

One (1) member of the Personnel Appeals Board shall be appointed by the Mayor for a term of two (2) years, and two (2) members shall be appointed by the Council for terms of one (1) and three (3) years respectively. The alternates shall be appointed for the same terms and in the same manner as the regular members.

Sec. 15-5. Subpoena of Witnesses.

(a) The Personnel Appeals Board shall have the power to issue subpoenas to any person whom the Board deems necessary as a witness in any matter pending before it.

(b) If any person subpoenaed, as herein provided shall fail to appear at the time and place, on due proof by affidavit of personal service upon the person subpoenaed, filed with the Clerk, or if any person appearing shall refuse to testify

CHAPTER 15. Personnel

Sec. 15-6. Right of Involved Parties to Witnesses.

Sec. 15-8a. Annual Review of Wage Chart.

or to answer any question relative to the matter under inquiry, or produce any books, records, contracts or other papers required to be produced by the subpoena and under the control of the witness, except those persons lawfully claiming any right or privilege under the law to justify failure to testify or answer, such person or witness shall be deemed guilty of a misdemeanor.

(c) The Board may, by petition, invoke the aid of the Superior Court in requiring the attendance and testimony of witnesses, and the production of all books, papers and documents for the court, and may issue subpoenas in the usual manner requiring the attendance of any witness to testify and to produce all books, papers and documents before the Commission.

(d) In case of refusal to obey a subpoena or to answer any personal questions propounded by the Board, the Court may issue an order requiring such person to appear before the Commission and to produce books, papers and documents if required, and to give evidence touching matters under investigation.

Sec. 15-6. Right of Involved Parties to Witnesses.

Any person who is involved in any investigation before the Board and who is legally entitled to a hearing before the Board, shall be entitled to process to compel the appearance of witnesses in his behalf.

Sec. 15-7. Residency for Town Employment.

(a) An applicant for employment by the Town need not be a resident of the Town at the time of filing an application for employment.

(b) Residents of the Town shall be given a three (3) point credit on the entrance level examination for employment with the Town. Such three (3) point credit shall only be added to the score of any person passing the entrance level examination. The credit shall not be used to attain a passing grade.

(c) The three (3) point credit provided for herein shall only be used at the entrance level. Such credit shall not be used for promotion or any other purpose except for entrance level examinations.

Sec. 15-8. Oath of Office.

(a) All persons elected or appointed by the Town shall, before commencing their duties, take the following oath, if not otherwise provided by statute:

"I, _____, do hereby pledge that I will perform all the duties and meet all the responsibilities of my position as _____ for the Town of East Hartford, in a manner that will benefit the welfare of the Town of East Hartford, and its citizens; uphold and enforce the Town Charter and the Code of Ordinances; and maintain a strict code of personal ethics, avoiding any situation that approaches a conflict of interest or violation of any law, so help me God."

(b) The person administering the oath, to be determined by State Statute, shall be responsible for recording the names of the individuals sworn in with the Town Clerk.

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Sec. 15-8a. Annual Review
of Wage Chart.

Sec. 15-11. Interest.

Sec. 15-8a. Annual Review of Wage Chart.

On or before February 1, 2002 and annually thereafter, the Town Council shall review the wage chart for non-union classified service positions and town directors, and may make appropriate adjustments to the wage chart to maintain equitable wages for such positions.

Voted: 10-16-01
Published 10-26-01
Effective: 11-16-01

ARTICLE 2. CODE OF ETHICS.

Sec. 15-9. Declaration of Policy.

If local government is to maintain the public trust and confidence, then it must insist that public officials, officers, and employees be as far removed as possible from private and conflicting interests in the performance of their public responsibilities.

A comprehensive code of ethics is necessary to insure that public office not be pursued or used for the purpose of personal gain, and that public officials and employees have clear guidelines for ethical standards of conduct in the best interests of the Town. Public office and employment is an honored privilege and the sole loyalty of public officials and employees in the performance of their public duties should be to the people of East Hartford. Reasonable disclosure of private interests for major officials of the Executive Branch as indicated, and outside and future limitations on employment for certain public officials are necessary and desirable to safeguard the paramount public interest.

Sec. 15-10. Applicability.

The provisions of this Article shall apply to all officials, officers, and employees of the Town, whether subject to the personnel merit system or otherwise, and to the Corporation Counsel, Department Heads, and all other officers and employees.

Sec. 15-11. Interest.

Interest means direct or indirect pecuniary or material benefit accruing to public officials, officers, and employees as a result of a contract or transaction which is or may be the subject of an official act or action by or with the Town except of such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. For the purposes of this Code, a public official, officer, or employee shall be deemed to have an interest in the affairs of:

- (a) any person related to him by blood or marriage in a degree closer than the fourth degree of consanguinity or affinity (determined by the civil law method), and a divorce or separation between spouses shall not be deemed to terminate any such relationship;

CHAPTER 15. Personnel

Sec. 15-12. Ethical
Standards of Conduct.

Sec. 15-12. Ethical
Standards of Conduct.

- (b) any person or business entity with whom a contractual relationship exists with the public official, officer, or employee;
- (c) any business entity in which the public official, officer, or employee is an officer, director, or member having a financial interest in, or employed by;
- (d) any business entity in which the stock of, or legal or beneficial ownerships of, in excess of five percent (5%) of the total stock or total legal and beneficial ownerships, is controlled or owned directly or indirectly by the public official, officer, or employee.

Sec. 15-12. Ethical Standards of Conduct.

Public officials, officers and employees shall be held to the following ethical standards in the performance of their duties:

(a) They shall not grant or accept any special consideration, treatment, favor or advantage beyond that which is generally available to all residents and/or taxpayers of the Town.

(b) They shall not promise an appointment or the use of influence to obtain an appointment to any municipal position as a reward for any political activity.

(c) They shall not act or vote in any official capacity upon a promise of any future reward. Any reward so offered shall be immediately reported to the Mayor and the Corporation Counsel.

(d) They shall not disclose confidential information concerning the property, government or affairs of the Town except upon proper legal authorization or as required under the State's Freedom of Information laws.

(e) They shall not use information acquired in the course of their employment, and not generally available to the public, to advance their financial or other private interests, including the interests of friends or relations.

(f) They shall not use or permit the use of Town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official, officer, or employee in the conduct of official business or such use as in connection with exchange of private equipment for use by the Town, as certified by the appropriate lending agency.

(g) They shall not represent, work for, or solicit business for private concerns during times when they are being paid to perform their public responsibilities.

(h) They shall not discriminate against any public official, officer, or employee for the filing of a complaint alleging a violation of the Code of Ethics.

CHAPTER 15. Personnel

Sec. 15-13. Disclosure and
Disqualification Required:
Ex Parte Communication.

Sec. 15-14. Gifts.

(i) They shall not engage in the sale of goods or services to any Town agency, board or commission, or have an interest in the depositories of the Town, other than routine checking or savings account. The Town Council may waive this provision for specific goods or service contracts found to be in the best interests of the Town. This provision shall not affect existing contracts at the time of adoption of this ordinance.

(j) They shall not decide or participate in a decision or hearing in which they have an interest.

(k) They shall not attempt to influence for a purpose contrary to the provisions of this Article, any other Town official or State official in the conduct of the other official's duties. This provision shall not be construed to prohibit statements made at public meetings or hearings, positions taken during collective bargaining sessions, or public statements otherwise covered by freedom of speech guarantees.

Sec. 15-13. Disclosure and Disqualification Required: Ex Parte Communication.

(a) When an official, officer or employee has any interest as provided in this Article, which is or reasonably may be incompatible with or in conflict with any of his or her official duties or acts, he or she shall disclose such conflict as soon as it is known or discovered, whether publicly or to his or her superior, and shall refrain from participation in any discussion thereof, and he or she shall disqualify himself/herself and not participate in the decision or act affected thereby. Effective: 3-20-92

(b) An official, officer, or employee shall not consider any ex parte or private communications from any person, which he or she knows is or reasonably may be intended to influence unlawfully the decision on the merits of any matter where a determination is required by law to be made on the record after opportunity for hearing to interested parties. Any such ex parte or private communication received and considered shall be made a public record by the recipient or reported to his superior. If orally made, the substance of the conversation shall be written down. A communication to the Clerk of the Council, the clerk of any Town agency or department concerning the status or procedures of a pending matter shall not be considered an ex parte or private communication. This subsection shall not apply to legal advice rendered by the Corporation Counsel and shall not apply to technical advice or explanation rendered by or at the request of appropriate Town officials.

Sec. 15-14. Gifts.

No official, officer or employee of the Town shall accept or receive directly or indirectly from any person, firm or corporation any gift, rebates, money, or anything of value, if such person, firm or corporation presently has a contract or purchase order with the Town, or a pending application before the

CHAPTER 15. Personnel

Sec. 15-15. Representing
Private Person Prohibited.

Sec. 15-16. Limitations on
Political Activity.

Town, and such official, officer or employee has a decision making role with respect to such contract, purchase order or application. If an official, officer or employee has received any gift, rebate, money, or anything of value amounting to fifty dollars or more within a year prior to such contract, purchase order or application, said official, officer or employee shall disqualify himself or herself from any decision making role affecting such contract, purchase order or application.

"Gift" shall not include a political contribution otherwise reported as required by law; services provided without compensation by persons volunteering their time; a commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business; a gift received from an individual's spouse or the parent, brother or sister of such spouse or such individual, or the child or spouse of such child; or food or beverage or both, per year, the cost of which is less than fifty dollars per person.

Sec. 15-15. Representing Private Person Prohibited.

No official, officer or employee shall act as broker, agent, attorney, representative or employee of any person in his or her business dealings with the Town or its agencies or agencies of the State operating for the Town or represent private interests before the Town except that the Corporation Counsel or any of his or her assistants shall be allowed to represent clients in a private capacity in the Courts of the State of Connecticut. The Corporation Counsel and his assistants shall not represent any person or company in any business dealings with the Town or any of its agencies. This section shall not be construed to prevent members of boards and commissions appointed by the Council or Mayor or any close business or professional associate of such member, from participating in matters with the Town where such participation has no relationship to the board of commission to which the member was appointed, nor shall participation include the preparation of surveys, or site plans when such are not prepared for presentation to the board or commission upon which such member serves, nor shall this Section prevent any such person from appearing before any Town agency on behalf of his or her constituents in the course of his or her duties as a representative of the electorate or in the performance of his or her civic obligations wherever no retainer, compensation or gift has been accepted in connection with such representation.

Sec. 15-16. Limitations on Political Activity.

All Department Heads appointed by the Mayor and not in the Classified Service of East Hartford may not:

1. Use his or her official authority or influence for the purpose of interfering with or affecting the result of a municipal election in East Hartford; or

CHAPTER 15. Personnel

Sec. 15-17. Financial Disclosures.

Sec. 15-19. Board of Ethics.

2. Actively participate in soliciting funds for a partisan candidate or a political party from any person or firm, in an East Hartford municipal election.

Sec. 15-17. Financial Disclosures.

The Mayor, each director, and all attorneys within the Office of Corporation Counsel, shall annually make a financial disclosure on forms prepared by the Mayor and reviewed by the Corporation Counsel. Such forms shall, at a minimum, require the same information as required on the annual disclosure forms of the State Ethics Commission. The disclosure forms shall be filed with the Town Clerk and be available for public inspection, except for those portions where there is a legitimate need for privacy. The confidential portions of the forms, however, shall be filed with the Town Clerk in sealed envelopes and made available to civil or criminal authorities upon proper subpoena.

Sec. 15-18. Prohibition of Employment.

For a period of one year after leaving Town office or employment the following officers, officials or employees shall be prohibited from practicing before the following boards, agencies and commissions for profit, provided that nothing herein shall prohibit such individuals from seeking licenses, permits and other Town benefits on their own behalf as private citizens:

(a) The Corporation Counsel and any full-time or part-time Assistant Corporation Counsel shall not practice before the Zoning Board of Appeals, the Planning and Zoning Commission, the Inland Wetlands/Environment Commission, the Board of Tax Review, and the Personnel Appeals Board.

(b) The Director of Development, the Town Planner, the Director of Inspections and Permits, and the Town Engineer shall not practice before the Zoning Board of Appeals, the Inland Wetlands/Environment Commission, and the Planning and Zoning Commission. (Effective: 11/18/88)

(c) No member of the Planning and Zoning Commission, the Zoning Board of Appeals, the Inland Wetlands/Environment Commission, the Board of Tax Review, and the Personnel Appeals Board shall practice before the commission, board or agency on which he or she served.

(d) If the Mayor or any member of Council is an attorney, he or she shall be subject to the same prohibitions applicable to the Corporation Counsel above

Sec. 15-19. Board of Ethics.

There is hereby created a Board of Ethics which shall be charged with the enforcement of this Code of Ethics. Said board shall consist of three electors of whom no more than two shall be of the same political party. The Mayor shall nominate one member and one alternate. The Mayor shall also make efforts to

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insure that the other nominees are selected in a method to insure the integrity of the Board and the confidence of the public. It is the desire of Council that the Mayor select one member and one alternate from a list of no less than four recommendations to be submitted by the Council's Majority Leader, and that the final member and alternate be selected from a list of no less than four recommendations to be submitted by the Council's Minority Leader. They shall be submitted for confirmation to the full Council. The members and alternates shall serve for five year terms, or until their successors are chosen. The terms of individuals filling a vacancy shall expire with the terms of the remaining members and alternates. Any vacancy of a member shall be filled by the alternate appointed in the same manner as the vacating member. Any vacancy in an alternate position shall be filled through appointment and confirmation in the same manner as the vacating alternate. No member or alternate on the board shall serve in any other Town office or position.

The Board shall adopt rules of procedure which it seems necessary to carry out its duties. All such rules shall be filed with the Town Clerk and made available for public inspection. The Board shall elect a chairperson on an annual basis. The chairperson shall be responsible for submitting a budget to the Mayor, if such a budget is deemed necessary. The Mayor shall have the discretion to reduce or increase the Board's proposed budget, but shall advise Council of the budget initially requested by the chairperson. The chairperson shall have the exclusive authority to employ individuals within the Board. All Board purchases, however, shall be made through the Town's Purchasing Department.

Sec. 15-20. Complaints.

The Board of Ethics shall receive complaints from any person of any alleged violation of the Town's Code of Ethics. Any complaint received by the Board must be in writing and signed by the person making said complaint. The Board shall, at its first regular meeting, select an individual of integrity to receive complaints from persons who wish to remain anonymous. Any person who desires to make a complaint anonymously shall meet with such designated individual. If said designated individual determines that such complaint may have merit, he or she shall bring a written complaint to the Board. If said designated individual reveals the name of any person making a complaint anonymously, he or she shall be fined one hundred dollars (\$100.) and be dismissed, after hearing, by the Board.

Upon receiving a complaint of an alleged violation of the code, the Board shall, within three days, notify in writing, through certified mail, the person against whom said complaint has been filed, advising the concerned party of the specific nature of the complaint made and enclosing therewith a copy of the complaint. The party so notified shall be advised that he or she shall have the right to file a response within ten days and may, within said time period, demand a hearing by the Board. If a hearing is so requested, it shall be convened within twenty days after such request. If no request for a hearing is made, the Board, by a majority vote, shall determine within thirty days after the mailing of the notice of such complaint whether a hearing is required.

In the event a hearing is to be held, the complainant and the person against whom such complaint is filed, shall be notified in writing, through certified mail, of the date, time and place of the hearing. - In such hearing, the person against whom such complaint is filed shall have the right to counsel, to

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confrontation of all witnesses, to cross examine, and to present evidence on his or her own behalf. All such hearings shall be tape recorded. Hearings shall be conducted by a panel of three consisting of the three Board members, or in the absence of one or more board members, by the alternate or alternates appointed in the same manner as the absent member or members.

In the event that a hearing is held, the Board shall render a decision within ten days of the final day of said hearing. In the event no hearing is held, the Board shall render a decision within thirty days of the receipt of the complaint.

If the Board has not been provided with a secretary, all notices and decisions required herein shall be typed by one of the Mayor's secretarial staff.

Sec. 15-21. Sanctions.

If the Board finds that there is a violation of the Town's Code of Ethics, it may impose any of the following sanctions:

- (a) fines of up to one hundred dollars;
- (b) an order to return any gifts improperly received;
- (c) a statement of censure to be included in the personnel file of the offending party; and/or
- (d) a recommendation that the official, officer, or employee resign or be suspended, demoted or terminated from employment

In addition to such sanctions against an offending party, the Board may order the reconsideration of any town department or administration action involved in a violation of the Code. If the Board has reason to believe that a criminal statute has been violated, it may contact the state's or town's criminal authorities. The Board may also recommend that legal action be initiated by the Corporation Counsel against an offending party.

Sec. 15-22. Advisory Opinions.

Where any public official, officer, or employee has a question as to the applicability of any provision of this Code to a particular situation, or as to the definition of terms used herein, he or she may apply to the Corporation Counsel for an advisory opinion. If the public official, officer, or employee requests, his or her name shall be kept confidential, but any opinion issued by the Corporation Counsel shall be available for public inspection with the names deleted. Good faith reliance by a public official, officer, or employee on such an advisory opinion shall be a complete defense to any complaint brought before the Board of Ethics.

August 28, 1987

Section 15-23. Disability Retirement Benefits.

- (a) If the Retirement Board of the Town of East Hartford determines, in its sole and absolute discretion, that an eligible employee has become permanently

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and totally disabled, the employee may retire with a disability benefit in accordance with the provisions of subsection (b) of this section. In determining that an eligible employee has become permanently and totally disabled, the Retirement Board must decide that on the basis of medical evidence, the eligible employee is physically or mentally unable, as a result of bodily injury or disease, to engage in or perform the regular duties of any position in the Are Department if the eligible employee is a member of the Are Department or the Police Department if the eligible employee is a member of the Police Department, and such disability was not the result of the eligible employee's own willful misconduct and will be permanent and continuous for the remainder of the life of the eligible employee. Willful misconduct Includes but Is not limited to (1) disability resulting from an intentionally self-inflicted injury; (2) disability which was contracted, suffered or incurred while the eligible employee was engaged in or resulted from having engaged in a felonious enterprise; and (3) disability resulting from chronic alcoholism or addiction to narcotics.

- (b) If the eligible employee became permanently and totally disabled during the performance of essential duties pertaining to the eligible employee's employment as a firefighter or police officer, as the case may be, the eligible employee is eligible to retire and receive a monthly service-connected disability benefit. The monthly amount of such disability benefit will be one-twelfth of fifty percent of the eligible employee's final average salary or the annual rate of pay, whichever is greater. If the eligible employee has completed twenty years or more of credited service, the amount of the disability benefit will be calculated in the same manner as the employee's pension under the Town of East Hartford's Retirement Plans for Full Time Employees of the Are Department and Police Department using the eligible employee's credited service and final average salary or annual rate of pay as of the eligible employee's permanent and total disability date. Such disability benefit shall be paid for as long as the eligible employee remains totally and permanently disabled. In no event shall such service connected disability benefit, together with any regular benefits awarded from worker's compensation exceed one hundred percent of the eligible employee's final average salary or the eligible employee's annual rate of pay at the date of disability.
- (c) As used in this section:
- i. "eligible employee" shall mean a full-time active employee in the Service of the Town of East Hartford's Fire Department or Police Department;
 - ii. "final average salary" shall mean: (A) for persons hired before December 31, 1994, the eligible employee's average annual pay, including overtime, holiday, longevity payments, and vacation pay for the thirty-six consecutive months of service based upon the retirement plan year with the town of East Hartford which give the highest average. Final average salary shall also include any deferred salary or deferred wages that are considered annual salary or pay during the period used to determine final average salary and any lump sum resulting from unused accrued terminal/sick leave and unused vacation subject to the maximums contained in the collective bargaining

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agreement of the union of which the eligible employee was a member.; (B) for persons hired after January 1, 1995, the eligible employee's average annual pay, including overtime, holiday, longevity payments, and vacation pay for the thirty-six consecutive months of service based upon the retirement plan year with the town of East Hartford which give the highest average. Anal average salary shall also include any deferred salary or deferred wages that are considered annual salary or pay during the period used to determine final average salary;

- iii. "credited service" shall mean the number of full years of continuous service and fractions thereof to the nearest completed month with the town of East Hartford, as determined by the Retirement Board, completed by the eligible employee from the date the employee is included in the town of East Hartford's retirement system as determined by the Retirement Plan for the Police or Fire Department employees, as the case may be, to the earlier of the eligible employee's date of termination or employment, or the eligible employee's actual retirement date, provided the eligible employee shall not receive credit for any period during which the employee did not make necessary employee contribution in accordance with Retirement Plan for the Police or Fire Department employees, as the case may be.

The definitions and terms of this section shall be construed as to be consistent with the Town of East Hartford Retirement Plan under which the eligible employee has retired.

- (d) The provisions of this section shall be applicable to disability retirement benefits paid on or after January 1, 2002.

Voted: 12-10-02
Published: 12-13-02
Effective: 01-03-03

**CHAPTER 16. Solid Waste
Disposal**

Sec. 16-1. Declaration of Policy.

Sec. 16-2. Definitions.

CHAPTER 16. SOLID WASTE DISPOSAL

ARTICLE 1. MUNICIPAL SOLID WASTE

Sec. 16-1. Declaration of Policy.

The accumulation, collection, removal and disposal of solid waste must be regulated by the Town of East Hartford for the protection of the public health, safety and welfare. It is consequently found and declared that:

(a) The Town is authorized by law to regulate the disposition of solid waste generated within its boundaries and to collect a charge therefore, and to license refuse collectors; and

(b) The Town is also authorized by Connecticut General Statutes Section 22a-220a to designate the area where solid waste generated within its boundaries shall be disposed of; and

(c) The Town has executed a Municipal Service Agreement with the Connecticut Resource Recovery Authority (CRRRA) requiring it to designate the area to which solid waste, generated within its boundaries and which meets the Contractual Standards of the Municipal Service Agreement, is to be delivered to; and

(d) The public health, safety and welfare of the town will be best served by requiring the delivery of said solid waste directly to a facility operated by the CRRRA and/or to a transfer station or other location designated by the Director for transfer to a facility operated by the CRRRA; and

(e) The Town is authorized to license solid waste carriers and charge a fee for the delivery of bulky waste to the East Hartford Landfill for processing. Bulky waste received at a Town facility may be processed for the purpose of reclaiming and recycling all possible raw materials; and

(f) The enactment of this ordinance is in furtherance of the Town's Solid Waste Management Plan.

Sec. 16-2. Definitions.

For the purpose of this Chapter, the following terms shall have the following meanings:

- (a) "Authority" shall mean the Connecticut Resource Recovery Authority established pursuant to Chapter 446(e) of the Connecticut General Statutes, as amended.
- (b) "Bulky Waste" shall mean: tree stumps and/or any other debris produced by land clearing activities; any waste resulting from demolition activities other than clean fill; and any other oversized waste provided that no such waste be hazardous or highly flammable. Oversized waste shall constitute waste larger than 18 inches thick by 48 inches wide and 6 foot in length that weighs more than 50 pounds, which cannot be reduced in size to be accommodated by a resource recovery facility of the Connecticut Resource Recovery Authority.

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Sec. 16-2. Definitions.

Sec. 16-2. Definitions.

- (c) "Bulky Waste Facility" shall mean a facility operated by the Town wherein bulk waste is received, processed, transferred, and/or disposed of in any manner.
- (d) "Business Refuse" shall mean any solid waste not generated by a household.
- (e) "Commercial Premises" shall mean any establishment engaged in manufacturing, industry or commerce, such as, but not limited to: factories, office buildings, retail stores, restaurants, non-public schools, clubs, etc.
- (f) "Container" shall mean a receptacle designed for the storage of municipal solid waste.
- (g) "CRRRA" shall mean the Connecticut Resource Recovery Authority.
- (h) "Director" shall mean the Director of Public Works of the Town of East Hartford.
- (i) "Disposal Charge" means that amount of money to be charged for each ton of Municipal Solid Waste delivered to the CRRRA as established by the procedures authorized in the Municipal Service Agreement, or that charge per ton or cubic yard established for the transfer or disposal of waste at a Town facility.
- (j) "Dumpster" shall mean a large metal container used to hold solid waste, usually from a commercial establishment, an industrial operation, or housing complex. July 28, 1989
- (k) "Hazardous Waste" means pathological, biological, cesspool and other human wastes, human and animal remains, radioactive, toxic, and/or other hazardous waste which, according to federal, state, or local rules or regulations now in effect, require special handling in their collection, treatment or disposal, including those regulations under 42 U.S.C. Sections 6921-6925 and regulations thereunder adopted by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. Sec. 6901, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and any refuse of a similar nature.
- (l) "Municipal Services Agreement" shall mean the Municipal Solid Waste Management Services Contract between this Municipality and the Authority dated May 25, 1984.
- (m) "Municipal Solid Waste" shall mean residential, commercial, industrial and institutional waste other than bulky waste and hazardous waste, as herein before defined, which is normally collected by conventional refuse collection vehicles and transported to a municipal solid waste processing facility for ultimate processing and/or disposal. This term shall include all items designated in Article 2 of this Chapter as being recyclable.
- (n) "Person" shall mean any individual, partnership, firm, corporation, business, association, society, company or any other group acting as a unit.
- (o) "Roll-off Container" shall mean a large metal box, designed to hold various forms of solid waste, such as, but not limited to municipal solid waste and bulky waste, that is winched or lifted onto a truck body for transportation to a solid waste processing facility.
- (p) "Solid Waste" means unwanted or discarded materials consistent with the meaning of that term pursuant to Section 22a-260(7) of the

**CHAPTER 16. Solid Waste
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Sec. 16-3. Solid Waste Contract
Standards.

Sec. 16-4. License
Required for Refuse
Collectors.

Connecticut General Statutes, this term does not include semi-solid or liquid materials which may be collected and treated in a sewage system, nor does it include hazardous waste.

- (q) "Solid Waste Collectors" means any person, partnership, firm or corporation engaged in the business of collecting and transporting commercial, household, institutional or industrial solid waste within the town.
- (r) "Town Operated Transfer Facility" shall mean any structure and/or any operation established by the Town for the transfer of Municipal Solid Waste to a CRRA facility.

Sec. 16-3. Solid Waste Contract Standards.

Contractual Standards for Municipal Solid Waste Delivered to the Town Operated Transfer Facility and/or Any CRRA Facility are as follows:

- (a) It must be solid waste emanating from within the corporate boundaries of this Municipality;
- (b) It must not be of such a quantity, quality or other nature as to materially impair the operation or capacity of any equipment or facility of the CRRA and/or the Town operated transfer facility or any portion thereof;
- (c) It must not be of such a quantity, quality or other nature as to materially impair the strength and durability of the structures, equipment, or works which are part of any CRRA facility and/or Town operated transfer facility or any portion thereof;
- (d) It must not be of such quantity, quality or other nature as to create flammable or explosive conditions at any CRRA facility and/or a Town operated transfer facility or any portion thereof;
- (e) It must not contain chemical or other properties which are deleterious, as determined by the Town and/or the Authority, of being capable or capable of causing material damage to any part of the system or to personnel; and
- (f) It must not include any Hazardous or Bulky Waste.

Sec. 16-4. License Required for Refuse Collectors.

(a) No person shall collect, or transport over any street or highway, or dispose of any municipal solid waste or recyclable in this town unless licensed by the Town to perform such work in accordance with the provisions of this ordinance. No municipal solid waste collected from outside the town shall be disposed of in the town under any license, permit or registration issued pursuant to this Article. Effective: 1/3/92

(b) Bulky Waste may be delivered to the Town bulky waste facility only by persons licensed by the Town. No other person may transport or deliver bulky waste to the bulky waste facility, except that the owners of premises in this town upon which Bulky Waste has accumulated may convey and deliver such Bulky Waste upon complying with this and any other applicable ordinances and regulations.

(c) No bulky waste collected outside the town may be conveyed to a Town bulky waste facility without proper license from the Town.

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Sec. 16-5. Collection Policies.

Sec. 16-5. Collection
Policies.

Sec. 16-5. Collection Policies.

(a) The Town shall not provide collection services for businesses. Buildings which are no more than one thousand gross square feet in which a business is operating and such business is receiving collection services as of the effective date of this section shall continue to receive said service limited to the curbside collection of not more than one town approved container per week. The Director of Public Works shall terminate the service if the business places more than one container at curbside in any given week.

(b) Town businesses which do not possess proper equipment necessary to utilize a CRRA facility may bring solid waste to the Town landfill for transfer to a CRRA facility. Said business shall be charged a by-the-ton fee for this service, the amount to be determined by the Town Council.

(c) The Town does not provide collection services for apartment houses, apartment buildings or apartment complexes; and multi-family dwellings housing more than (6) families. Refuse generated by multi-family dwellings housing six (6) families or less, will only be collected when set out in acceptance containers as required by Sec. 16-6 of this Ordinance.

Effective 11/01/91

(d) Grass cuttings from lawns shall be collected if they are placed in a closed waterproof plastic or paper bag no larger than thirty (30) gallons.

(e) Town refuse collection trucks shall not collect leaves, whether they are loose, in containers or in bags. Special leaf collection trucks will provide pick-up to residents during the autumn months, providing said leaves are raked to the curbside, are not in any container or bag, and are accessible from public property.

(f) The Director shall be responsible for the scheduling of weekly collections by Town solid waste collection vehicles.

(g) Notwithstanding the provisions of this section, the town may provide collection services for condominium owners or mobile home park residents if: (1) the condominium complex or mobile home park facility has more than fifty-percent of its condominium units or mobile homes that are owner-occupied; (2) the town public works director has determined in writing that town refuse collection trucks and contracted collection vehicles are able to collect such trash in the same manner as trash is collected from other residential property; (3) such trash is placed in a Town approved automated waste container as required by section 16-6; and (4) the condominium complex association or the owner of the mobile home park has provided written permission to the town and its contractors to use its property for such collection and has agreed to indemnify the town and its contractors for any liability for damage to such property. In order to qualify for such collection services, the condominium association or mobile home park owner, which meets the provisions of subdivisions (1) through (4) of this section shall file a written request for such services with the Public Works Director by December 31 of the year preceding the July 1 of the year in which such collection services may begin. Such written request shall include a sworn affidavit from the president of the condominium association or agent for the owner of the mobile home park that more than fifty-percent of its condominium units or mobile homes are owner-occupied as of October 1 of that year and such other information as required by the Director of Public Works in order to ensure compliance with the provisions of this section. Subsequent to the initiation of collection services by the town, such sworn affidavit concerning the percentage of units owner-occupied as of October 1 shall be filed with the Director no later than December 31st of each year. The town shall provide such trash services to qualified condominium owners or mobile home park residents within eighteen months of the filing of such request. If, at any time, the Director determines that a condominium complex or mobile home park no longer meets the criteria of this subsection, he shall notify in writing the president of the condominium association or agent for the owner of the mobile home park that it no longer qualifies for collection services. The Director may suspend collection

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Sec. 16-5a. Annual Free Removal of
Debris for Town Commercial Property.

Sec. 16-5a. Annual Free
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services to such association or park residents no less than fifteen days after such notification is made. The Director may resume collection services if he determines that the condominium complex or mobile home park meets the criteria of this section. (Effective: 11-05-01)

- (h) Notwithstanding the provisions of this section, the town may provide residential municipal solid waste collection and disposal for a condominium association of not more than twenty dwelling units where the percentage of owner-occupied units is less than fifty percent if: (1) the association enters into a contract with the town for such services on an annual basis, beginning July 1st and ending June 30th, and pays an annual fee equal to an amount determined by the Finance Director to be the average cost of residential municipal solid waste collection and disposal per dwelling unit multiplied by the number of dwelling units in such condominium association; (2) such association pays for the cost of the automated refuse containers required for residential municipal solid waste collection under this section and any other containers that meet town standards for residential municipal solid waste collection; and (3) such collection and containers are placed on a street on which the town's refuse collection vehicles already collect residential municipal solid waste or in such other area designated by the Director of Public Works. The association shall file with the Director of Public Works an initial written request for services under this subsection no later than December 31st of the year preceding July 1st of the year in which such collection services shall begin. Prior to July 1, 2010, the town may enter into a contract for such services for a term of less than one year and shall assess such fees on a pro-rata basis. The town may suspend or refuse to perform residential municipal solid waste collection and disposal services if the association fails to meet its obligations under the contract.

Voted: 10-20-09
Published: 10-27-09
Effective: 11-17-09

Sec. 16-5a. Annual Free Removal of Debris for Town Commercial Property.

- (a) Notwithstanding the provisions of Section 16-5, and subject to the limitations set forth in this Section, the Town shall provide to an owner of commercial property located in the Town free removal of debris from the location of the commercial property one time per calendar year. Such debris shall not exceed seven (7) cubic yards and must be the product of the commercial property owner's effort to improve the exterior appearance at the location of the commercial property. The debris shall not include debris generated as a result of the operation of any business located on the commercial property and shall not include debris generated as a result of structural demolition. For the purpose of this section, the term "commercial property" shall not include property consisting solely of residential dwellings.
- (b) In order to be allowed to utilize the privilege set forth in subsection (a) above, the commercial property owner must submit the following information to the Director of Public Works on forms provided by him for that purpose: Name of commercial property owner; address of commercial property; telephone number at which commercial property

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- owner may be reached; a general description of debris; and dates on which debris will be available for removal. The Director of Public Works or his/her designee shall contact the commercial property owner to arrange an appointment, at which time said director or designee will inspect the debris and will arrange for its removal.
- (c) This ordinance shall be repealed two (2) years from the effective date, unless renewed.

Voted: 4/20/93
Published: 4/30/93
Effective: 5/21/93

Sec. 16-6. Storing of Solid Waste.

- (a) Provision for Containers. The owner of each premise in which solid waste is created or generated shall provide, at a suitable place upon such premises, sufficient containers for receiving and holding such solid waste during the intervals between collection. Solid waste containers shall be maintained in good condition free of holes and fissures and shall be equipped with securely-fitting covers.
- (b) Containers for Household Waste.
1. The standard container for household Municipal solid waste shall be a watertight, vermin-proof galvanized or plastic container, with a tight lid, of no less than twenty (20) gallons and no more than thirty (30) gallon capacity. Containers larger than thirty (30) gallons designed for and used as part of Town-licensed or sponsored automated refuse collection system will be permitted.
 2. In the automated refuse collection program only household refuse fitting into the automated refuse container will be picked up by the Town. Automated Refuse containers shall not be used for other than household waste. These containers are provided by the Town of East Hartford and remain the property of the Town. Containers lost, stolen, destroyed, or damaged shall be replaced at the resident's expense.
 - a. (b)(1) and (2) Effective: 5/6/94
- (c) Placement of Containers in Public Way. Solid Waste containers shall not be placed or left for collection upon any sidewalk, street or public place. This provision shall not apply to containers placed by duly authorized Town employees in such public places, or if specifically authorized by the Director.
- (d) Time Restriction on Placement of Containers. No person shall place any solid waste container at the location designated for collection by the town before sundown on the day prior to designated collection day. After collection has been completed and the containers emptied by the town, the owner or agent must remove the empty containers from the collection point on or before 8:00 P.M. on the same day of collection.
- (e) Use of Container by Non-owner. No owner, occupant, tenant or lessee,

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Sec. 16-7. Failure to Remove Solid Waste.

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- using or occupying a building structure or other premises as a separate dwelling shall utilize the solid waste container of any other owner, occupant, tenant or lessee for the disposal of his or her solid waste.
- (f) Depositing Solid Waste Whose Origin is from a Household or Business in Town-owned Containers. No person shall deposit household or business solid waste in any street container maintained by the Town. (effective May 6, 1994)
- (g) Disturbing Contents of Containers. No person not authorized by the owner of a solid waste container shall remove the lid from such solid waste container or shall remove, collect or disturb the solid waste stored in such container. No person shall remove any solid waste from a container and scatter the same upon any Town-owned property.
- (h) Public Places. No person shall place any solid waste in any street, alley or other public place, or upon any private property, whether owned by such a person or not, within this town except in proper containers.
- (i) Dumpsters shall comply with all federal regulations as to construction.
- (j) The Director shall have the authority to set the location of dumpsters.
- (k) Accumulation of Solid Waste. Any uncontainerized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited.
- (l) Scattering of Solid Waste. No person shall cast, place, sweep or deposit anywhere within this town any solid waste in such a manner that it may be carried or deposited by the elements upon or in any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises. No person shall throw or deposit any solid waste in any stream or body of water.
- (m) Hazardous Wastes. It shall be unlawful for any person, firm or corporation of place hazardous wastes or similarly dangerous substances into any solid waste container or to transport any such substance to the CRRRA facility, or any other location designated by the Director for waste disposal or transfer.

Sec. 16-7. Failure to Remove Solid Waste.

Failure to remove any accumulation of solid waste within ten (10) days after written notice by registered mail from the Director to remove same shall be deemed a violation of this ordinance; provided that if such waste constitutes an immediate threat to public health, safety or welfare, it may be ordered to be removed immediately, or removed by the Town at the occupants and/or owner's expense. When such solid waste has been removed by the Town at its expense, this cost, together with accrued interest at the rate of 8% per annum from the date of the completion of work, shall be charged to such owner on the next regular tax bill forwarded to him by the Town unless sooner paid by such owner. Such charge shall be due and payable at the time of payment of such tax bill. When the full amount due the Town is not paid by such owner within thirty (30) calendar days after the disposal of such solid waste as provided for in subsections (a) and (b), a sworn statement showing the cost and expense incurred for the work, the date the work was completed, and the location of the property involved, shall be recorded in the office of the Town Clerk. Such recordation shall constitute a lien on the property and shall remain in effect for the amount due, including principal, interest, attorney's fees and court costs, if any, until final payment has been made. Such amount due shall be collected in the manner fixed by law for the collection of taxes and shall be subject to a penalty as provided for delinquent taxes on a per monthly basis in the

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Sec. 16-8. Licensing of Solid Waste and Recycling Collectors; Registration of Vehicles, etc.

Sec. 16-8. Licensing of Solid Waste and Recycling Collectors; Registration of Vehicles, etc.

event the charge is not paid in full on or before the date the tax bill upon which the charge appears to become delinquent. Sworn statements recorded in accordance with the provisions of this Section shall be prima facie evidence that all legal formalities have been complied with, that the work has been done properly and satisfactorily, and shall be notice to all concerned that the amount of the statement, plus interest, constitutes a lien against the property designated in the statement and that the debt underlying such lien is due and collectible as provided by law.

July 28, 1989

Sec. 16-8. Licensing of Solid Waste and Recycling Collectors; Registration of Vehicles, etc.

- (a) Licensing and Registration Authority Designated. The Director shall be the licensing and registration authority for solid waste and recycling collectors, vehicles and containers. The Director shall grant a license within a reasonable time following the filing of a proper application and payment of the prescribed fee unless he finds one or more of the following conditions to prevail:
 - i. The applicant has been irresponsible in the conduct of solid waste collection and hauling operations based upon previous suspensions and/or revocations of licenses; or
 - ii. The applicant lacks suitable equipment with which to collect solid waste in a safe and nuisance-free manner, and in compliance with this article.
- (b) If the Director, on review of the applicant's qualifications, concludes that granting a license would not be in the best interest of the Town, then said application shall be denied.
- (c) License Required. Each solid waste and recycling collector shall annually on or before July 1 apply for a license from the Director, on such form as he shall prescribe, to engage in the business of solid waste collection in this Town. The applicant shall supply the Town with all information requested on the application form, and attach a current schedule of rates for services. License renewals require the Licensee to complete a License Renewal Application annually.
- (d) Registration of Vehicles, Roll-off Containers. Each licensed solid waste and recycling collector shall obtain a separate registration for each vehicle he operates to transport solid waste and/or recyclables within this town. When a vehicle is employed to transport more than one roll-off container, each roll-off container to be transported and the vehicle shall require a registration. Registrations shall not be transferable from vehicle to vehicle nor from container to container, although the Director may allow a temporary transfer of registrations in hardship situations, such as a temporary breakdown of an individually licensed vehicle.

16-5, a-d Effective: 1/3/92

**CHAPTER 16. Solid Waste
Disposal**

Sec. 16-9. Revocation or Suspension of
License or Registration.

Sec. 16-9. Revocation or
Suspension of License or
Registration.

- (e) Vehicle Inspections. Initially, and each year before the License Renewal Application can be submitted, each vehicle intended for the use of hauling solid waste, industrial wastes or organic wastes, shall be inspected by the Public Works Department with the assistance of the Police and the Director of Health for compliance with applicable health, safety and construction requirements of the vehicles hauling this type of collection. No license shall be issued for any such vehicle unless the vehicle has been inspected and approved by the Director of Health and the Police Department.
- (f) Registration Term; Fee; Renewal. All registrations shall be issued for a term not to exceed one year. The registration fees shall be that amount adopted by the Town Council.
- (g) Reinspection Upon Sale, Transfer of Vehicle During Registration Year. Whenever a duly registered vehicle is sold or transferred to another solid waste collector licensed in this town during the registration year, said vehicle shall be reinspected within seven (7) days of such a transfer date, but no original fee shall be required.
- (h) Display of Registration. The registration issued shall be conspicuously displayed on the left front of the body of each vehicle or container so licensed, or as may be directed by the Director.
- (i) Identification of Vehicles and Containers. Each licensee shall prominently display at all times on each registered vehicle or container in letters at least four (4) inches in height, his name, registration number, and telephone number.
- (j) Notification Required Upon Sale, or Other Transfer of Route. When any licensee shall sell or transfer all or part of his route to any Refuse Collector presently licensed to collect waste in this town, he or she shall give written notice to the Director at least seven (7) days before the date of sale or transfer stating the name of the buyer or transferee and the intended date of sale.
- (k) Licenses Non-transferable. Licenses are not transferable. When any licensee shall sell or transfer all or part of his route to any Refuse Collector not licensed in this town, he or she shall first notify the Director, in writing, of his or her intent to sell and the transferee shall, at the same time, make application for a license to operate in this town.
- (l) Routes Served. As a prerequisite to the issuance or renewal of any license, the solid waste collector must, during the month of June, furnish to the director the geographical routes within the town that such Refuse Collector services, or intends to service.
- (m) Maintenance and Sanitation of Vehicles, Dumpsters and Roll-Off Containers. All vehicles licensed under this Article shall be maintained in a clean and sanitary condition. Each vehicle shall be treated with a germicidal compound generally recognized as effective and safe, at least once a week or more often if required by the Director of Health.

[Subsection (n) of Section 16-8 repealed effective 09-19-02]

Sec. 16-9. Revocation or Suspension of License or Registration.

- (a) Generally. A license to engage in Solid Waste collection in this Town and to utilize any solid waste facility designated by the Director is a privilege, not a right. Failure to comply with the provisions of this ordinance shall be grounds for revocation or suspension of any license or registration issued under the

**CHAPTER 16. Solid Waste
Disposal**

Sec. 16-10. List of Rates.

Sec. 16-11. Administration;
Promulgation of Rules and
Regulations.

- (b) provisions of this ordinance in addition to any other penalty imposed by law.
Notice Required. Revocation or suspension shall only become effective five (5) calendar days after receipt of written notice from the Director.
- (c) Request for Review: Filing: Effect of Failure to File. If a licensee objects to the Director's action described in paragraph (b) above to revoke or suspend his license or registration, he or she may, within five (5) calendar days of receipt of said notice, file a written request for review by the Corporation Counsel. Failure to timely file such request for review shall make the Director's action final and binding upon the licensee.
- (d) Same Effect of Timely Filing. Timely filing of such request for review shall operate as an automatic stay of the Director's action; provided that the Director may for good cause petition the Corporation Counsel to lift such stay pending any final resolution.
- (e) Hearing; Decision. The Corporation Counsel shall establish a hearing date by sending notice, by certified mail, to the licensee at least seven (7) days prior to said hearing. the Corporation Counsel shall render his or her decision within fifteen (15) days of the hearing, and said decision shall be binding on both the Director and the licensee.
- (f) Names, Addresses of Customers to be Furnished upon Revocation or Suspension. Whenever a solid waste collector's license or registration is revoked or suspended, he or she shall furnish the Director within twenty-four (24) hours a complete list of the names and addresses of all of his customers.
- (g) Refusal of Permission to Use a Refuse Disposal or Transfer Facility. Notwithstanding anything to the contrary herein, the Director shall have power to refuse permission to a solid waste collector to use any CRRA Facility, Town Landfill, or any other Town facility or operation, when, in his opinion, such solid waste collector has violated this Article or any other applicable rule or regulation.

Sec. 16-10. List of Rates.

Each solid waste collector shall furnish to his or her customers, upon request, a list of rates for the various services he provides.

Sec. 16-11. Administration; Promulgation of Rules and Regulations.

- (a) The Director shall administer the licensing of any solid waste collector engaged in collecting and transporting solid waste within the town.
- (b) The Director shall, when considering an application for a Solid Waste Collection License, including renewal, ascertain that the applicant has adequate liability insurance, according to standards set by the Town.
- (c) The Director may promulgate additional rules on all collection and disposal procedures from time to time as he deems proper, but such rules shall not be inconsistent with this Article.
- (d) The Director of Public Works shall have the power to issue rules and regulations governing the collection and removal of municipal solid waste and

**CHAPTER 16. Solid Waste
Disposal**

Sec. 16-12. Licensee Regulations.

Sec. 16-12. Licensee
Regulations.

recyclable materials from condominiums, provided such rules and regulations are not inconsistent with this Article or the Charter. Such rules and regulations shall provide for municipal collection of solid waste and/or recyclable materials from condominiums, or in lieu thereof, a payment to be determined as set forth in sub—paragraph (e) per unit per year for the subsidy of tipping fees and other costs of solid waste removal and recyclable to each unit owner, provided that all municipal taxes due from that unit owner have been paid. Payment of sums due under this provision shall be made in the fiscal year in which taxes are due, and shall not accrue from year to year if the unit owner's municipal taxes have not been paid.

(e) The amount to be paid to each unit as set forth in the foregoing sub—paragraph (d) shall be determined by multiplying the total real property taxes due for that unit by a fraction, the numerator of which shall be the amount budgeted for the waste services account and the denominator of which shall be the amount approved in the total town budget for each fiscal year.

Effective: 11/1/91

Sec. 16-12. Licensee Regulations.

(a) Place of Delivery; Payment. Each solid waste collector shall deliver all solid waste meeting the Contractual Standards collected within the territorial limits of the town to a location designated by the Director, and pay the Disposal Charge to the Authority, its agent, or, upon Town billing, the Town.

(b) Failure to Pay. Any licensee failing to pay to the Authority or the Town within thirty (30) days after that date of a bill therefore, shall pay, in addition to the disposal charge shown on the bill, interest on such Disposal Charge at the rate of 1% per month or fraction thereof commencing on the date of such bill, plus all costs of collection, including an attorney's reasonable bill, incurred by the Authority or the Town. A failure to pay shall also be grounds for revocation or suspension of a license and registration.

(c) Prohibition on Delivery. No licensee shall deliver any solid waste designated by the Director.

(d) Construction and Maintenance of Vehicles and Containers. All vehicles registered to collect and transport solid waste shall be automatic unloading vehicles of a watertight construction and shall be maintained free of obnoxious odors and accumulated solid waste. Any such vehicle with a capacity in excess of ten (10) cubic yards shall be of a closed construction. A container utilized primarily for non-liquid solid waste need not be of watertight construction, but shall be completely enclosed. If any such vehicle may have a capacity of less than ten (10) cubic yards, it may have an open top, provided that it be covered when in motion, to prevent the escape of solid waste. November 1, 1991

(e) Customer's Containers. Solid waste collectors shall leave their customer's containers in a neat upright condition, with the lids replaced. The said containers shall be left off the road.

(f) Spilled Solid Waste. Solid Waste collectors shall clean up immediately solid waste that may spill when being carried or transferred.

(g) No Licensee Shall Commence Collection Activities Before 6:30 A.M. or After 7:30 P.M. Violation of this Article may result in the suspension or revocation of the collector's license.

**CHAPTER 16. Solid Waste
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Sec. 16-13. Authority to Issue Rules.

Sec. 16-17. Private Dumps.

Sec. 16-13. Authority to Issue Rules.

(a) The Director of Public Works shall have power to issue orders on the placing of solid waste containers, the protection of such containers from flies or vermin, and the collection and transportation of solid waste through the streets. The disposal of solid waste shall be in places to be designated by the Director.

(b) The Director of Public works shall present to the Mayor and then to the Town Council for approval, rules and regulations governing the separation, collection, transportation and disposal of all solid wastes that he may deem suitable and economical for recycling.

(c) The Director shall have the authority to set the hours and days of operations of all locations to which solid waste may be transported.

(d) The Director is empowered to promulgate rules and regulations not inconsistent with this Article.

Sec. 16-14. Collection During Icy or Snowy Weather.

The occupants of all premises where solid waste is accumulated shall, in icy and snowy weather, keep the walks, paths, driveways, and steps as may be used by the collector in the normal collection of solid waste, in a condition that will permit the collection to be made without hazard to the collectors.

Sec. 16-15. Contagious Disease Refuse.

The removal of wearing apparel, bedding, medical waste or other refuse from homes, health care facilities, and any other place where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the Director of Health. The Town does not provide medical waste collection services and therefore such refuse shall not be placed in containers for regular collection. All infectious or contagious refuse and any other medical waste shall be separately bagged and be conspicuously labeled as "medical waste".

Sec. 16-16. Litter from Trucks.

(a) No person shall drive or move any truck or other vehicle within the town unless such vehicle is constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley, or other public property.

(b) No person shall drive or move any vehicle or truck within the town, whose wheels or tires carry onto or deposit in any street, alley or other public place, any mud, dirt, sticky substance, litter or foreign matter of any kind. Any debris or substance deposited in the above fashion on any public place shall be removed immediately by the operator of the responsible vehicle.

Sec. 16-17. Private Dumps.

(a) As used in this Article, waste material shall mean and include old sheet metal, roofing, cans, portions of automobiles, or any matter or thing injurious to the public health or offensive to the public, but shall not include recently excavated material, unless objectionable by reason of dust or foul odor.

(b) No owner or occupant of any land shall cause or allow his land to be used as a place for the dumping or depositing of solid waste, rags, tin cans, papers,

**CHAPTER 16. Solid Waste
Disposal**

Section 16-17a. Bulky Waste/Transfer
Station Permit.

Section 16-17a. Bulky
Waste/Transfer Station
Permit.

empty barrels, boxes or other waste material without having obtained a permit from the State Department of Environmental Protection.

(c) No person shall place any of the above mentioned materials upon land belonging to another, except in a place for which such permit has been obtained.

(d) Before any dump permit shall be issued, the Director of Public Works shall submit the application to the Department of Development and the Inland Wetlands Commission for approval. No private dump permit shall be issued unless approved by the Department of Development, the Inland Wetlands Commission and the Department of Environmental Protection.

(e) The Director is authorized to issue permits authorizing the dumping of solid waste and to make orders and regulations covering the time and conditions of use, the materials that may be deposited on any particular location, and the placing and maintaining of signs indicating the permitted uses.

(f) This Article shall not apply to the dumping of any of such materials in any dumping ground or place owned or maintained by the Town as a public landfill. Any dumping on a Town-owned or Town-maintained landfill shall be done in accordance with rules and regulations of the Director of Public Works.

(g) No parent, guardian or person in charge of any child under the age of twelve (12) years shall permit such child to any public or private dumping ground unless accompanied by a responsible adult.

Voted: 6/20/89

Published: 7/7/89

Effective: 7/28/89

Section 16-17a. Bulky Waste/Transfer Station Permit.

- (a) No person shall deposit or attempt to deposit any solid waste, except leaves or other materials as authorized by the Public Works Director by regulation, at the transfer station or request the town to pick up bulky waste from the curbside in front of the person's property without obtaining a permit pursuant to this section.
- (b) The Director of Public Works may issue a permit to any resident or residential property owner of the town to deposit at the transfer station any solid waste from the person's residential property that is authorized by state law or town ordinance or regulation to be deposited at such transfer station or to request town pick up of bulky waste from the curbside in front of the person's property, provided the town resident or residential property owner submits proof of town residency or ownership of residential property in the town and pays the transfer station permit fee as established by the town council pursuant to this section. Such permit shall be effective one year from the date of issuance and shall specify the residential property for which the permit was issued. If the residential property is a building containing more than one residential unit but no more than six dwelling units, the permit shall specify the unit for which it is issued. If the permit is issued to an owner of residential property who is not a town resident, such permit shall only authorize deposit at the transfer station or pick up from the curbside of any solid waste of the residential property in the town. As used in this section, residential property shall mean property with a single family home or a building containing no more than six dwelling units. No permit is transferable from one residential property to another except when the permit holder relocates the holder's principal residence from one residential property in East Hartford to another such property.

Effective 08-13-04

**CHAPTER 16. Solid Waste
Disposal**

Sec. 16-18. Definitions.

Sec. 16-18. Definitions.

- (c) The Director of Public Works may revoke any permit issued to a town resident pursuant to this section if such town resident violates any state law or town ordinance or regulation concerning the proper disposal of solid waste.
- (d) The Town Council shall establish the fee for such permit.
- (e) The Director of Public Works may promulgate regulations to implement the provisions of this section.
- (f) No person, who has obtained a permit pursuant to this section, shall place any bulky waste at curbside more than seven days prior to the scheduled town pick up of such bulky waste.
- (g) If a person places bulky waste at curbside without requesting the town to pick up such bulky waste or without obtaining a permit pursuant to this section, the Director of Public Works may serve a citation on the owner of such property by certified mail or by abode service at the property where such bulky waste was placed at curbside. Such citation shall indicate that the placement of bulky waste is in violation of this section and that the property owner has no more than three days from the date of service of such citation to remove such bulky waste or the town will remove such bulky waste and bill the property owner for such removal. The town may place a lien on such property for any uncollected costs under this section. Such citation may be revoked if the property owner obtains a permit and agrees to comply with the provisions of this section.

Subsections (f) and (g) Voted: 11-22-05

Published: 11-29-05

Effective: 12-20-05

ARTICLE 2. RECYCLABLE MUNICIPAL SOLID WASTE.

Sec. 16-18. Definitions.

As used in sections 16-18 through 16-22 of the town ordinances:

- (1) "Commercial property" shall mean any property in the town of East Hartford that is not residential property;
- (2) "Curbside recyclable waste" shall mean any category of recyclable waste which the Director of Public Works, by regulation, determines to be recyclable material that should be deposited in a recycling container;
- (3) "Municipal solid waste container" shall mean a container for household waste as described in subsection (b) of section 16-6 of the Town Ordinances;
- (4) "Recyclable waste" shall mean any category of municipal solid waste which the Director of Public Works, by regulation, determines to be recyclable material;
- (5) "Recycling container" shall mean any receptacle approved by the Director of Public Works for use by residential property residents for the curbside collection of recyclables;
- (6) "Residential property" shall mean any property from which the town collects municipal solid waste pursuant to section 16-5 of the Town Ordinances;

**CHAPTER 16. Solid Waste
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Sec. 16-19. Residential Collection
Policies

Sec. 16-21. Preparation of
Recyclables

Sec. 16-19. Residential Collection Policies

- (a) A residential property owner or a person residing at a residential property shall not place any recyclable waste in a municipal solid waste container.
- (b) Each residential property owner or any person residing at a residential property shall place all curbside recyclable waste in a recycling container. All curbside recyclable waste shall be clean and free from any food waste. Curbside recyclable waste shall be separated in the recycling container in accordance with regulations adopted by the Director of Public Works. Recycling containers shall not be used for any non-recyclable solid waste. No residential property owner or person residing at a residential property shall place a recycling container at the curbside for collection prior to sundown on the day prior to the designated collection day. Such recycling container shall be removed from the curbside prior to 8 p.m. on the designated collection day.
- (c) The Town shall provide a recycling container to each property owner on which a new residential structure is placed on or after the effective date of this ordinance. Recycling containers are the property of the Town of East Hartford. Replacement recycling containers shall be made available to residential property owners by the Town of East Hartford upon payment of the fee established by the Town Council in the Schedule of Fees for such replacement recycling containers.
- (d) All recyclable waste collected from the recycling containers shall be delivered to a facility designated by the Director of Public Works for processing into new materials.
- (e) The Town or any person designated by the Town to collect curbside recyclable waste may not collect curbside recyclable waste from a recycling container that contains materials that are not curbside recyclable waste.
- (f) No person shall scavenge curbside recycling waste from a recycling container.

Sec. 16-20. Commercial Collection Policies

- (a) A commercial property owner or person who resides at, or leases, such commercial property shall not place any recyclable waste in a container designated by the solid waste hauler for municipal solid waste.
- (b) Each commercial property owner or person who resides at, or leases, such commercial property shall place all curbside recyclable waste in a recycling container designated by the solid waste hauler with whom such owner or person has contracted to collect municipal solid waste from the property. Each municipal solid waste hauler shall ensure that curbside recyclable waste placed in such recycling container is recycled.

Sec. 16-21. Preparation of Recyclables

Each private solid waste hauler and the recyclable waste collection company with whom

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the town has contracted to collect recyclable waste from residential property shall report the amount of recyclable waste collected to the Director of Public Works on a quarterly basis. The Director of Public Works shall designate the reporting schedule in writing to each hauler and collection company.

Sections 16-22 and 16-23 were repealed on 02/02/05.

***Sec. 16-24. MEMBER OF THE CENTRAL CONNECTICUT SOLID
WASTE AUTHORITY***

Section One: Statement of Purpose

Pursuant to Section 7-273aa of the Connecticut General Statutes Annotated, which provides that any two or more Connecticut municipalities may, by concurrent ordinances of their legislative bodies, create a regional solid waste authority under the provisions of Sections 7-273aa to 7-273oo, inclusive ("Chapter 103b"), to jointly manage solid waste and recycling services on behalf of its members, the purpose of this Ordinance is to create such a regional authority to be known as the Central Connecticut Solid Waste Authority ("CCSWA"). Upon adoption of this Ordinance by two or more municipalities, CCSWA shall be created.

Section Two: Creation of the Regional Solid Waste Authority

CCSWA is hereby created as a regional authority under the provisions of Chapter 103b and shall have all the rights, powers, duties and obligations of a regional authority pursuant to Chapter 103b and Chapters 446d and 446e of the Connecticut General Statutes Annotated.

Section Three: Designation of Regional Solid Waste Authority

The Town of East Hartford (the "Municipality") hereby designates CCSWA as its regional solid waste authority, including its regional resource recovery authority, and adopts the provisions of Chapter 103b in connection with this election to become a member of CCSWA; provided, however, that this designation and membership election shall not constitute a commitment of the Municipality's solid waste or recycling streams, and provided further that the Municipality agrees that it shall take no action, now or in the future, contrary to its currently existing legal obligations and commitments, including, without limitation, making any pledge of its municipal solid waste or recycling streams to a disposal or recycling option chosen through CCSWA which has an effective date commencing prior to the expiration date of any currently existing waste stream commitment to another disposal or recycling arrangement. By adopting this Ordinance, the Municipality shall not be obligated now or in the future to make any such commitment of its solid waste or recycling streams, or to commit any funding toward CCSWA, without further express authorization by its legislative body.

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Section Four: Purpose of the Authority

The purpose of CCSWA shall be to solicit and jointly manage solid waste and recycling services on behalf of its members.

Section Five: Principal Address of the Authority

The principal address of CCSWA shall be 241 Main Street, Hartford, Connecticut 06106, c/o the Capitol Region Council of Governments.

Section Six: Members of the Authority

The members of CCSWA shall be the municipalities, including the Municipality, which adopt this Ordinance. Each member municipality shall be assigned to one of four sub-regions of CCSWA: (1) the Northwest Sub-Region, (2) the Naugatuck Valley Sub-Region, (3) the Greater Capitol Sub-Region or (4) the Shoreline Sub-Region.

Section Seven: Voting System for Meetings of the Authority's Full Membership

The number of votes to be cast by each municipal member of CCSWA at any meeting of the authority's full membership shall be determined in accordance with the following five-tiered voting system based on the individual population of each municipal member compared to the total population of all CCSWA municipal members (all such population figures to be derived from the most recent annual data published by the Connecticut Department of Public Health):

(a) each municipal member whose individual population is less than one percent of the total population of all CCSWA municipal members shall have one vote;

(b) each municipal member whose individual population is equal to or greater than one percent, but less than two percent, of the total population of all CCSWA municipal members shall have two votes;

(c) each municipal member whose individual population is equal to or greater than two percent, but less than five percent, of the total population of all CCSWA municipal members shall have three votes;

(d) each municipal member whose individual population is equal to or greater than five percent, but less than ten percent, of the total population of all CCSWA municipal members shall have four votes; and

(e) each municipal member whose individual population is equal to or greater than ten percent of the total population of all CCSWA municipal members shall have five votes.

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Section Eight: Appointment, Removal and Term of Office of a Municipal Member Representative

Each municipal member shall appoint one representative to CCSWA, which shall be the current chief elected official of the municipality or that official's designee, and that representative shall exercise the voting powers established for that municipal member as set forth in this Ordinance. As long as the method of appointment and removal and the term of office of each municipal member representative shall be consistent with the first sentence of this section, the details of such appointment, removal and term of office shall be as determined by the appointing municipality; provided however, that not more than half of the terms of all such municipal representatives shall expire within any one fiscal year.

Section Nine: Annual Meeting and By-Laws of the Authority

There shall be at least one annual meeting of all municipal members of CCSWA, to elect the members of the Executive Committee and enact such other business as shall be deemed advisable at such meeting, all as provided in the by-laws of CCSWA to be adopted after its formation. It shall require the affirmative vote of a majority of all CCSWA municipal members to enact the authority by-laws or adopt any amendments thereto, such vote to take place at a duly-called meeting of the full membership of CCSWA, with proxy voting to be permitted at such meeting.

Section Ten: Prohibition Against Member Monetary Compensation Other Than Host Community Compensation

The members and member representatives of CCSWA shall receive no monetary compensation solely for their service as members and member representatives of CCSWA; provided, however, that the ability of CCSWA, if it chooses to do so in its sole discretion, to pay host community compensation to municipal members which agree to host facilities owned or used by CCSWA within their municipal borders shall not be affected by this prohibition.

Section Eleven: Executive Committee of the Authority

The full membership of CCSWA shall elect an Executive Committee to manage the operations of CCSWA, provided, however, that the specific division of responsibilities for such management between the Executive Committee, the full membership of CCSWA and any other body or officer of CCSWA shall be consistent with the by-laws of CCSWA to be adopted after its formation. No member of CCSWA shall have more than one representative on the Executive Committee, and each member of the Executive Committee shall have one vote, without regard to the voting system established by Section 7 of this Ordinance for meetings of the authority's full membership. The members of such Executive Committee shall constitute an odd number, shall include at least one representative of each of the five voting tiers established pursuant to Section 7 of this Ordinance for meetings of the authority's full membership, and shall also be determined by considerations of geographical representation based on the four sub-regions established under Section 6 of this Ordinance, all such matters and the terms of office and appointment of such Executive Committee members and other matters pertaining thereto to be specifically determined in a manner consistent with the by-laws of CCSWA to be adopted after

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its formation.

Section Twelve: Adoption

This Ordinance is hereby adopted pursuant to and in compliance with all laws governing the Municipality's adoption of ordinances. Dated: _____, 2010

Voted: 08-17-10
Published: 08-24-10
Effective: 09-14-10

Sec. 17-1. Industrial Wastes in Rivers and Streams; Treatment.

CHAPTER 17. Sewers and Sewage

Sec. 17-4. Discharging Water or Waste Onto Sidewalks.

CHAPTER 17. SEWERS AND SEWAGE

ARTICLE 1 GENERALLY

Sec. 17-1. Industrial Wastes in Rivers and Streams; Treatment.

No person owning real property, or in control of real property, or any portion thereof, either jointly or separately, located within the Town, shall directly or indirectly place in, or permit to be placed in, or discharge or permit to flow directly or indirectly, immediately or ultimately, by any system or device whatsoever, any industrial wastes into the rivers and streams which have failed to receive a degree of treatment which will produce an effluent having quality falling within the following standards:

- (1) pH between 6.5 and 8.5;
- (2) Suspended solids not over 30 ppm;
- (3) Biochemical oxygen demand not over 30 ppm;
- (4) Color and turbidity shall not increase by more than 5 ppm the amount present in the receiving stream, sampled above any industrial waste outlet.
- (5) Not toxic, poisonous or harmful to animal or human life.

Sec. 17-2. Untreated Raw Sewage in Rivers and Streams.

No person owning or in control of any real property, or any portion thereof, either jointly or separately, located within the Town, shall directly or indirectly place in, or permit to be placed in, or discharge or permit to flow directly or indirectly, immediately or ultimately, as any system or device whatsoever, raw sewage, defined as any untreated body or animal waste, into the rivers and streams, or cause the same to mingle or come in contact with any other waters of the rivers and streams.

Sec. 17-3. Discharging Drain or Conductor Pipe Effluent into Public Places.

The opening or maintaining of any drain or conductor pipe in such manner that the effluent thereof is discharged upon any sidewalk, street or other public place, constitutes a nuisance.

Sec. 17-4. Discharging Water or Waste Onto Sidewalks.

- (a) No person shall permit water or waste of any kind to pass or be intentionally discharged upon any sidewalk.
- (b) As used in this Section, waste shall mean and include any cleaning fluid, acids, caustics, poisons and similar dangerous substances, gasoline, oil and other similar liquid petroleum products, or treated or raw

Sec. 17-5. Permit Required to Open Street.

CHAPTER 17. Sewers and Sewage

Sec. 17-7. Violations; Abatement of Conditions.

sewage.

Sec. 17-5. Permit Required to Open Street.

(a) Any plumber desiring to make any opening in a public street or way shall apply for and secure from the Director of Public Works a permit for doing the work, on forms prepared for that purpose.

(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, and 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, 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

Sec. 17-6. Private Sewer or Drain; Permit Required.

- (a) No person shall discharge or cause to be discharged into the municipal storm drain system any material or substance except: (1) stormwater; (2) water from landscape irrigation, individual car washes, potable water sources, air-conditioning condensate, water main flushing, street washing, groundwater discharges from foundation and footing drains, groundwater from springs, streams and other wetlands; (3) dechlorinated pool water; (4) uncontaminated water from roof drains; and (5) any material or substance authorized by a federal, state or local government authority or by federal, state or local law.
- (b) No person shall construct or maintain any drain or device, whether on the surface or subsurface, that allows any discharge of non-storm water into the storm water drain system in violation of subsection (a) of this section. Any person who maintains any such drain or device that had been previously approved by the state or local government shall stop the flow of discharge into the storm water drain system within six months of the effective date of this ordinance.
- (c) No person shall deposit onto any public or private property any material that can be reasonably expected to cause a violation of subsection (a) of this section.

Sec. 17-7. Violations; Abatement of Conditions.

The Director of Public Works shall adopt regulations establishing best management practices for preventing or reducing the discharge of pollutants directly or indirectly into the storm drain

Sec. 17-8. Damaging Public
Sewer System.

**CHAPTER 17. Sewers and
Sewage**

Sec. 17-8. Damaging Public
Sewer System.

system. These practices may include treatment facilities to remove pollutants from storm water, methods to control runoff, erosion and sediment control, and measures consistent with federal and state environmental laws. Such practices shall, as appropriate, be incorporated by reference into any building or zoning permit issued by the town.

Sec. 17-8. Damaging Public Sewer System.

- (a) If the Director of Public Works has reason to believe that a violation of section 17-6 or section 17-8a is occurring or has occurred, the Director may, after giving written notice to the property owner of not less than 24 hours, except in emergency circumstances, enter the property on which such violation is located for purposes of determining if such violation has occurred or is occurring. If the Director determines that a violation has occurred or is occurring, the Director may issue a citation to correct a violation within the time specified in such citation. Such citation shall include the following provisions: (1) the allegations against the property owner and what needs to be corrected; (2) that the person may contest the citation before the Inland Wetlands/Environment Commission by delivering, in person or by mail, to the town clerk within ten days of the date of the citation, a written demand for a hearing; (3) that if the person cited does not demand such hearing or comply with the citation, the town may enter such property, remediate the property and take other action required of the property owner in the citation and bill the property owner for such costs incurred by the town and that such costs may be the subject of a lien on such property.
- (b) If the person who is served such citation wishes to admit liability for any alleged violation, he may, without requesting a hearing, comply with the citation.
- (c) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of such notice, provided the Inland Wetlands/Environment Commission may grant, upon good cause shown, any reasonable request by such person for a postponement of such hearing. The presence of either the Director of Public Works or the person who issued the citation shall be required at the hearing if so requested by the person named in the citation. Such request must be included with the appeal. A person wishing to contest liability shall appear at the hearing, may present evidence, and may be represented by an agent or attorney. The Director of Public Works may present evidence on behalf of the Town. If the person who received the citation fails to appear, the Inland Wetlands/Environment Commission shall enter a judgment by default against such person upon a finding of proper notice and liability under the applicable provisions of this section. The hearing shall be conducted in accordance with the rules of evidence as established in section 4-178 of the Connecticut General Statutes. The Inland Wetlands/Environment Commission shall render a decision within ten days of the close of the hearing. If the Commission determines that the person who received the citation is not liable, it shall dismiss the matter and enter that determination in writing. If the Commission determines that the person who received the citation is liable, the Commission shall enter a judgment finding such liability.
- (d) If the person receiving the citation fails to comply with the order in such citation with the

Sec. 17-8a.

CHAPTER 17. Sewers and SewageSec. 17-11. Septic Tanks;
Abandonment or
Discontinuance.

stated period of time, the town may enter such property and remediate the property and take any other action required of the property owner in the citation. Costs incurred in the performance of such work performed by, or on behalf of, the town of East Hartford shall be charged to the owner of the property on which such work was performed. Interest on any unpaid balance after thirty days shall accrue at a rate of twelve percent per annum. If the costs of the work are not paid by the owner of the property within thirty days of the date of the billing of such costs, the town may file a lien on such property and the corporation counsel may institute an action in superior court to recover such costs

Sec. 17-8a.

No person may construct, maintain or use any drain device or conveyance that connects to the municipal storm drain system without a permit issued by the Director of Public Works. The Director of Public Works shall deny, suspend or revoke any permit to connect to the municipal storm drain system if the material or substance flowing into such system is not authorized pursuant to subsection (a) of section 17-6 or the Director determines that such connection will overburden the system, cause undue harm to the quality of water in the system or is not maintained in good condition. Any permit issued pursuant to this section shall be contingent on the permittee receiving such other approvals or authorizations as required by federal, state or town laws.

Sections 17-6 through 17-8, and Section 17-8a. effective January 11, 2011.

Sec. 17-9. Depositing Septic Tank Contents.

No person shall deposit or cause to be deposited any portion of the contents of any septic tank or cesspool in or upon any place within the town, other than such places as may be designated by the Director of Public Works and Director of Health. No such deposit shall be made so as to leave any of the materials exposed to the air, or to flies or in such manner that any waters or stream shall be contaminated thereby, or any stench or disagreeable odors shall arise therefrom.

Sec. 17-10. Septic Tank Drainage Onto Land Adjacent to Sewer.

No person shall construct or maintain any septic tank or permit any household fixture to be drained upon any land fronting upon any street within the town through which the public sewer has been laid.

Sec. 17-11. Septic Tanks; Abandonment or Discontinuance.

(a) Any person abandoning or discontinuing the use of any septic tank shall empty the tank and fill such tank with material approved by the Director of Health; provided that concrete septic tanks need not be filled unless required by the Director of

Sec. 17-12. Definitions.

**CHAPTER 17. Sewers and
Sewage**

Sec. 17-15. Discharges into
Sanitary Sewers.

Health.

(b) No person shall remove, fill or remodel any septic tank without first having obtained a permit from the Director of Health.

ARTICLE 2. METROPOLITAN DISTRICT.

Sec. 17-12. Definitions.

(a) As used in this Article:

(1) Sanitary sewage shall mean the common waste water and water-carried wastes from human dwellings and from toilet and lavatory fixtures, kitchens, laundries and similar facilities of business and industrial buildings. Sanitary sewage shall not include storm water from roofs, yards, streets or open spaces, water from land surfaces or brooks, clean waste or overflows from springs, wells or subsoil drainage, large volumes of clean water from air conditioners or condensing facilities, clean water from hydraulically operated contrivances and those wastes included within the definition of "industrial wastes" as defined in the ordinance of the Metropolitan District, Bureau of Public Works.

(2) Other terms: Where and as the context will admit, other terms used in this Article shall have the meaning indicated in the ordinance of the Metropolitan District adopted June, 1950, and as it may be amended.

Sec. 17-13. Enforcement.

The Building Inspector shall inspect, supervise, control and enforce compliance with this Article and shall not certify for issue any building, plumbing or other permit or certificate of occupancy in the absence of full compliance with this Article. He may order the discontinuance of any use of a sewer or drain, or connection therewith, contrary to this Article.

Sec. 17-14. Other Facilities for Excessive Clean Water Drainage.

Other facilities shall be provided for clean water drainage which otherwise would potentially or actually increase unnecessarily the flow rate in the public sanitary sewer system, including its pumping stations and sewage treatment plants.

Sec. 17-15. Discharges into Sanitary Sewers.

All discharges from house sewers to the public sanitary sewer shall consist of sanitary sewage only and shall comply with the ordinance requirements of the Metropolitan District, Bureau of Public Works.

July 2, 1980

Sec. 17-16. Discharge or Seepage of Storm or Drainage Water.

CHAPTER 17. Sewers and Sewage

Sec. 17-18. Floor Surface Drainage.

Sec. 17-16. Discharge or Seepage of Storm or Drainage Water.

No person shall discharge or permit to be discharged, directly or indirectly, or construct any pile in any building or on any premises intended to discharge, directly or indirectly, storm water seepage, subsoil drainage or any water except sanitary sewage to any public sanitary sewer within the jurisdiction of the Metropolitan District.

Sec. 17-17. Proximity of Sump Pit to Sewer; Drainage During Construction.

No sump pit shall be located within five (5) feet of the sanitary sewer drain within any building. No drainage from the cellar or premises into the sanitary sewer shall be permitted during construction of any building, but provisions shall be made by the owner to prevent water accumulating in the cellar or outside the walls, to the injury of the foundation.

Sec. 17-18. Floor Surface Drainage.

A cast iron floor drain with integral backwater valve and trap for draining the surface of cellar floors may be cast into a concrete floor and permitted to connect with the sanitary sewer through tight-jointed case soil pipe only after the owner has received written permission from the Metropolitan District by specific notation on the house connect permit. Any floor surface drain shall be constructed in accordance with plumbing code.

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

CHAPTER 18. Streets and Sidewalks

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

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.

CHAPTER 18. Streets and Sidewalks

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;
Permit Required.

**CHAPTER 18. Streets and
Sidewalks**

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

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 Required; Fee.

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

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

CHAPTER 18. Streets and Sidewalks

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

marking of curb faces with home address numbers.

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.

Section 18-19 was repealed on February 3, 2015. See Section 18-26

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) 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.

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

**CHAPTER 18. Streets and
Sidewalks**

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

(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 (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,

Sec. 18-24. Definitions.

CHAPTER 18. Streets and Sidewalks

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

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.

(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 Curb Cut **CHAPTER 18. Streets and Sidewalks**

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

Sec. 18-26. Driveway Curb Cut

- (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; provided that no residential property driveway shall exceed twenty feet in width unless the director or designee determines that such driveway will comply with sound engineering principles and is in the best public safety interests of the town including consideration of the impact of such driveway on neighboring property, public sidewalks and roadways. As used in this subsection, "residential property" shall mean any property used for a single family residential dwelling or multi-family residential dwelling not exceeding six units.
- (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.

Voted: 02-03-15
Published: 02-10-15
Effective: 03-03-15

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.

CHAPTER 18. Streets and Sidewalks

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

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

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

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

Sections 18-28 and 18-29 were repealed on April 25, 2024.

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 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.

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

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

Sections 18-32, 18-33 and 18-34 were repealed on April 25, 2024.

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

CHAPTER 18. Streets and Sidewalks

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

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

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

Sec. 18-38. Removal of Snow,
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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 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
Published: June 17, 1994
Effective: July 8, 1994

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

**CHAPTER 18. Streets and
Sidewalks**

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.

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

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

**CHAPTER 18. Streets and
Sidewalks**

Sec. 18-46. Barricading and
Lighting Excavations.

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.

CHAPTER 19

Sections 7-9 through 7-11, inclusive, section 7-13, sections 7-17 through 7-18, inclusive, and Sections 19-1 through 19-123, inclusive, of the Town of East Hartford Code of Ordinances were repealed on May 31, 2001.

Please see Chapter 7, Article 3. Property Maintenance Code.

Section 20-1. Appointment of tree warden: powers and duties of tree warden.

CHAPTER 20. Trees and Vegetation

Section 20-1. Appointment of tree warden: powers and duties of tree warden.

CHAPTER 20. TREES AND VEGETATION

Section 20-1. Appointment of tree warden: powers and duties of tree warden.

- (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.

Section 20-2.

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

Voted: 02-16-21
Published: 02-25-21
Effective: 03-18-21

Sec. 21-1. Abandoned and/or
Inoperable Vehicles

**CHAPTER 21. Vehicles and
Traffic**

Sec. 21-1. Abandoned and/or
Inoperable Vehicles

CHAPTER 21. VEHICLES AND TRAFFIC¹

ARTICLE 1. GENERAL PROVISIONS

Sec. 21-1. Abandoned and/or Inoperable Vehicles

(a) **Definition.** For purposes of Sections 21-1 and 21-2 of the Municipal Code, the terms below have the following meaning:

(1) "Motor vehicle" or "vehicle" shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery, except for electric battery operated wheel chairs or scooters, self-propelled snow plows, snow blowers or lawn mowers and shall include, without limitation, automobile, truck, trailer, major recreational equipment, motorcycle, tractor, buggy and wagon.

(2) "Street" shall have the same definition as set forth in Sec. 1-2(32) of the Code of Ordinances.

(3) "Public property" shall mean all real estate owned and/or maintained by the Town of East Hartford.

(4) "Abandoned motor vehicle" shall mean any motor vehicle within the Town which, after a good faith determination, has the appearance that the owner has relinquished control without the intention of reclaiming it, including, but not limited to, an unregistered vehicle a vehicle with invalid marker plates, or one which is damaged, vandalized, dismantled, partially dismantled, inoperative, or unusable as a motor vehicle.

(5) "Person" shall have the same definition as set forth in Sec. 1-2(21) of the Code of Ordinances.

(b) **Abandoned Vehicles Prohibited.** No person shall park, store, leave or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned condition whether attended to or not, upon any public or private property within the town. This section shall not-apply to:

(1) Any motor vehicle on private property which is enclosed within a building held in connection with a business enterprise lawfully licensed by the Town and/or State and located within the appropriate zone;

(2) A duly licensed motor vehicle junk yard;

(3) Any motor vehicle which is in operable condition specifically adopted or designed for operation on drag strips or raceways, or retained by the owner for antique collection purposes, or any inoperable motor vehicle being restored to an operable condition, provided that:

(i) only one such motor vehicle shall be permitted at any one

¹ State Law reference: As to abandoning vehicles generally, see CGS §14-150.

Charter Reference: Town not authorized to regulate vehicle equipment but many regulate traffic §14-162 CGS authority also given in §7-148, 7-194, (21), (22), CGS rules of the road, §14-412 et seq., CGS

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- time on the property in question;
- (ii) Motor vehicle parts used in the restoration must be stored in the motor vehicle or in a structure;
 - (iii) Such motor vehicles are to be covered with a tarpaulin whenever work is not being done upon them;
 - (iv) In the case of a motor vehicle being restored to an operable condition, a permit has been obtained from the Department of Inspections and Permits, said permit limited to sixty days, renewable once for an additional sixty days.

Notwithstanding subsection (3) above, nothing herein shall preclude more than one motor vehicle, if such additional vehicles are totally within an enclosed structure, outside of public view, and not in violation of any health, safety or zoning laws.

(c) Notice to Remove. Any officer of the Police Department, upon discovery of any abandoned motor vehicle, or upon notification by any official of the Department of Inspections and Permits, or any official of the Health Department of an abandoned motor vehicle, shall affix to such motor vehicle a notification sticker in a manner so as to be readily visible. Said notification shall contain the following information: (1) The date and time the notification sticker was affixed to the motor vehicle; (2) A statement that pursuant to Section 14-150 of the Connecticut General Statutes, if the motor vehicle is not removed within twenty-four (24) hours of the time the sticker was affixed, it shall be taken into custody, and stored at the owner's expense; (3) The location and telephone number where additional information may be obtained; and (4) The identity of the affixing officer. If said motor vehicle is not removed within such twenty-four [(24)] hour period, the police may order removal: Notwithstanding the above, if the abandoned motor vehicle is on private property, and the private property owner acknowledges that said vehicle is owned by him or her, or is on the property with the owner's consent, the order to remove shall be for within thirty (30) days. Nothing herein shall preclude the Town from removing any abandoned vehicle for traffic, health or safety purposes at any time deemed necessary.

(d) Notice of Disposition. If an abandoned vehicle has a market value, based on its current condition, of one hundred dollars or less, and is so vandalized, damaged or in disrepair as to be unusable as a motor vehicle, title to such motor vehicle shall, upon taking custody of such motor vehicle, immediately vest in the Town. Within forty-eight hours of the time that such motor vehicle is taken into custody, the affixing department shall notify the Commissioner of Motor Vehicles, in writing, of the vehicle identification number and a description of the motor vehicle. Upon sale or other disposition of the motor vehicle, the affixing department shall give written notice by certified mail to the person who was the owner of such motor vehicle at the time of abandonment, if known, which notice shall state that the motor vehicle has been sold or otherwise disposed of. The proceeds of the sale or disposition, or the fair market value of the motor vehicle in its current condition, whichever is greater, less the towing and sale or disposal expenses, shall be paid to such person or his representatives, if claimed by him or them within one year from the date of sale. If such balance is not claimed within such period, it shall escheat to the municipality. If the expenses incurred by the municipality for towing and the sale or disposition of such motor vehicle exceed the proceeds of such sale or disposition, such person shall be liable to such municipality for such excess amount. For vehicles with a market value in excess of one hundred dollars, notice shall be given, by certified mail, to the owner of such motor vehicle, if known, within forty-eight hours of the time the motor vehicle is taken into custody, which notice shall state: (1) That the motor vehicle has been taken into custody and stored; (2) The location of the storage of the motor vehicle; (3) That such motor vehicle may be sold

Sec. 21-1. Abandoned and/or
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after fifteen days if its market value does not exceed five hundred dollars, or ninety days if its market value exceeds five hundred dollars; and (4) That the owner has a right to contest the validity of such taking by application, on a form prescribed by the Commissioner of Motor Vehicles, to the hearing officer named in such notice within ten (10) days from the date of such notice. Such application forms shall be made readily available to the public at all offices of the town's police department. If the motor vehicle is on private property, the property owner and occupants shall also be provided with the same notice, provided that notice need only be given to a landlord in the case of an apartment complex with more than three (3) dwelling units. All sales and/or other dispositions of abandoned motor vehicles shall be accomplished in compliance with the notice and advertising provisions of Public Act No. 87-372 or such amendments and/or successor statutes adopted by the General Assembly.

(e) Penalty. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than one hundred dollars. If the abandoned vehicle is on private property, each day which such violation continues after the expiration of the thirty day removal order shall be considered a separate violation. If the abandoned vehicle is on a street or public property, the daily fine shall commence upon the posting of a notice on the vehicle. Nothing herein shall be construed as limiting the civil remedies available to a private property owner for damage to, or violation of, the owner's property rights by the owner of the abandoned vehicle.

(f) Removal by the Town. If the motor vehicle is on private property and has not been removed within the thirty day period of compliance, the Town or its designee shall have the right to take possession of the abandoned vehicle and remove it from the premises. This thirty day period may be extended by the hearing officer, appointed pursuant to Sec. 21-2 of the Code of Ordinances, if there is a pending appeal and if the vehicle is on private property. It shall be unlawful for any person to interfere with, hinder, or refuse to allow the Town or its designee to enter upon private property for the purpose of removing an abandoned motor vehicle under the provisions of this ordinance.

(g) Redemption of Impounded Motor Vehicle. The owner of any abandoned motor vehicle seized under the provisions of this section may redeem said motor vehicle prior to its disposition or destruction upon proof of ownership and payment to the Town and/or its designee such sum as determined and fixed for the actual and reasonable expense of removal, storage and any preliminary disposition costs.

(h) Liability of Owner or Occupant. Upon failure of the owner of the abandoned motor vehicle, the owner of the private property or the occupant of the private property from which abandoned motor vehicles have been removed by the Town to pay the unrecovered expenses incurred by the Town in such removal, a lien shall be placed upon the property of the owner of the abandoned motor vehicle, or the owner of the property, for the amount of such expenses.

(i) Designee of the Town. Any designee of the Town selected for purposes of storing or disposal of abandoned motor vehicles shall be selected through competitive bidding. The bid proposal shall provide that the Town shall be held harmless for any damage to, or disposal of, the abandoned motor vehicle by the designee in violation of state law.

(j) Towing Charges. The Purchasing Agent shall solicit bids for towing charges of abandoned vehicles to a central location designated by the Director of Public Works.

Sec. 21-2. Appeals
Concerning Abandoned Motor
Vehicles.

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Sec. 21-3. Parking
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The Purchasing Agent shall also solicit bids for the removal and disposition of abandoned vehicles from said central location. The Town shall only be liable for towing charges of abandoned vehicles towed by order of the Town. The Town shall not be liable for any storage fees unless such storage is at the direction of the Town. Nothing herein shall preclude the town from pursuing civil action against the owner of an abandoned motor vehicle.

Effective 03-13-18

Sec. 21-2. Appeals Concerning Abandoned Motor Vehicles.

(a) Hearing Officer. Pursuant to Public Act 87-372, the Mayor shall appoint a suitable person, who shall not be a member of any state or local police department, to be a hearing officer to hear appeals, as authorized under subsection (b) of this ordinance.

(b) Appeals. Upon receipt of a notice to remove an abandoned motor vehicle, a person may appeal the determination that such vehicle is abandoned, such appeal to be filed within the thirty (30) day period provided for removal. If a vehicle has been towed in violation of Sec. 21-1 of this Code, an appeal challenging such towing may also be filed. Upon receipt of such an appeal, the hearing officer shall notify the custodian of the motor vehicle not to dispose of such motor vehicle until further order of the hearing officer. A hearing shall be scheduled within seven (7) days of the receipt of an appeal. If it is determined by the hearing officer that the motor vehicle is not abandoned, the notice to remove shall be lifted, and no penalties shall be imposed under Sec. 21-2 of the Municipal Code. If the hearing officer determines that the motor vehicle was towed in violation of Sec. 21-1 of the Municipal Code, the lien provisions of Sec. 21-1 of the Municipal Code shall not apply, and any towing and storage expenses incurred by the owner of the motor vehicle, or the owner or occupant of the property on which such motor vehicle was found, shall be reimbursed; provided that such appeal was brought within thirty (30) days of receiving the notice of removal, or if notice was wrongfully sent, within thirty (30) days of actual discovery of the towing. The hearing officer shall render his or her decision in writing, and note on the decision that any person aggrieved thereby may, within fifteen (15) days of the notice of such decision, appeal to the Superior Court for the Judicial District of Hartford/New Britain.

(c) Effective Date. The effective date of Sections 21-1 and 21-2 of this Code shall be twenty-one (21) days after its adoption, or when the hearing officer referred to in subsection (a) of Sec. 21-1 is duly appointed, whichever comes last.

Sec. 21-3. Parking Regulations.²

- (a) No vehicle shall be permitted to remain stationary within ten (10) feet of any fire hydrant.

² State Law reference: Parking prohibited on sidewalks, C.G.S. §14-250a; similar restrictions to those in this section, C.G.S. §14-251, 14-252; authority of Town to regulate and remove, see C.G.S. §14-307

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- (b) (1) No vehicle shall be parked or permitted to remain parked upon the traveled portion of any highway or street between the hours of **2:00 A.M. and 5:00 A.M.** unless the legal owner of such vehicle has previously obtained from the Director of Public Works a written permit, or from the Chief of Police a temporary waiver, authorizing the parking of such vehicle upon the traveled portion of a highway or street between the hours of **2:00 A.M. and 5:00-A.M.** During all other times, provided no parking ban is in effect, vehicles shall be permitted to remain parked upon the traveled portion of any highway or street used by the public for no more than five (5) hours only if parked upon the right hand side of such highway or street in the direction in which the vehicle is headed. If such highway or street is curbed, such vehicle shall be placed in such a manner that its right hand wheels when stationary shall, when safety will permit, be within a distance of twelve (12) inches from the curb or from the edge of the pavement, if no curb exists.

Section 21-3(b)(2) repealed 10-29-19

The Director shall issue such one (1) year permits allowing an exemption from the provisions of sub-section (b)(1), above, to:

- (i) vehicles owned by persons who reside in single family or other residential structures housing no more than six (6) families who do not have and cannot obtain off-street parking for their vehicles pursuant to Section 7-8 within the lots occupied by such residential structures, and are also unable to secure off-street parking for such vehicles within a reasonable distance from their residences; and [amended 10-29-19]
- (ii) vehicles whose owner or principal operator has a disability and produces a letter from his/her physician documenting that such person cannot reasonably transgress the distance between his/her residence and his/her off-street parking area.

All written permits shall be prominently affixed to the upper left side of the vehicle's back window so that they may be visible to patrol officers when the vehicle is parked.

- (3) The Chief of Police or his designee may, upon written application or verbal request, issue temporary waivers, not to exceed one night in length, from the 2:00 A.M. to 5:00 A.M. limit set out in the provisions of subsection (b)(1), above, to:
- (i) vehicles owned by owners or tenants of residential structures when the parking lots and/or driveways of such structures are being resealed or repaired. Any such waiver may be extended upon verbal or written request for not more than three additional consecutive nights;
 - (ii) vehicles owned by non-residents of the town visiting and/or temporarily residing with a resident of the town. Any such waiver may be extended upon verbal or written request for not more than three additional consecutive nights; and

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- (iii) vehicles owned or operated by individuals who are unable to move the vehicle off the street due to a temporary mechanical malfunction of such vehicle for not more than one night.
- (4) Vehicles exempted from the A.M. time limit set out in the provisions of subsection (b)(1), above, shall be parked in full compliance with all applicable parking ordinances and/or regulations.
- (5) Whenever a parking ban is declared by the Chief of Police, as authorized by Town Ordinance 21-5, all vehicles, including those to which exemptions have been granted pursuant to the provisions of subsection (3), above, shall be removed from the street to off-street parking and shall be kept off the street until the parking ban has been ended by the Chief of Police.
- (6) Notwithstanding subsections (b) (1) and (2), provided no parking ban is in effect, commercial motor vehicles, oversized motor vehicles, undersized commercial motor vehicles or major recreational equipment, as defined in 21-1 (a), shall be permitted to remain parked upon the traveled portion of any highway or street used by the public for no more than one hour only if parked upon the right hand side of such highway or street in the direction in which the vehicle is headed. If such highway or street is curbed, such vehicle shall be placed in such a manner that its right hand wheels when stationary shall, when safety will permit, be within a distance of twelve inches from the curb or from the edge of the pavement, if no curb exists. This prohibition shall not apply to a commercial motor vehicle or undersized commercial motor if such vehicle is commercially engaged during the time it is parked.

Section 21-3(b)(6) added 10-29-19

- (c) No vehicle shall be permitted to remain parked within twenty-five feet of any intersection or a marked crosswalk thereat, or within twenty-five feet of a stop sign.
- (d) No vehicle shall be permitted to remain stationary on a sidewalk, except bicycles, as permitted herein.
- (e) No vehicle shall be permitted to remain stationary so as to prevent egress and ingress from or to a driveway, except with the permission of the owner of such driveway. (Effective: 6/5/87)
- (f) No vehicle shall be permitted to remain stationary upon the traveled portion of any street or highway within an area properly designated as "no parking area" by duly constituted authority.
- (g) No vehicle shall be permitted to remain stationary at a parking meter for a period of time longer than that set forth on such meter.
- (h) No vehicle shall be permitted to remain stationary within the limits of the public street or highway in such a manner as to constitute a traffic hazard or obstruct the free movement of traffic thereon, provided a vehicle which has become disabled to such an extent that it is impossible or impracticable to remove, it may be permitted to so remain for a reasonable time for the purpose of making repairs thereto or of obtaining sufficient assistance to remove it.
- (i) No vehicle shall, except in the zones restricted for angle parking, remain backed up to the curb, except when necessary or convenient during the work of loading or unloading.
- (j) No vehicle shall be permitted to remain stationary upon the

Sec. 21-5. Emergency or
Snow Parking Regulations.

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Sec. 21-6a. Notice To Be
Attached to Vehicles Parked
in Violation of Parking
Ordinances; Penalties and
Appeal of Such Notices.

traveled portion of any highway except upon the right-hand side of such highway in the direction in which such vehicle is headed.

(k) No vehicle shall be permitted to remain stationary upon any tree belt or a similar town-owned strip of land adjacent to a public street or highway.

(Effective: 11/30/83)

Section 21-4 repealed October 29, 2019.

Sec. 21-5. Emergency or Snow Parking Regulations.

The Chief of Police is authorized to suspend the parking regulations and prohibit parking temporarily in any area where, in his opinion, it is necessary in order to facilitate the removal of snow, or to prevent the obstruction of traffic in time of heavy snowfall or other emergency. He shall give notice of such temporary prohibition by radio and newspaper publicity. Any snowfall of five (5) inches or more shall, in itself, be sufficient notice that any parking which will obstruct traffic or the removal of snow is temporarily prohibited.

Sec. 21-6. Parking Violation Fines. Section 21-6 repealed 07-16-96

Sec. 21-6a. Notice To Be Attached to Vehicles Parked in Violation of Parking Ordinances; Penalties and Appeal of Such Notices.

(a) Any police officer or other duly authorized agent of the Town, upon finding a vehicle parked in violation of the provisions of Chapter 21 of The Code of Ordinances, or in violation of any statute, ordinance, rule or regulation pertaining to parking of vehicles, shall affix securely upon such vehicle a notice to such vehicle's operator or owner indicating the vehicle has been parked unlawfully.

(b) Such notice shall cite the statute, ordinance or the rule or regulation violated by the owner or operator of such vehicle and shall also include the following warning: The accumulation of five or more unpaid notices of parking violations upon any one vehicle may result in the impoundment or immobilization of such vehicle and the denial of motor vehicle registration by the State of Connecticut.

(c) The operator or owner of any vehicle to which such notice has been affixed shall, within ten calendar days of the time when such notice was attached to such vehicle, pay in person or by mail at the Office of the Collector of Revenue, located in Town Hall, 740 Main Street, as a penalty or fine for the violation, the following fines: Forty-five dollars for any parking violation except there shall be a fifty dollar fine for parking in an established fire lane and a one hundred twenty-five dollar fine for parking in a designated handicapped zone without a permit.

(d) Failure to pay such fine within the ten day period shall cause such fine to be doubled on the 11th calendar day with no increase thereafter.

Subsections (c) and (d) effective 07-14-15

**CHAPTER 21. Vehicles and
Traffic**

**Sec. 21.6b. Impoundment and
Immobilization of Vehicles.**

(e) The Chief of Police shall, upon request of the Tax Collector, provide information concerning the identification and address of the owner of any vehicle to which a notice has been affixed for the purpose of enforcing the state and town motor vehicle laws. The Town may, at any time within two years from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any alleged violation of the provisions of Chapter 21 of The Code of Ordinances, or any alleged violation of any statute, ordinance, rule or regulation pertaining to parking of vehicles, send a final notice to the operator or owner of any vehicle to which a notice of parking violation has been affixed. Such notice shall be sent by First Class mail to the address of such operator, if known, or the address of the owner as provided by the Department of Motor Vehicles, and shall inform such operator or owner:

(1) Of the allegations against him and the amount of the fines, penalties, costs or fees due; and

(2) That he may contest his liability before a Parking Violations Hearing Officer by delivering in person or by mail on a form provided by the Town written notice of appeal within ten days of the date thereof; and

(3) That if he does not demand such a hearing, an assessment and judgment shall enter against him; and

(4) That such judgment may issue without further notice. Whenever a violation of such an ordinance occurs, proof of the registration number of the motor vehicle involved shall be prima facie evidence in all proceedings provided for in this section that the owner of such vehicle was the operator thereof; provided, the liability of a lessee under Connecticut General Statutes Section 14-107 shall apply.

(f) If the person who is sent notice pursuant to subsection (e) wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by the Town. Such payment shall be inadmissible in any proceedings, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided for in subsection (e) shall be deemed to have admitted liability, and the designated Town official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances, and the Town shall thereafter follow the procedures set forth in Subsection 7 of Section 21-6.e.

(g) The timely filing of any notice of appeal and request for hearing shall stay the accumulation of additional penalties and/or stay any other action cited in any notice from the Town until the appeal has been decided.

Effective 8-17-96

Sec. 21.6b. Impoundment and Immobilization of Vehicles.

- (a) Any vehicle which may be immobilized may be so immobilized under the direction of a police officer or other duly authorized agent of the Town. In addition to, or in lieu of impoundment, such vehicle may be immobilized in a manner that will prevent its operation by the attachment of a "boot" or any other mechanical device that will not cause damage to such vehicle unless it is moved while such "boot" or device is in place.

August 17, 1996

- (b) In any case of a vehicle immobilized by a police officer or other

Sec. 21.6c. Required Actions
of Owner to Regain
Possession.

**CHAPTER 21. Vehicles and
Traffic**

Sec. 21-6d. Unauthorized
Removal of Immobilized or
Removed Vehicle.

authorized agent of the Town, there shall be placed on such vehicle in a conspicuous manner a notice to the owner of the vehicle stating that it has been immobilized, that any attempt to remove the vehicle may result in damage to the vehicle, that if the vehicle is moved and damaged any damage to the vehicle and/or device will be the responsibility of the owner and stating the place where necessary fees and charges may be paid to obtain release of the vehicle from immobilization.

- (c) In the case of the impoundment of a vehicle, within seventy-two (72) hours after impoundment, the police department shall notify, by certified mail, the owner of such vehicle of the fact of its impoundment, the place where it may be recovered, and the conditions under which it will be released.
- (d) Whenever a vehicle is immobilized or impounded or caused to be immobilized or impounded by personnel of the police department or other authorized agent of the Town, such personnel shall notify the police department headquarters of such impoundment or immobilization so that upon inquiry by the owner of the vehicle, the least amount of delay will be encountered in recovery of the vehicle by the owner.

Sec. 21.6c. Required Actions of Owner to Regain Possession.

No such vehicle shall be released unless the owner or his agent has established his identity and right to possession and has signed a proper receipt therefore. Before the owner or person in charge of any vehicle which has been impounded or immobilized shall be allowed to repossess or to secure the release of said vehicle, he or his agent shall pay or provide to the Town the following:

- (a) The cost of removal and/or impoundment; plus
- (b) The actual cost of storage for each day or portion of a day that such vehicle has been stored; plus
- (c) All sums legally due for any parking violations issued and outstanding against such vehicle; plus
- (d) The cost of repairs to or replacement of any immobilizing device damaged or destroyed by the unauthorized movement of the vehicle to which the device was attached.

September 17, 1990

Sec. 21-6d. Unauthorized Removal of Immobilized or Removed Vehicle.

Any person who, after having his vehicle removed or immobilized, shall remove such vehicle without complying with this Code of Ordinances shall, in addition to the charges provided for in said sections, be liable for any damage done to the immobilization device or mechanism and be subject to a fine of not more than ninety-nine dollars (\$99.00).

Sec. 21-6e. Formal Hearing
Procedure - Parking
Violations Hearing Officers.

**CHAPTER 21. Vehicles and
Traffic**

Sec. 21-6e. Formal Hearing
Procedure - Parking
Violations Hearing Officers.

***Sec. 21-6e. Formal Hearing Procedure - Parking Violations Hearing
Officers.***

(a) The Mayor, with the consent of the Town Council, shall appoint up to four parking violation hearing officers. Such officers shall serve for a term of two (2) years from the effective date of appointment. The officers shall not be employees of the Police Department or of those agencies which administer any aspect of traffic maintenance, parking, engineering or enforcement. The Town shall provide a suitable hearing room in which hearings and administrative appeals are to be conducted and all necessary forms, papers, furnishings and equipment required by the hearing officers to perform their functions. The Town shall provide for the processing of cases prior to decisions by the hearing officer and for processing of cases after a hearing officer has made a decision.

Effective: 09-15-15

(b) The hearing officers shall be empowered to hear appeals from the issuance of parking violation citations under subsection (c) or (d) of this section and take such other actions in processing parking violations as authorized by state statutes, Town ordinances, rules and regulations.

(c) Administrative Appeal Procedure:

(1) Any person or owner of a vehicle who has received a parking violation citation may request from the Town an administrative appeal of the citation in writing, using a form provided by the Town, within ten calendar days from the date of the citation. Notice of the finding in an administrative appeal shall be given to the appellant in writing, within sixty calendar days of the receipt of the appeal;

(2) Payment of the fine and penalty shall be stayed pending the administrative appeal. Payment of the fine and any penalty shall be made within ten calendar days of mailing of the finding of the administrative appeal, unless the parking violation citation has been voided or a further appeal has been taken under (d) below.

(d) Any person or owner of a vehicle receiving a parking citation violation may request a hearing in writing, on a form provided by the Town, within ten calendar days of any of the following:

- (1) Issuance of a parking citation violation;
- (2) Issuance of an adverse decision in an administrative appeals; or
- (3) Issuance of a notice pursuant to subsection (e) of section 21-6a.

Payment of the fine and any penalty shall be made within ten calendar days of the finding of the appeal, unless the parking violation citation has been voided.

(e) (1) In scheduling formal appeal hearings, the appellant shall be notified by mail of the place and time of the hearing. Such notice shall be provided at least fifteen (15) days, but not more than thirty (30) days, prior to the scheduled hearing date.

(2) The procedure for the hearing shall be informal as to the rules of evidence, but testimony shall be taken under oath or affirmation.

(3) The provisions of this section shall be construed in accordance with the provisions of applicable state statutes and Town ordinances.

Sec. 21-6f. Request for Immediate Hearing When Vehicle is Immobilized or Impounded.

CHAPTER 21. Vehicles and Traffic

Sec. 21-6f. Request for Immediate Hearing When Vehicle is Immobilized or Impounded.

- (4) In considering an appeal, the hearing officer shall consider all relevant facts and circumstances and may require the personal appearance of the appellant and issuing officer.
- (5) Should the hearing officer find in favor of appellant, he shall so certify to the Town, and the record of the citation shall be removed from the files of the Town.
- (6) Should the hearing officer find the issuance of the citation proper, he shall so certify to the Town and no further appeal under this section shall be considered.
- (7) Notice of the finding in the formal appeal shall be given to the appellant in writing after a decision has been rendered at the formal appeal hearing.

(f) If such fine and penalty is not paid pursuant to subsections (c) or (d) of this section, the Town shall send by first-class mail a notice of the penalty assessment to the person found liable and shall file, not less than thirty days nor more than twenty-four months after such mailing, a certified copy of the notice of penalty assessment with the Clerk of the Superior Court for the geographical area in which the Town is located, together with an entry fee as required by statute. The certified copy of the notice of penalty assessment shall constitute a record of assessment. Within such twenty-four months period, assessments against the same person may be accrued and filed as one record of assessment. The Clerk shall enter judgment in the amount of such record of assessment and court costs against such person in favor of the Town. Notwithstanding any other provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such-person.

(g) A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal may be instituted as provided by statute within thirty days of the mailing of notice of such assessment.

Sections 21-6e. (a) through (g) effective 09-15-15

Sec. 21-6f. Request for Immediate Hearing When Vehicle is Immobilized or Impounded.

Any person whose vehicle is immobilized or impounded because of the existence of four or more outstanding violations may request an immediate hearing on the validity of the charges on which the immobilization or impoundment was based. A hearing shall be convened thereafter by one of the parking violation hearing officers as soon as practicable. The procedure for the hearing shall be informal as to the rules of evidence, but testimony shall be taken under oath or affirmation. In considering the charges, the hearing officer may consider all relevant facts and circumstances and require the personal appearance of the person requesting the hearing and the issuing officer. Should the hearing officer find in favor of the person charged, he shall so certify to the Town and the record of charge or

Sec. 21-6g. Effective Date.

CHAPTER 21. Vehicles and Traffic

Sec. 21-8a. Pocket Bikes.

charges shall be removed from the files of the Town and the vehicle released to the owner. Should the hearing officer find the issuance of the charge or charges proper, he shall so certify to the Town and no further appeal for a hearing shall be considered. The hearing officer shall determine the amount due the town for the cost of immobilization or impoundment and the amount due for violations outstanding. The owner may regain possession by paying the amount found due by the hearing officer and establishing his identity and right to possession and upon signing a proper receipt for the vehicle. If not paid on the same day, the owner shall also pay all charges due for storage of the vehicle.

Sec. 21-6g. Effective Date.

This Ordinance shall become effective on September 17, 1990.

Voted: 6/5/90
Published: 6/13/90
Effective: 9/17/90

Sec. 21-7. Presumption as to Violator.

In any prosecution or proceeding for unlawful parking, the registered owner of the vehicle so parked shall be presumed to be the operator thereof and prima facie guilty of having parked unlawfully.

Sec. 21-8. Use of Vehicles on Sidewalks.³

(a) No person shall operate any vehicle on any sidewalk customarily used by the public as such. This Section shall not prohibit the crossing of such walk by vehicles as an approach to any driveway or building that is properly constructed with aprons or approaches, nor shall it prohibit invalids' chairs or baby carriages.

(b) It shall be unlawful to use any sled or sleigh on any sidewalk.

Sec. 21-8a. Pocket Bikes.

No person shall operate a minibike or minicycle on any town road or sidewalk. As used in this section "minibike or minicycle" shall have the same meaning as contained in Conn. Gen. Stat. section 14-1 and "sidewalk" shall have the same meaning as contained in Conn. Gen. Stat. section 14-286.

Voted: 01-04-05
Published: 01-12-05
Effective: 02-02-05

Sections 21-9 and 21-10 were repealed October 29, 2019.

³ Cross reference: as to bicycles on sidewalks, see §21-38. State Law reference: as to town's authority to regulate use of sidewalks, see §7-194 (23) CGS

Sec. 21-11. Designation of One Way Streets.

CHAPTER 21. Vehicles and Traffic

Sec. 21-14. Prohibition of Through Truck Traffic on Governor Street, Prospect Street, Maplewood Avenue, Claremont Street, Ensign Street, Main Street, King Street, Rolling Meadow Drive, Barbara Drive, Sandra Drive, Deborah Drive, and Margery Drive.

Sec. 21-11. Designation of One Way Streets.

The traffic authority may designate any Town street or portion thereof, as being restricted to one-way traffic, and to alter, amend, modify or revoke such designation. the traffic authority shall erect appropriate signs, devices or markings giving notice thereof. Upon any such Town street so designated a vehicle shall be driven only in the direction indicated.

Sec. 21-12. Handicapped Parking Spaces.

(a) All motor vehicles except a vehicle displaying the special identification card provided for in Section 14-253a, Subsection (a) of the Connecticut General Statutes, or motor vehicles transporting holders of such a card, shall not park in any parking space which has been reserved for the handicapped.

Sections 21-12 (b) and 21-13 were repealed October 29, 2019.

Sec. 21-14. Prohibition of Through Truck Traffic on Governor Street, Prospect Street, Maplewood Avenue, Claremont Street, Ensign Street, Main Street, King Street, Rolling Meadow Drive, Barbara Drive, Sandra Drive, Deborah Drive, and Margery Drive.

(a) For the purposes of this ordinance, the term "truck" means a motor vehicle having a gross weight of seven thousand pounds or more designed, used or maintained primarily for the transportation of property or persons, and includes tractors capable of drawing one or more trailers, tractors drawing one or more trailers and buses.

(b) No person shall operate any truck on Governor Street between the intersection of Governor Street and Prospect Street and the intersection of Governor Street and Main Street unless such person is engaged on a trip with a point of origin or point of destination located on: Governor Street, Prospect Street, Ellsworth Street, Richard Road, Fuller Avenue, Orchard Terrace, Sherman Avenue, Orchard Street, Roberts Court, Robin Terrace, Chapman Street, Chapman Place, John Street, Howard Street, Sterling Road, Stanley Street, Edwards Street, Vine Street, Adams Street, or Walter Place.

(c) No person shall operate any truck on Prospect Street between the intersection of Prospect Street and Main Street and the intersection of Prospect Street and Governor Street unless such person is engaged on a trip with a point of origin from or point of destination located on Governor Street or Prospect Street unless the point of origin or point of destination of the trip is located on: Governor Street, Prospect Street, Ellsworth Street, Richard Road, Fuller

Sec. 21-14. Prohibition of Through Truck Traffic on Governor Street, Prospect Street, Maplewood Avenue, Claremont Street, Ensign Street, Main Street, King Street, Rolling Meadow Drive, Barbara Drive, Sandra Drive, Deborah Drive, and Margery Drive.

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Sec. 21-14. Prohibition of Through Truck Traffic on Governor Street, Prospect Street, Maplewood Avenue, Claremont Street, Ensign Street, Main Street, King Street, Rolling Meadow Drive, Barbara Drive, Sandra Drive, Deborah Drive, and Margery Drive.

Avenue, Orchard Terrace, Sherman Avenue, Orchard Street, Roberts Court, Robin Terrace, Chapman Street, Chapman Place, John Street, Howard Street, Sterling Road, Stanley Street, Edwards Street, Vine Street, Adams Street, or Walter Place.

(d) No person shall operate a truck on Maplewood Avenue between the intersection of Claremont Street and Maplewood Avenue unless such person is engaged on a trip with a point of origin from or point of destination located on Maplewood Avenue or Claremont Street.

(e) No person shall operate a truck on Claremont Street between the intersection of Claremont Street and Park Avenue to the intersection of Claremont Street and Maplewood Avenue unless such person is engaged on a trip with a point of origin from or point of destination located on Maplewood Avenue or Claremont Street.

(f) No person shall operate a truck on Ensign Street between the intersection of Main Street and Riverside Drive unless such person is engaged on a trip with a point of origin from or point of destination located on Ensign Street or Willowbrook Road.

(g) No person shall operate a truck on Main Street between the intersection of Route 5 and Main Street and the South Windsor town line unless such person is engaged on a trip with a point of origin from or point of destination located on Main Street between the intersection of Route 5 and Main Street and the South Windsor town line.

(h) No person shall operate a truck on King Street between the intersection of Route 5 (also known as Ellington Road) and the South Windsor town line unless such person is engaged on a trip with a point of origin from or point of destination located on King Street between the intersection of Route 5 (also known as Ellington Road) and the South Windsor town line.

(i) No person shall operate a truck on Signor Street, Westbrook Street and Ann Street unless such person is engaged on a trip with a point of origin from or a point of destination located on Signor Street, Westbrook Street and Ann Street.

(j) No person shall operate a truck on Rolling Meadow Drive, Barbara Drive, Sandra Drive, Deborah Drive, and Margery Drive unless such person is engaged on a trip with a point of origin from or a point of destination on Rolling Meadow Drive, Barbara Drive, Sandra Drive, Deborah Drive, Margery Drive, Janet Drive, Butternut Drive, Judy Drive, Lombardo Drive, Hartz Lane, Jonathan Lane or Hilltop Farms Lane.

(k) The provisions of this Section shall not apply to trucks owned and operated by the Town of East Hartford or any of its departments, or to trucks and buses owned by the East Hartford Board of Education, or to trucks and buses operated by private contractors for the benefit of the Town of East Hartford or the East Hartford Board of Education.

(l) Any violation of the provisions of this Section shall subject the violator to a fine of not more than ninety nine dollars.

Voted: 05-21-02
Published: 05-30-02
Effective: 06-20-02

Sections 21-15 through 21-48 were repealed October 29, 2019.